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WHO IS THE SUBJECT OF HUMAN TRAFFICKING?

A MULTI-SITED AND POLYPHONIC ETHNOGRAPHY

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.TO THE 8702 NEPALI PEOPLE KILLED BY THE EARTHQUAKES OF LAST SPRING 2015.

ABSTRACTS

With the aim of answering to how a global discourse craft scattered marginal subjectivities, this work endeavours to unravel the global human trafficking (HT) discourse, which developed since the entrance into force of the UNODC “Palermo Protocol” in 2003. I explore its ideological premises and practical consequences at the international, governmental, humanitarian, and subject-making level. I show how, at each level, specific features of the “victim” profile emerge: from a totally innocent sex slave to a threatening illegal migrant; from an uncomfortable citizen to reintegrate to a traumatized returnee; from a fatally poor and uneducated girl to a subject occupying different positions and looking for a compromise in the quest of more fulfilling life conditions. The text has a polyphonic structure to try reconstructing the complex picture of the various institutions and organs, political and legal instruments, perspectives and practices, which turn the HT discourse operational and effective. Starting from the macro international voices, via the States intermediation and the humanitarian action, I finally consider the microphysics of some female returnees, who negotiate their position of ex-victims of HT taken care by governmental and non-governmental aid services. This thesis is based on a multi-sited fieldwork conducted in Northern Vietnam, Central-West Brazil and Kathmandu Valley (Nepal), coherently with the purpose of focusing on the interplay between the international realm and the lived experiences, piercing the cultural belongings. Grounded in studies around the issues of subjectivity, violence, migration, and social change, and in a variety of sources and documents, this work ultimately aspires to offer an experimental ethnographic case-study to the anthropological debate on power and agency.

Keywords: human trafficking; subjectivity; multi-sited

Può un discorso globale forgiare soggettività marginali e geograficamente dislocate? Con l'intento di rispondere a tale domanda, questo lavoro si sforza di sbrogliare il discorso globale della tratta di essere umani, così come si è sviluppato a partire dall'entrata in vigore, nel 2003, del "Protocollo di Palermo" dell'UNODC. Se ne esplorano assunti ideologici e conseguenze pratiche a vari livelli: internazionale, governativo, umanitario e soggettivo. Si mostra come, a ciascun livello, emergano aspetti specifici, a volte contraddittori, del profilo della "vittima" di tratta: da schiava del sesso totalmente innocente a pericoloso migrante illegale; da scomoda cittadina da reintegrare a reduce traumatizzata; da ragazza fatalmente povera e priva di educazione a soggetto che aspira a una soluzione di compromesso nella ricerca di condizioni di vita più appaganti. Il testo ha una struttura polifonica nel tentativo di ricostruire il complesso quadro delle diverse istituzioni e organi, strumenti politici e legislativi, prospettive e pratiche che rendono il discorso della tratta di persone operativo ed efficace. Partendo dalle macro voci internazionali, attraverso l'intermediazione degli Stati e l'azione della macchina umanitaria, si prende infine in considerazione la microfisica di alcune giovani donne reduci, prese in cura dai servizi di assistenza (governativi e non), che negoziano la loro posizione di ex-vittime. La tesi si basa su una ricerca di campo multisituata condotta nel Vietnam del Nord, nel Brasile Centro-Occidentale, e nella valle di Katmandu (Nepal), coerentemente con l'obiettivo di focalizzare l'attenzione sull'interrelazione fra ambito internazionale ed esperienze vissute, prescindendo dalla specificità delle appartenenze culturali. Ancorandosi alla letteratura antropologica sulla soggettività, la violenza, le migrazioni e il cambiamento sociale, e facendo riferimento a una diversità di fonti e documenti, questo lavoro ambisce, in ultima analisi, a offrire un caso studio etnografico sperimentale all'interno del dibattito antropologico su potere e *agency*.

Parole chiave: tratta di essere umani; soggettività; multisituato

ACRONYMS AND ABBREVIATIONS

ADB – Asia Development Bank

APOV – Abuse of a position of vulnerability

ASBRAD - Associação Brasileira de Defesa da Mulher, da Infância e da Juventude

ASEAN – Association of Southeast Asian Nations

BGC – Border Guard Command (Vietnam)

CATW – Coalition Against Trafficking in Women

CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women

CEVAM – *Centro de Valorização da Mulher*

DSEP – Department of Social Evils Prevention (Vietnam)

GAATW – Global Alliance Against Traffic in Women

GCC – Gulf Cooperation Council

GMS – Greater Mekong Sub-Region

HT – Human Trafficking

ICC – International Coordinating Committee (UN)

IGO – Intergovernmental organizations (also INGOs)

IJM – International Justice Mission

ILO – International Labour Office and International Labour Organization

IOM – International Organization for Migration

LGBTT – Lesbian, Gay, Bisexual, Transvestite, Transsexual

MM – *Mobilização Mundial* (World Mobilization – Brazil)

MOLISA – Ministry of Labour, Invalids and Social Affairs (Vietnam)

NETP – *Núcleo de Enfrentamento ao Tráfico de Pessoas* (State level Offices to Fight Trafficking in Persons in Brazil)

NGO – Non-governmental organizations

NH – Nepalese Home (Nepal)

NHRC – National Human Rights Commission (Nepal)

NNBY – *Ngôi Nhà Bình Yên* (Peace House Shelter – Vietnam)

NPA – National Plan of Action

OSCE – Organization for Security and Co-operation in Europe

OSRT – Office of the Special Rapporteur on Trafficking in Women and Children
PR – *Projeto Resgate* (Rescue Project – Brazil)
PTSD – Post Traumatic Stress Disorder
SAARC – South Asian Association for Regional Cooperation
SPC – Social Protection Centre (Vietnam)
TIP – Trafficking in Persons
TVPA – US Trafficking Victims Protection Act of 2000
TVPRA – US Trafficking Victims Protection Reauthorization Act of 2005
UNIAP – United Nations Inter-Agency Project on Human Trafficking
UNICEF – United Nations Children’s Fund
UN.GIFT.Hub – Global Initiative to Fight Human Trafficking
UNDP – United Nations Development Programme
UNODC – UN Office on Drugs and Crime
USAID – US Agency for International
VoT – Victim of Trafficking
VWU – Vietnam Women Union
WHO – World Health Organization

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0. PREMISE AND ACKNOWLEDGMENTS

The magnitude of human trafficking is unknown. Evidence based data and rigorous research able to provide reliable figures and statistics on human trafficking barely exist (Andrijasevic 2010; Fedina 2014; Feingold 2010; Gozdziaik and Collett 2005; Weitzer 2015; Zhang 2009). Yet, the numbers of victims is believed to be very high, as well as in constant growth. Current estimates go from 8 to 27 million slaves and from 600,000 to 4 million victims of trafficking (Weitzer 2015: 227). Women's trafficking for sexual exploitation is the most prevalent.

According to the last UNODC global report on trafficking in persons of 2014, 49% of the total number of victims of trafficking are women and 21% are girls. The major form of exploitation is sexual exploitation in all the world's areas. The area of East Asia, South Asia and Pacific is an exception: sexual exploitation results to be 26%, whereas 64% regards forced labour, servitude and slavery like practices (UNODC 2014, 5). 37% of trafficking occurs cross-border within the same subregion, 34% is domestic and 26% is transregional. In this latter, the main destinations are North and Central America and the Caribbean, Western and Central Europe, and the Middle East (UNODC 2014, 38 and 40).

This same report states that the magnitude of human trafficking is too debated and lacking methodological reliability to provide a global victim estimate (UNODC 2014, 30).

Given this, the existence of forms of human exploitation, even very serious, is out of discussion. Beyond all slippery statistics, ambiguous definitions, ideological battles, State policies and interests; and beyond all critical academic studies, like this one.

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1. RESEARCHING THE VICTIM SUBJECT

THEORETICAL AND METHODOLOGICAL POSITIONING

The primary aim of this work is to answer to how the human trafficking (HT) global discourse can craft scattered marginal subjectivities, the victims of trafficking (VoTs). The research has tried to establish a dialogue between the global look of the international institutions – definitions, rhetoric, legislations and practices – and the microphysics of those social actors who have also assume the identity position of VoT. The analysis would like to explore both the limits of the efficacy of the human trafficking (HT) discourse and the limits of subjects' creativity and agency.

Coherently with the purpose of focusing on the interplay between the international realm and the lived experiences, piercing the cultural belongings, this thesis is based on a multi-sited fieldwork conducted in Northern Vietnam, Central-West Brazil and Kathmandu Valley (Nepal). The text aspires to be a polyphonic ethnography: in order to connect the ideological level with the subjective one, I reputed necessary to tackle the intermediate levels of the intergovernmental organizations (IGOs), of the governments, and of the humanitarian, which together make the HT discourse practical and performative.

1.1 The victim subject: subjectivity, power, vulnerability

This work is rooted in the concept of subjectivity, conceived as a faceted topic that allows looking at various aspects of the social actors' life. These aspects

are: agency, sense-making, subject-making, fantasy, desire, marginality, and vulnerability¹. Subjectivity is also a lens to conceive subjects as multi-positioned (Moore 2007, 1994) and, consequently, in the simultaneous negotiation of different experiences of oppression (Smith 2000). Subjectivity is then a way of looking which keeps central the question of power. It can be altogether conceived as a substitute of resistance and of oppression vis-à-vis power and the dominant discourses (Pinelli 2011). Finally, subjectivity is a methodological instrument which concentrates on the lived experiences, inner worlds, and self-perceptions of the social actors, who find themselves in conditions of overt violence (Das et al. 2000), structural violence (Farmer 1996; Galtung 1969), of socially structured violence (Bourgois 2008), and of social suffering (Das et al. 2001; Kleinman, Das, and Lock 1997).

In the case of TIP, exploring subjectivity makes sense in opposition to the transnational construction of an artificial category of subjects - that is the victims of TIP. The qualitative ethnographic look is then used as a provocative political gesture against empty homogenizing categories. The subjective dimension of the experience is not held in privatistic nor voyeuristic terms, but as a means to let emerge the macro-structures of inequality and the political dimensions of suffering (Pinelli 2011)².

The discursive and the subjective dimension get connected under the perspective which conceives power as a whole of technical-positive apparatuses carrying out logics of governmentality, and producing performative knowledge and self-ruled subjects. Regarding power, I indeed adopt a conception, following Foucault (1990[1976];1995[1975]), which conceives it in three main ways. Firstly, as technical. This means that power is not repressive but productive - of objects of knowledge, institutions, devices, agreements, laws, investigations, legal trials, experts, subjectivities, self-perceptions, researches, books, etc. Secondly, as pervasive. Power is not in one place, and it is not something that can be possessed by a homogeneous group against an opposite homogeneous group; on the contrary, it is transversal, dynamic, and multidimensional. Thirdly and accordingly, power is

¹ This approach to the subject and to subjectivity specifically is vast: Biehl, Good, and Kleinman 2007; Butler 1997, 1999; Corin 2007; Das 2008; Das 2000; de Lauretis 1990; Foucault and Hurley 1988; hooks 1991; Kockelman 2007; Mohanty 2006; Moore 2007; Moore 1994; Ong 2003; Ortnor 2005; Pinelli 2011; Spivak 1988; Williams 1977.

² See Chapter 5.

never total, but ambiguous and paradoxical. In this view, there is neither hegemony without resistance nor power without marginality. Regarding subjects, the moments of subordinations are not disjointed from the process of subject formations (Butler 1997; de Lauretis 1999; hooks 1998).

Powdering power means, then, on one side, to get to identify it with historicity itself. In this perspective, the subject is a discursive production of historical configurations. As a consequence, it becomes natural to wonder around the state of resistant practices, since it seems to be impossible to get out from the logic of power. On the other side, this conception of power is fundamental, precisely in order to recognise the existence of subject's agency, which never lets itself be fixed by any discourse neither to a social position nor totally to none of the positions it can simultaneously occupy (de Certeau 2011; Phillips 2006). Indeed, although as a historical product, I here conceive the subject as eccentric, who "at the same time responds and resists to the discourses which interpellate, and that together succumbs and escapes to its own social determination" (de Lauretis 1999: 8).

The marginal location of eccentric subjects brings me close to the issue of vulnerability. In the conception I want to put forward, vulnerability is not, of course, an ontological totalizing condition of the subject, it is rather a social construction (Bourgeois 2008; Castilho 2012; Das 2000; Pinelli 2011a). Specifically to our case – human trafficking – vulnerability is also a discursive production functional to the construction of HT truth and its victims³. Even if being vulnerable

³ Despite the lack of an agreed definition, the term "vulnerability" is used across a range of disciplines and in different realms: starting from ICT, the information and communication technologies (with reference to the level of security of a data system, for example), up to environmental and geological sciences (with reference to the risks of an environmental disaster, for example), up to epidemiology (for example in the evaluation of the factors of the diffusion's speed of a disease) and juridical sciences (I think of victimology). Therefore, the terms "vulnerable" and "vulnerability" are used in "economic development, social sciences, human security, crime prevention, environmental research, famine, contagious disease and mental health disaster" (UNODC 2008: 68). Here we are considering vulnerability in its psycho-socio-cultural dimension. Never the less, it is worth specifying that I am keeping distant from the well known concept of "social vulnerability". Social vulnerability, as I have understood it, is a concept developed and used inside sociology and political economy as a combination of measurable factors assessing the resiliency/sensitivity of a social group in front of a catastrophic event, of discrimination or exclusion. In this sense, social vulnerability is frequently associated to poverty and to the levels of health and education (there is also indeed a vulnerability index) and, therefore, also to a scarce access to basic rights and to the knowledge itself of these same rights (see also Castilho, 2012: 14-15). "In the context of trafficking, "vulnerability" is typically used to refer to those inherent, environmental or contextual factors that increase the susceptibility of an individual or group to being trafficked. These factors are generally agreed to include human rights violations such as poverty, inequality,

does not mean to be a victim (Das 2000: 209), the dominant paradigm of HT wants a victim as always a priori vulnerable, in the sense that, vulnerability seems to be the condition and the main cause for any blind fall in the traffickers' net. In addition, vulnerability also strongly marks the life of the returnees in their process of return/recovery/reintegration.

This vision does not consider the gap between oppression and its actualization that never “becomes fully mapped on the self” (Das 2000: 210): the conditions of structural violence, extreme poverty, psycho-physical violence, ignorance and exclusion are not necessarily translated neither into a total submission nor must result into a blatant resistance.

Considering a position of vulnerability as located in marginality, as something that power inevitably creates (Pinelli 2011b), I ideally aim at pay attention to the “delicate work of creation of the self” that is articulated through an agency “seen as the product of different subject's positionings - transgressor, victim, and witness beyond the rude model power/resistance/submission” (Das 2000: 222). In this sense, vulnerability is obviously something neither quantitative nor fix. As “political positions”, vulnerability and marginality are not only “a place of privation and desperation” (de Lauretis 1999:12) from where the subject is destined to become a victim, but also a place where the social actors exhibit and enact new ways of re-construct and re-inhabit their own world (Das 2000).

I conceive trafficking returnees as multipositioned subjects *in fieri*, founded on the interplay between subalternity and resistance (de Lauretis 1990; Ortner 2005). The identity of the VoT is one among others: that of daughter, worker, wife, mother, widow, and partner. These identity positions combine then with other relevant factors: education, religion, culture, and gender (Pinelli 2013). Reading the experiences of the VoTs “through the filter of multipositioned subjectivity” (Pinelli 2013: 168) allows an alternative thick view in contrast with the stereotypes of the HT discourse which reverberates in both the governmental and the non-governmental. Assuming the identity of the victim can be also read as a strategy to redeem the experience of trafficking and turn it somehow fruitful. It is also an identity that social actors may partly chose as a way to “sustain their agency” as

discrimination and gender-based violence – all of which contribute to creating economic deprivation and social conditions that limit individual choice and make it easier for traffickers and exploiters to operate”(UNODC 2013: 13). See Chapter 3.1.2 and 3.1.3.

returned migrants, in the attempt to give sense to their failed migratory project (Butler 1997: 2). Receiving a subject position which is definitely disempowering paradoxically reveals the desire to stay anchored to that “fantasy of identity” expressed by the migration project, on behalf of the migrant herself and her family (Moore 2007)⁴. The identity of “victim of trafficking” can be then seen as one of the various subjections that marginal women can undergo. It is in this sense a further locus of being-made and self-making.

The term “victim subject” that I use in this work precisely aims at keeping together the moment of being made and the moment of self-making typical of the process of subjection. “Victim subject” acknowledges and synthesizes the co-presence in the social actors of one part that is a victim – to the traffickers and to social injustice – and another part that resists and keeps on renovating.

1.2 Human Trafficking as the *fictitious ulterior whole*: the multi-sited

This work is deliberately located inside the critical literature on HT. HT has indeed become an autonomous object of knowledge and a multidisciplinary field of studies in itself⁵. In the words of Claudia Aradau:

The visibility of the phenomenon, its novelty and its protean nature, verging between concerns with immigration, organized crime, prostitution and human rights abuses, have contributed to a literature boom across disciplines. The descriptive terms include human trafficking, human trade, trafficking in human beings, trafficking in persons, trafficking in women, alien smuggling, trafficking of aliens, illegal immigrant smuggling, trade of human beings, human commodity trafficking, and the list could continue. To

4 If Butler speaks of a desire that is always desire for the norm, for a social recognition and a social existence, and therefore it turns into an exploitable vulnerability (1997: 9-20), and Ortner (2005: 40) speaks of anxiety in a similar sense, differently Moore (2007: 36-41) considers the fantasy (of identity) and desire as close to agency and, even if as not necessarily resistant to power, they are, never the less, elusive and exceeding it (de Lauretis 1999) the social positionings of the categories ordered by the dominant discourse. In the same way, Biehl, Good and Kleinman (2007: 4) do not refer to strategies of resistance, but of existence, and see in the transformative process of subjectivity a possible “creation of new forms of desire that go beyond commercial interests to structure alternative ways of feeling and living, that change the world”. In Foucault himself the issue of the relationship between power, subject formation, desire/pleasure is left open (Foucault and Hurley 1988; Foucault and Hurley 1990).

5 To my knowledge, there are at least three journals focusing on HT: the Journal of HT, Anti-Trafficking Review, Slavery Today Journal. They are all available on line. In addition to these specific publications, articles regarding HT are hosted by a variety of journals, ranging from migration studies and legal studies, from human rights studies and to women and gender studies.

accommodate the protean nature of trafficking, the literature has called for a comprehensive analysis from various vantage points. The perspectives on trafficking have therefore been diverse: moral, criminal, migration, human rights, public order, labour or gender (Aradau 2008: 13; see also Kelly and Regan, 2000: 4).

The author also argues that: “the problematization of trafficking relies upon knowledge and expertise in various fields (migration, gender, organized crime, etc.), while simultaneously fostering a new field of knowledge, human trafficking” (Aradau 2008: 25). Moreover, “the literature on trafficking intervenes at two levels: at one level, by explicitly promoting policies to tackle the phenomenon of trafficking and, at another level, by fostering the category of trafficked women” (*ibid.*).

Indeed, I contend, HT has become a powerful discourse. This means that TIP is a specific object of knowledge producing further knowledge and generating specific speculations, problematizations, world visions, legislations, and researches; it has its own language, identities’ categories, experts, scholars, activists; inside it, the conditions allowing specific practices have been created, giving birth to organizations, programmes, projects, State organs, and moving funds, people, and ideas. Albeit its flexible nature, able to subsume different agendas, HT is not so much a “floating signifier” (Davida 2015), while a highly performative label. Indeed, even when considering HT and the category of VoTs as social constructions, we should never lose sight of their actual impact on the real world. Accordingly, we should not forget that the displacement of people with the purpose of exploitation is a datum.

Specifically, in this thesis, I aim at showing how an international dominating discourse, the HT discourse, can forge individual scattered subjectivities, independently from their cultural belongings and contexts. I want to put in direct relation the level of the global discourse with the level of the subject-making of the trafficking returnees. I want to utterly move inside the HT discourse itself, maintaining it as the “fictitious ulterior whole”, that in traditional ethnography corresponded to the culture of the group of the people studied (Marcus

1998). To pursue this scope, I carried out a “radical” multi-sited fieldwork in three different countries⁶.

I am confronted with a transnational and multi-sited approach, aiming to frame the social actors inside international networks and discourses that are able to create, move and regulate new global subjects’ categories in the name of care, human rights, development, national security, and national health⁷.

I have not carried out a classic transnational ethnography that reconstructs and follows the social, economic or political networks, or the cultural practices, of a diasporic migrant community, between two or more nation-states. I instead tried to conduct an ethnographic research of subjects that occupy also the transnationally constructed position of victims of trafficking. My approach does not pay much attention to the cultural, social and geographical belonging of the social actors, whilst it wants to focus on the sharing of the same discursive productivity. The look therefore pierces through national, ethnic, gender or class affiliations, provocatively aware of addressing an “abstract” yet performative category of subjects, in front of which the empirical analysis precisely aims to be a qualitative counterpoint of the multipositioned identities of the social actors⁸.

Below, I want summarize some aspects of the multi-sited approach that I consider relevant in terms of methodology and theory (Marcus 1998; Gupta and Ferguson 1997):

- going beyond of a geographical conception and *mise-en-scène* of the other, of a culture and of the field;

⁶ In the literature on HT there are various examples of multi-sited transnational investigations, yet with a very different approach from mine. See, for example, Munro 2006; Dewey 2008; Vijayarasa 2013. Inside the non-academic production, there are also some examples of multi-sited, e.g. Batstone 2010 and Kara 2010.

⁷ Schiller 1992; Clifford 1997; Gupta and Ferguson 1997; Guarnizo and Smith 1998; Marcus 1998; Brettell 2003; Heyman and Campbell 2009.

⁸ See Chapter 5. Grounded and sensible criticisms can be done about the lack of a geographical area of specialization, with the consequences that this entails: a more superficial knowledge of a specific cultural, religious and national area, a more superficial knowledge of a language, a more superficial knowledge of the social actors of the place. Fully aware of these shortcomings, and not without worries and perplexities, I can reply that, in this experimental research project, the goal was to work transversely through a transnational category – “fictitious” but also very real - with the end of conversing with a specific theoretical and methodological basin. I also believe that, in this economic-historical moment, ethnography can and must dare to confront with “new” fieldworking, even stopping to be anchored to localizing and a-temporalizing practices that have been criticized for long. Ethnography should take sometimes the risk, and the energy, to look at different scales and to confront directly with international actors and issues, while not giving up the inter-subjective and long-term meeting. In addition to this, only measuring oneself with such an enterprise, its pros and cons can be evaluated in a self-reflexive effort typical of the discipline.

- emptying the idea of "entering *into* the field", in favour of the conviction that each ethnography, both research and text, is an artefact in the hands of the researcher;
- problematization of the question "where is the field?", to move from a geographical location to the policy of positioning;
- emphasis on the importance of the subjects' local positions and through the juxtaposition and dispersion;
- blatant use of the "ulterior whole" – that can be the State, the culture, or a discourse, like in my case. As Marcus argues, "the fiction of the ulterior whole, previously just off stage, so to speak, of the ethnographic focus on any local realm of knowledge has moved to center stage in the macro-micro world narrative structure of new old realism" (Marcus 1998: 40);
- collapse of the macro/micro dichotomy in an attempt to represent both the place and the system from multiple perspectives focused in one place;
- sensitivity to the simultaneity, the connections and the comparisons created by the ethnographer;

The choice of the three countries of the research was determined by their specific character in terms of HT, in addition to their cultural diversity. Brazil is considered a destination, source and transit country for TIP, at an internal, regional and international level, for labour and sexual exploitation alike. I wanted to focus on the most visible route of trafficking: the international trade for prostitution of Brazilian women to Europe, and partly to the US. This kind of trafficking is of interest inasmuch as the figure of the VoTs here is ambiguous: she is more an illegal migrant prostitute, than an innocent virgin⁹. In this migration flow, grassroots studies have proved that the "actual" victim of trafficking is rarer than the media would want, and the category of VoT is somehow counterproductive for the migratory project of Brazilian sex-workers¹⁰. In fact, the activation of the notion of "humanitarian victim" or of "criminal victim" follows "different and contextual political interests" (Piscitelli and Lowenkron 2015: 38). In Nepal, on the contrary, the sexual trafficking of underage girls into the northern Indian brothels is the epitome of the (stereo)typical sex slave: virgin, minor, sold, extremely poor and

⁹ See below Chapter 2 for more on the "threatening migrant whore vs. innocent sex slave".

¹⁰ See below Chapter 3.3.2 and 4.2. This is also why in Brazil the issue of consent within the HT discourse is so hot.

illiterate. Yet, the country is a source also for labour exploitation of young workers in the Gulf countries, notably in constructions sites, factories, and domestic work¹¹. Finally, in the Southeast Asian context, the phenomenon which caught my attention as a good occasion for comparison in terms of victim's profile was the sale of Vietnamese wives in China. This constituted a trafficking flow where the victim is neither represented as a voluntary sex-worker, nor as sold innocent minor. She is an intermediate figure, usually deceived regarding her destination, but eventually not kept "enslaved" in the house of the new husband. The larger HT context sees Vietnam mainly as a source country for both labour and sexual trafficking in the wealthier and non-communist Southeast Asian countries and in the Far East, mainly.

Finally, I chose to work with the "victims" of HT during that liminal elapse of time called of "return, recovery and reintegration". This period goes from the moment when the migrant is interviewed and identified on the national borders to be certified as a "victim of HT", and therefore eligible of aids and services, up to her/his inclusion in a reception centre, short or long term shelters, and entered a series of programs and services – usually run in collaboration with NGOs – of legal assistance, psychological therapy, medical care and vocational training.

The underlying hypothesis was that such phase of passage should coincide with a process of re-composition and restructuring of a supposedly dismembered self and it is for this reason that I find it particularly sensitive and good to be thought through around the issue of subjectivity. It is specifically during this phase that I conducted my fieldwork with the VoTs.

1.3 The fieldwork

The empirical research started in Northern Vietnam in 2010, with three weeks appraisal sojourn in Hanoi city in September.

In 2011, six months fieldwork was conducted between June and December, mainly in Hanoi city and Lao Cai city and province. More than 40 interviews were conducted to HT returnees, local IGOs, GOs, NGOs operators, scholars, experts, psychologists, and social workers devoted to the protection phase of HT returnees.

¹¹ See below 3.6.1 and 4.4.

During the first phase of the research, I had to simultaneously carry out the long and sometimes exhausting bureaucratic procedures to gain permission for direct access to the returnees: meetings, negotiations, preparation of official letters of presentations by the local universities (Hanoi University of Social Sciences and Humanities and Vietnam Academy of Social Sciences), expectations, misunderstandings, delays etc. HT in Vietnam remains a sensitive topic, especially if investigated by a western¹². I met only two non-governmental organizations willing to facilitate my direct access to the returnees, whereas for the rest I had to gradually and slowly go through the cumbersome governmental bureaucracy¹³.

In detail, the main relevant activities conducted during the six months fieldwork in the area were:

- preparation of a short presentation of the project used to introduce the research to the interviewee (see Appendix 1). The project outline was both in English and Vietnamese language;
- preparation of five models of in depth, semi structured and open ended interview aimed at different targets (NGOs, IGOs, GOs, scholars and returnees) useful to support me during the meetings (see Appendix 2)¹⁴;
- execution of a total of over 40 interviews;
- attendance for three months (from two to five times per week) of *Ngoi Nha Binh Yen*, the Peace House Shelter, the first long-term shelter for returnees trafficked and at risk of traffic in the city of Hanoi¹⁵. Participant observation and interviews were carried out. The attendance of the shelter has included the partial promotion of and participation to group activities of residents;
- sporadic attendance over roughly two months of *Nha Nhan Ai*, the Compassion House, the only long-term shelter for trafficking returnees and people at risk of traffic in the town of Lao Cai, capital of the homonymous province, at the

¹² See below Chapter 4.3.7.

¹³ The two organs which allowed me to bypass the exhausting bureaucratic *iter* in two occasions were *RaFH*, the Reproductive and Family Health Institute (see Chapter 4.3.7.1), a local organization, and the Italian NGO *GTV*, Gruppo Trentino di Volontariato.

¹⁴ All interviews lasted from a minimum of 1 hour and 30' to a maximum of 3 hours. The model simply served as an outline and it was each time calibrated on the type of interlocutor. In the interviews with the returnees (see Appendix 2), I used an appropriate language and register, enormously simplifying expression and issues. The interviews were conducted in English or in Vietnamese with the help of an interpreter. Almost all interviews were recorded, with the approval of the interlocutor.

¹⁵ See below Chapter 5.5.1.

border with China, at Hekou town, Yunnan province. Participant observation and interviews were carried out. The fieldtrips included some visit to local villages of origin of some residents¹⁶;

- one day fieldtrip to the town of Lao Cai that included the participation in a workshop between local authorities and *RaFH*, Reproductive and Family Health Institute, for the signing of a cooperation agreement in the implementation of a community based awareness raising project . Escorted by the vice-director of the local Vietnam Women Union and by the director of *RaFH*, I was allowed a visit to Lao Cai Social Protection Centre, SPC. SPC are governmental centres receiving mixed disadvantaged people (orphans, drug addicts, the elderly, the poor, etc.) including trafficking returnees¹⁷;

- one day fieldtrip to the rural town of Kim Thanh, in the province of Ha Duong, at the north-western border with the province of Hanoi. During this day, accompanied by a staff member of the Italian NGO GTV and by two staff members of the local VWU, I visited the home of three mature returnees and conducted interviews¹⁸;

- three fieldnotes' diaries were produced, along with five interviews' notebooks.

In 2012, six months fieldwork was conducted in the cities of Brasilia, Goiania and Anapolis in Central West Brazil, between April and October. More than 50 interviews were conducted. During the first two months, the investigation took mainly place in the federal capital, Brasilia, where I conducted interviews in the ministries, in the international agencies, in some key international and local non-governmental organizations, and research institutions. Subsequently, it progressively moved into the city of Goiania, capital of Goias State (in which the Federal District was “clipped”), where the work remained initially similar, albeit conducted at the level of the municipal, provincial and state authorities. Subsequently, the fieldwork in Goias concentrated on the State’s anti-trafficking Office committee (*Núcleo de Enfrentamento ao Tráfico de Pessoas – NETP*) and its heterogeneous network of partners (such as the federal police, the Secretary for

¹⁶ The research in *Nha Nhan Ai* is not covered in this work (see Lazzarino 2014).

¹⁷ See Chapter 4.3.7.

¹⁸ This part of the investigation is not included in the thesis, as the three social actors met on this occasion repatriated very long time ago, even ten years: the experience of trafficking was for them a faded memory.

Women Policies, the Women Reference Centres, the universities' research centres, some tourism agencies, the Public Attorney, religious NGOs, etc.)¹⁹.

Once I acquired the confidence of key stakeholders of the anti-trafficking network (especially the then director of the NETP, the country director of the NGO *Rescue Project* and the psychologist of the Reference Centre for Women in Anapolis), I could start meeting some women considered victims of trafficking, in the town of Anapolis (a urban centre close to Goiania). With the four returnees (three women and one man) with whom I conducted the first interviews I established a relationship that lasted until the end of my fieldwork and beyond²⁰.

During the last two months, the research has finally moved into the house of a VoT, in a semi-*favelado*, poor and violent district on the outskirts of the city of Anapolis. This experience has logically led to my inclusion in the family and in the neighbourhood, allowing me to establish a series of contacts with other returned VoTs, outside the institutional settings and the humanitarian care, in an area where the rate of emigration, especially to perform sex work, it is very high. Also in the city of Goiania, I conducted research with female and transsexual migrant sex workers, partly in a small peripheral red district called *Dergo*, partly in the city centre with returned migrants met in a hairdresser's shop²¹.

Below, I synthetically report the main relevant activities carried out during the six months of fieldwork:

- updating and translation of the brief presentation of the project used to introduce the research to the interviewee (see Appendix 1);
- updating and adaptation of the five models of depth, semi-structured and open ended interview aimed at different types of stakeholders (NGOs, IGOs, GOs, Scholars and returnees), useful to support me during the meetings (see Appendix 2);
- carrying out of a total of just over 50 interviews (for the most part recorded);
- participation to the NETP over roughly three months;

¹⁹ See Chapter 4.2.2 and 4.2.3.

²⁰ Two of these four are Anna and Sabrina (see Chapter 5). The other two are not included in this work.

²¹ This fieldwork is not covered in the present work. In the thesis I wanted to restrict the focus to the returnees who were receiving or had received assistance.

- stay of about two months in the house of a woman, a former victim of TIP, along with her two sons and her partner, in a semi-*favelado* suburb of the town of Anapolis²²;
- sporadic attendance and interviews in two areas of very low-level prostitution, one in the city of Goiania (also thanks to the intermediation of a coordinator of the Reference Centre for Women of the city) and the other in the outskirts of the city of Anapolis;
- sporadic attendance and interviews in a small hair salon, specialized in Afro hairstyles, in the center of Goiania. This place, which I approached independently, turned to be a rich crossroads of migrants, particularly, homosexuals and transvestites;
- participation to four psychotherapy sessions of a woman considered a victim of trafficking, within the structure of the Reference Centre for Public Policy for Women of Anapolis;
- participation to six seminars / conferences on HT in Brasília, São Paulo, Goiania and Anapolis;
- writing of four interviews' notebooks and three fieldnotes' diaries.

In 2013, I conducted little less than six months fieldwork. The first three months were spent back in Northern Vietnam, between Hanoi city and Lao Cai town. For the remaining two months and a half I conducted research in Kathmandu, Nepal.

In Vietnam I essentially conducted participant observation with five ex-residents of NNBY, who I met almost two years before. Three of them were living in Hanoi city, whereas two were residing in Lao Cai²³. I also met with other two ex-residents who then refused to establish further contacts. I tried to gain access to the two shelters I accessed in 2011, the one in Lao Cai and the other in Hanoi, but this time I was refused permission by the structures' new management²⁴. I also conducted interviews with already-met and new interlocutors, among IGOs' and NGO's operators.

In Nepal for most of the time I was hosted by the international religious NGO *World Mobilization/Nepalese Home*, which implements the programme *The*

²² See Chapter 5.4.

²³ See Chapter 5.3 and 5.5.

²⁴ See Chapter 6.

Apple of God's Eyes, running, among other activities, four shelters for women and children at risk of trafficking and returnees²⁵. The possibility of conducting research totally “from the inside” of an organization, participating to the daily life activities of the residents, was a unique chance to gain a better understanding of the processes of recovery and reintegration of young returnees of HT within a religious humanitarian approach framework. I also conducted meeting and interviews with some authorities and the main NGOs active in the fight against HT. A fieldnotes’ diary and four interviews’ notebook were written after this last period of fieldwork in the two countries. Approximately 30 interviews were carried out.

Overall, 122 interviews were conducted, some of them to the same person. Of these 122 interviews, 41 were carried out with NGOs operators, 32 with trafficking returnees, 19 to governmental officers, 17 to experts and scholars, 13 to IGOs officials. In Vietnam, the interviews were conducted partly in English and partly in Vietnamese. In this case, the help of an interpreter was required, as my knowledge of the language, which I study with private teachers both in Italy and in Vietnam, did not allow me to be independent. In certain cases, the presence of a local assistance was necessary to conduct fieldwork, also in terms of possibility to access it. In Brazil, the almost totality of the interviews was done in Brazilian Portuguese, which I self-taught. The fieldwork did not require the presence of an assistant. In Nepal, English language was used.

1.4 Thesis’ structure: an attempt to polyphony

In this thesis, I aimed at showing how an international dominating discourse, the HT discourse, could forge individual subjectivities that are constructed as marginal and vulnerable by conditions of structural violence. In order to connect the ideological level with the subjective one, I reputed necessary to tackle the intermediate levels, or the other actors in the discursive arena, that make the discourse practical and performative. This is why I have given to the thesis a multi-layered and polyphonic structure.

I could have organized the intimidating amount of material I had in many ways. In the end, I decided to give voice to the different categories of interlocutors I encountered during fieldwork according to five levels of analysis: the level of the

²⁵ See Chapter 4.4.1 and 5.6.

international ideology of TIP, the level of the intergovernmental UN agencies, the level of the States, the level of the humanitarian, and the level of the trafficking returnees. This implied reducing the presence in the text of these latter; nevertheless this choice was determined by the objective of drawing a polyphonic picture of the HT discourse, where various actors, holding different positions and different grade of power, play a role.

We could follow the common tendency to sort things geometrically according to a dimensions' scale. Accordingly, we could mentally organize HT discourse as a series of concentric circles corresponding to the levels of investigation; or as a pyramid where at the larger basis we have the innumerable and irreducible lived experiences of the single subjectivities scattered all over the world, and at the peak the few places of decision and policy making at a global level. At the intermediate grades we could imagine: the macro regional bodies; the various governments and their ministries; the regions inside each State; the various NGOs, some international, other very local; the big or small urban centres at crucial transnational borders; and the micro worlds of the shelter houses with their staff working in it.

I have often used this mental scheme during my research, and I clearly reproduce it when I use the terms "micro" and "macro", or "centre" and "margins". Nonetheless, the image of the arena, or any other that one can associate to the idea of polyphonic ethnography (Clifford 1983; Sanjek 1990), is also useful, as it makes collapse hierarchical figurations or micro-macro distinctions (Marcus 1998). The image of the arena is not only a rhetorical organization of a text. The aim is also to approach the concept of "political arena" (Olivier de Sardan 1995) where social actors with different views and interests actually interacts on common issues. The issue at stake here is the victim subject of human trafficking.

In Chapter 2 "Crafting the Victim Subject", I discuss the problematic definition of HT and I trace a critical genealogy of the HT discourse, showing the double legacy of the transatlantic slavery but mostly that one of the white slavery. I comment upon the most important international agreements of both phenomena and I tackle their rhetorical and ideological weight on the contemporary TIP discourse. In particular, I demonstrate how it is dominated by the radical feminist neo-abolitionist ideology, in tandem with the international anti-migration securitarian policy. In the second part of the Chapter, I revise the critical literature on HT,

systematizing it into three subfields. The first one considers the critiques to the (neo)abolitionist inheritance which strongly marks the contemporary discourse, the second one explores the most important critical observations to the anti-migration paradigm also informing the discourse, and the third field assess the preponderant role of the USA. The archetypical VoT which is crafted at the level of the international ideology is an innocent virgin young girl forcibly enslaved into the sex industry, opposed to a threatening illegalized sex migrant.

In Chapter 3 “Representing the Victim Subject”, I explore the level of the international UN related agencies, which constitutes the first realm of implementation of the Trafficking Protocol. I focus on the issue of vulnerability and of its abuse, as this is a central topic both in conceiving VoTs and for determining the crime of VoT. Yet, vulnerability is one of those loose topics of the trafficking definition. I ground the argumentation on the interviews I conducted with different organizations’ officers, presenting some of their anti-trafficking projects. Ultimately, I want to show how the main elements of the HT discourse – such as the definitional confusions, resulting in a discrepancy between documents and practices; the criminalizing effect of the discourse on both migrants and sex workers; the delicate issue of consent, which is linked to the condition of vulnerability; the lack of evidence-based figures and of reliable researches – reverberate both in the officers’ voices and in the agencies’ project. Coherently, the profile of the VoT is close to the stereotypical image of a vulnerable, poor, ignorant woman. However, I also showed how the vulnerability of the VoTs can be variously conceived, approached and in a way multiplied by the interlocutors’ voices.

Chapter 4, “Managing the Victim Subject”, takes into consideration the level of the States, which constitutes a crucial intermediate step for converting the international language into a national dialect. The Chapter also deals with the humanitarian activity in each State, particularly casting light on how the non-governmental apparatus coordinates with and integrate the governmental actions. I analyse the States’ legislations, partly renovated and enriched, and their practices, through some emblematic ethnographic cases. Both their legislation and implementation result in most cases inadequate and lacking. The emerging victim subject is an uncomfortable traumatized young woman with a series of standardized needs, which, ultimately, the governmental apparatus does not take care of, if not on

paper, leaving ex-VoTs' recovery and reintegration in the hands of non-governmental bodies.

Chapter 5 "The Victim Subject", I finally explore the level of the returnees themselves and brought to the fore their voices, which I leave unheard in the previous pages. The objective has been to approach their life conditions and lived experiences in order to show how the HT discourse functions at this level of analysis. In particular, I wanted to tackle the processes of subjection. Following Butler (1997), subjection entails becoming acting subjects able to make their way through structural and discursive constraints while also becoming subordinated to structural determinants and discursive positions. It is precisely to keep together the passive and active element of subject-making among VoTs that I used the term "victim subjects". Specifically, I deepen the stories of five returnees, organizing them according to some interpretative frameworks (vulnerability, marginality, violence, and infantilization) and in a crescendo regarding the level of invasivity of the assistance they receive.

One last linguistic remark. In the use of foreign terms, for ease of writing and reading I wrote all the original words without their accents. Therefore, for example, "Lào Cai" has become "Lao Cai", and "Anápolis" simply Anapolis. All the texts and interviews not originally in English were translated by the author.

2. CRAFTING THE VICTIM SUBJECT

TRAFFICKED WOMEN BETWEEN (NEO)ABOLITIONIST CAMPAIGNS AND SECURITY AGENDAS

Certain forms of knowledge and control require a narrowing of vision. The great advantage of such tunnel vision is that it brings into sharp focus certain limited aspects of an otherwise far more complex and unwieldy reality. This very simplification, in turn, makes the phenomenon at the center of the field of vision more legible and hence more susceptible to careful measurement and calculation. Combined with similar observations, an overall, aggregate, synoptic view of a selective reality is achieved, making possible a high degree of schematic knowledge, control, and manipulation.

Scott 1998: 11

2.1 The Trafficking Protocol and the level of the international discourse

During the afternoons that I regularly spent with the girls in one of the houses ran by the local Christian NGO *Nepalese Home* (NH) in Kathmandu¹, I often found myself busy in helping in homework doing. This certainly was for me an excellent opportunity, not only to closely interact with the girls and know them, but even to know the Nepali school system and its teaching methods, its knowledge classification, its subjects' taxonomy, and the kind of language used in its official textbooks.

¹ For more regarding the Nepalese NGO *Nepalese Home* (NH) see Chapters 1.3, 4.4, and 5.4.

One day, half sitting half laying down on the big living room carpet in House 2², where some of the girls used to study once they came back from school, I approached Sanjeela, prying into her activities. She was writing down answers to few questions posed by a lesson entitled “Our Social Problems and Evils”, within the subject of Social Sciences, her favourite one. In such a detailed version, this topic was taught only starting from grade 8th, at the age of 14. Sanjeela had to list the series of negative phenomena described in the lesson badly affecting Nepalese society, and had to classify them as either “social problems” or “social evils”. I briefly read the short Chapter, immediately noticing that what was called “girls trafficking” was defined as a “social evil”, along with dowry system and kidnapping, whereas corruption, alcohol and drug abuse were classified as “problems”. Without hiding my perplexity deliberately, and avoiding searching for the definition directly in the book, I wanted to ask Sanjeela to explain to me the difference between those two labels. But she did not know how to make it clear and, bringing as a fair justification the fact her teacher had not fully explained that topic yet, she asked to postpone our conversation to my next visit to her house. And so did we. When I went back to House 2, few days later, with Sanjeela – whose teacher did not seem to have deepened the topic in class -, her notes and the brief definition provided in the textbook, we discussed the issue and I finally understood that the main difference between “social problems” and “social evils” was that the former are “immoral, illegal and violent acts I do myself”, whereas the latter are “anti-social activities I do to someone”³. As for “girls trafficking” itself, the description provided in the course book was essential and unproblematic: the transportation of young girls, mainly through deception, kidnapping or sale on behalf of the family, mainly from poor rural to urban settings, mainly for sexual exploitation in an Indian brothel.

2.1.1 Unfolding the issues

I have began the Chapter with this episode from the field, as it contains *in nuce* many of the relevant issues I want to discuss in the following pages. Firstly

² NH founded and managed six shelter houses: House 1 was the first one to be established, House 2 the second one, and so on, and this is how they called them.

³ Social Studies textbook, 2012, Ministry of Education and Sport, pp. 94-97.

and broadly, we are faced with the issue of defining what trafficking in person (TIP) is, both in terms of the actual activities it wants to address and in terms of perspectives, more or less ideological or politically functional, of how to approach, classify and construct such activities. The fact that the Nepali Ministry of Education categorizes girls trafficking as a “social evil”, giving to it an oversimplified characterization, reproduces and reinforces some assumptions on the matter that I will extensively explore below.

In particular, without being so blatantly partial and coarse, the Trafficking Protocol seems to present the same sort of problems and assumptions as the Nepali course book. Namely, we are confronted with the double-edged criminalizing/moralizing approach and with the issue of human trafficking as essentially a young women issue. Indeed, the labelling of trafficking as a “social evil” reveals a point of view that, on the one hand, generally condemns the category of the perpetrators and save the one of the victims (being these two categories neatly separated). Nonetheless, on the other hand, without explicitly ranking it as a crime, the “social evil” tag demonizes the entire phenomenon, scattering all its causes and responsibilities in a flattened dark picture, with an indirect reference to prostitution. Indeed, the protagonist victim-subjects of trafficking are indicated as young women forced into prostitution: explicitly in the case of the Nepali textbook, more subtly in the Trafficking Protocol, as a matter of fact in the most part of governmental and non-governmental programmes and actions, as I will demonstrate all along this work.

The second point reinforces the previous ones. Girls’ trafficking appears in a book of Nepalese society, culture and customs and, in this case, it is ranked along with the dowry system, an institution which can reduce the bride to a domestic servant and the bride family deeply indebted⁴. Girls’ trafficking is somehow presented as a bad popular practice affecting young women, a sort of costume rooted in society perpetrated by wicked individuals and resulting in an immoral business. This framework suggests me two related observations. In the first place, it reminds me that a whole series of local historical practices similar to what came to

⁴ The dowry system in Nepal was banned into 2009 due to a growing violence against young brides and their families, and the incredible debts that some families could fall into. However, dowry related violence hasn’t seemed to cease as various web sources report (see for example <http://www.pilnet.org/project-updates/170-nepal-supreme-court-orders-criminalization-of-dowry-demands.html>. Accessed 7/4/14).

be classified as “human trafficking” pre-existed 20th and 21st centuries’ international definitions of slavery and trafficking. The acclaimed novelty of the phenomenon and its rising incidence are then at least problematic. Secondly, the presence and variety of such practices, specific of some geographical and cultural areas, are significant inasmuch as they historically, and partially presently, represent a challenge to the establishment of clear-cut limits to a universal category of slavery versus other forms of human bondage and labour dependence. This observation is relevant both to my first point, HT definitional issue, and to the debate surrounding the distinction between old/traditional forms of slavery and new/modern slavery to which HT belongs and that I will refer to below.

My third issue regards the role of the States before the international agreement, as well as the humanitarian body, international and local, devoted to anti-trafficking action. The set of local slavery-like practices, beliefs and perceptions around them, along with the legislative apparatuses, and with the governmental and non-governmental structures and organizations of each State, its socio-cultural specificity and political-economic situation, all constitute the complex internal body that must be adapted in accordance with the international standards. The process of internalization of the Protocol is tortuous and often deemed to be driven more by political and ideological interests than by genuine humanitarian concerns. Indeed, in the example I started this Chapter with, neither the Nepali Ministry of Education and Sport nor Sanjeela’s teacher employed in *NH* school seem to follow the definition of HT eventually agreed in 2000 in Palermo.

Finally, the Nepali course book taxonomy discloses a crucial issue of this work: the problematic relationship between victim and agent subject position, coercion and choice, structural constraints and self-determination, and how such relationship is differently seen, approached and performed at the various levels of the HT discourse (juridical-legislative, policy making, humanitarian, international, governmental, local, lived-experience). In the mass media and in the official discourses the protagonist subject of trafficking is rigidly presented as a disempowered victim opposed to other reified categories, such as the trafficker or the illegal migrant. Indeed in my case, as “social evils” are defined as “anti-social activities I do to someone”, the underlying perspective appears as clearly dualistic, for girls are the ones suffering the activity that criminals are perpetrating against them, regardless any consideration of both larger structural factors of economic,

cultural and social nature, and of the specific life stories of the subjects who are always locally and collectively determined within family and community milieus. Such vision seems blatant in the Nepali textbook, less evident but equally powerful within the Protocol formulation's process, final version and common implementation.

In this Chapter, I will focus on some of these questions, starting with the definition of TIP as it was agreed in the year 2000 within the UNODC Convention. I will then attempt to trace a sensible genealogy of it, according to its two main preceding historical traditions: transatlantic trade and white (women) traffic. I will show how these backgrounds weigh on the contemporary Protocol and human trafficking (HT) discourse at large, not only in terms of legal-juridical tradition, but especially of ideological and rhetoric inheritance. I will then focus on the most relevant legacy of white slavery and the anti-prostitution abolitionist movement behind it, going into the details of its influence during the negotiations of the Palermo Protocol and of how it dominated the HT discourse, at all levels, from policy to implementations practices. I will finally explore other two sets of critical literature: the one approaching trafficking as an issue of migration and the other exposing the US international *longa manus* with its system of unilateral sanctions.

2.1.2 Framing a problematic definition

The eleven sessions of the Ad hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, which was established by General Assembly resolution 53/111 of 9 December 1998, took place in Vienna between January 1999 and October 2000, at the UN Centre for International Crime Prevention. By General Assembly resolution 55/25 of 15 November 2000, the United Nations *Convention against Transnational Organized Crime* was adopted, and on 12-15 December 2000 it opened for signature by Member States in Palermo. It entered into force on 29 September 2003. The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (see Appendix 3) supplements the Convention along with other two addition Protocols: the *Protocol against the Smuggling of Migrants by Land, Sea and Air*; and the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and*

Components and Ammunition. It is required to the countries to become parties to the Convention itself before becoming parties to any of the Protocol.

The Trafficking Protocol, which was signed by over 80 countries in Palermo in 2000 and came into force on 25 December 2003, was discussed at eight out of eleven sessions by over 100 countries' delegations, several representatives of UN related and not related IGOs, and of various NGOs⁵. At present, 166 countries have ratified it.

The definition of HT, finally established in 2000, was a difficult compromise. In article 3, titled "Use of Terms", subparagraph (a), TIP:

shall mean 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Following the official exegesis provided by the UNODC⁶, it is clear that the crime of human trafficking is a process resulting from three factors: a combination of acts - recruitment, transportation, transfer, harbouring or receipt; a range of possible means – threat or use of force or some kind of coercion, abduction, fraud, abuse of power, giving or receiving of payments, etc.; and the purpose of exploitation. Exploitation can refer to the exploitation of prostitution, to different forms of sexual exploitation, to forced labour or services, to slavery or practices similar to slavery, to servitude or organs' removal.

⁵ For the lists of attendants to each session, amongst State delegates, UN and not UN IGOs, and NGOs, I refer to UNODC website where all the *travaux préparatoires* of the convention are accessible: <http://www.unodc.org/unodc/en/treaties/CTOC/travaux-preparatoires.html> (Accessed 21/3/14). The status of ratification can be checked anytime at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en (last accessed 1/5/15).

⁶ <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html> (Accessed 22/3/2014).

It is important to remind that this highly contended definition was the outcome of a mainly informal and ideological battleground⁷. A key role is attributed to NGOs coalitions, in particular, as we shall see, of two fronts⁸, in the consultative process, in the elaboration of the final text and in perpetuating, along with many governments, specific moral and political assumptions and interests, with relevant consequences in governmental and non-governmental implementation activities of the Protocol (Ditmore 2012; Doezema 2010, 2005, 2002; Raymond 2002; Saunders 2005; Sullivan 2003). For this, and for the fact that the definition is very comprehensive – serving the purpose of the Protocol of being a “universal instrument that addresses all aspects of trafficking in persons”, as stated in the Preamble – some critical points can be observed in advance and later explored⁹.

First, some elements of the definition, such as “exploitation” and “sexual exploitation”, “abuse of power” and “position of vulnerability” can be problematic or deliberately loose. Part of their definitional problem arises from the fact that they actually refer to a continuum of an experience going from one extreme of coercion and passivity to the opposite extreme of freedom and self-determination (see, for example, Anker and Van Liempt 2012: 1-14; Grewcock 2003; O’Connell Davidson 2010, 2006; O’Connell Davidson and Anderson 2000). The threshold between the two realms is, in reality, very mobile, heavily depending on subjective perceptions, socio-cultural beliefs, and political attitudes. Furthermore, TIP addresses a process involving a variety of means, actions and outcomes: how and who can establish at which point, during which act, through which means, under which aspects of the final conditions the migratory experience became HT and the migrant a VoT? This question is pivotal with respect to the issues of consent, agency and victimization,

⁷ During the eight sessions of discussion, formal meetings mixed with informal ones. These last ones though, following Doezema’s accounts of the so called “Vienna negotiations” (Doezema 2010: 106-169, 2005)⁷ or “Vienna process” (A. T. Gallagher 2009), were subsequently added to the agenda, for it became clear that a definition of “trafficking” would not be agreed upon within the time allocated in formal sessions (Doezema 2010: 114). During informal sessions, State delegations were meant only to “clarify the language in text” that had been negotiated in the formal sessions, even if these clarifications seem to have ultimately codetermine the final text. NGOs were not allowed to attend the informal discussions and had to exert their influence during contacts in the halls outside the main venue. On the other hand, in the formal meetings, NGOs and other organizations could intervene with prepared declarations, but not in the delegates’ negotiations, therefore if they wanted to directly have an impact on ongoing discussions, they could only hand a slip of paper to a delegate or whisper a suggestion to her/his ear.

⁸ Not all the NGOs were involved in lobbying and, since at its beginning the issue was not high in the international political agenda, the NGOs that participated at the first session of the Ad Hoc Committee were rather few (Doezema 2010: 114).

⁹ See below paragraphs 2.3.2 and 2.3.3.

of victims' identification and assistance by governmental and non-governmental bodies, regarding different regional and governmental legislations and law enforcement procedures, up to the production of comparable and reliable statistics.

Secondly, the fact that it is used the term "prostitution" and not "sex-work", and therefore that the exploitation of prostitution is not equalized to any other forms of forced labour, is revealing of a specific approach to prostitution and has relevant consequences both in terms of Protocol implementation and in perpetuating a specific HT imaginary, which has the female migrant sex-worker at its centre, as in the Nepali textbook (among others: Chuang 2010; Kapur 2012; Kempadoo 2012).

A third observation regards movement. As mentioned, the *UN Convention against Transnational Organized Crime* is also supplemented by the so called "Smuggling Protocol". Migrants' smuggling crime is a crime against the State inasmuch as it consists in the illegal crossing of its national borders. HT is a crime against the person and by definition no international frontier has to be crossed. Yet, in the very word "trafficking", in its definition – where there appear the verbs "transfer" and "transport" -, and mostly in HT media and popular representations as well as in practice, displacement is involved. Few questions are then raised: what is the actual relationship between migration, smuggling and trafficking? Are the interventions deriving from the Protocol only triggered by immigration offences and limited to addressing the exploitation of illegal migrants? How relevant is movement to the actual exploitation of an individual in the protections of her/his human rights? How about exploitation within legal circuits?

I will probe into these three issues in the part exploring the critical literature around HT, whereas I now proceed in sketching a HT genealogy.

2.2 Human Trafficking genealogy

The Trafficking Protocol was not born in a vacuum. On the contrary, it can, in a way, be seen as an all comprehensive international agreement led by an effort to include and strengthen the previous agreements and conventions. Without considering collateral yet important treaties regarding women and children rights, such as the 1979 *Convention for the Elimination of all Forms of Discrimination Against Women*, the 1982 *Child Labour Convention*, the 1989 *Convention on the*

Rights of the Child, I individuate two great lineages: the suppression of white slave traffic for prostitution and the transatlantic slavery abolition. In this section, I will explore these two lineages, as making up the historical background of the Palermo Protocol, partly considering their contemporary resonance and incidence, whereas, as a start, I will try to critically answer to the question of why a new provision was designed.

2.2.1 Why a new international instrument?

As mentioned above, it is neither a matter of novelty nor of the absolute growth of the phenomenon *per se*: more or less abusive displacements of people with the purpose of inserting them into exploitative (labour) conditions have always occurred. What certainly increased is mobility, including unofficial migration and the migrant prostitution. This trend is partly due to growing inequalities and relative poverty, with an increasing feminization of it, as one the characterizing factors of globalization (e.g. Darley 2006; Marshall and Thatun 2012: 48; Quirk 2007: 196).

Furthermore, the picture I will sketch below of the antecedents of the Protocol is by no means exhaustive, and the documents addressing slavery and women trafficking are more. For example, between 1815 and 1957, alongside the cited ones, 24 relevant documents on slavery and its related crimes were produced, 55 other provisions were applicable to this category of crime and 79 international instruments addressed the issue of slavery, slave trade and related institutions (Bassiouni 1990: 453-454). From 1949, when the last UN convention on women traffic was signed, to 2000, the year of the Trafficking Protocol, sex work and trafficking kept on being tackled in several UN resolutions and declarations (Doezema 1998).

So, why did the international community, with the strongest input from the US, feel the need of stipulating an additional agreement? Were the previous instruments not clear enough? The significant novelty of the Protocol can be understood if we keep in mind that it constituted an additional provision to the UN Convention against International Organized Crime, meaning it was primarily an instrument of law enforcement, and as such it was the first international agreement around a legal definition of trafficking (see e.g. Gallagher 2009).

As Quirk (2011b) maintains, during the 1980s and 1990s, “modern slavery” received little attention both from governments and the general public, albeit a

significant increase in NGO activism. During the second half of the twentieth century though, with an intensification during the 1990s, the political fortune of HT registered a hike, due to a growing concern with illegal migration, international criminality and terrorism, in other terms, in a moment of boundary crisis – similar to the one of the white slavery panic. This is significantly signalled by the move, in the same period, of HT from the UN human rights area to the area dealing with drugs and crime. The fact caused a great preoccupation and the Protocol keep on being caught between two “discourse families”, the humanitarian and the securitarian, that essentially define themselves by reciprocal opposition (Darley 2006: 109), and two politics, the “politics of pity” and the “politics of justice”, which produce an impossible guilty-victim (Boltanski 1999; Jaksic 2008).

For example, the role of the High Commissioner for Human Rights during the Vienna process was guaranteeing that the States did not forget the human rights principles they were bounded to. Nonetheless, as the representative of the then Commissioner argues, it was the passage to a criminal framework that made possible, after years of definitional and legal uncertainty within the “structural weakness of the international human rights system itself” (Gallagher 2009: 792), the fast drafting of a treaty efficient on various levels – like criminal jurisdiction, mutual legal assistance, exchange of evidence among States and obligations around corruption – and able, like no other human rights treaties, to induce a series of innovative national, regional and international reforms¹⁰, while, at the same time, aggregating a good amount of global consideration and resources on contemporary exploitative practices (*ibid.*: 793).

I will now offer a synthetic overview of the anti-slavery abolitionist path, focusing on some pivotal treaties.

2.2.2 Transatlantic recalls

HT discourse is often framed by references to the “old” transatlantic slavery (Bravo 2011). The history of the legal abolition of slavery, as well as its treaties and organizations, are part of the inheritance of the 2000 Trafficking Protocol. There is, indeed, an ongoing debate regarding the relationships between HT, modern

¹⁰ As also Pearson (2002) documents, many countries have innovated their penal codes, turning trafficking into a criminal offence, as we will also see in Chapter 4.

slaveries and old slaveries. Furthermore, a good relevance to my argument in summarizing the main steps of the legal abolition of slavery consists in the fact that this was largely based on a definitional expansion of what could be considered as “slavery” (Quirk 2011a), and therefore of where the boundary between slavery and freedom, between coercion and self-determination lays. In other words, the historical embeddedness of the categories and their flexibility disguised as truth is made evident. Eventually, this summary serves the purpose of showing how broad definitions are necessarily ambiguous as they are often the outcome of political compromises.

The path towards the modern legal abolition of slavery on a global scale was inaugurated in 1794, in the aftermath of the French Revolution, when Revolutionary France abolished slavery¹¹, albeit a number of legal measures in the US and UK came into effect prior to that date. A second major step is constituted by the British *Slave Trade Act* of 1807. As it is well known, the act prohibited the trade in slaves in the British Empire, but not slavery itself. This was abolished in 1833, with the *Slavery Abolition Act*, with the exclusion of territories under the jurisdiction of chartered companies, such as India. In 1865, the *Thirteenth Amendment* to the US Constitution, following the American Civil War, abolished slavery and involuntary servitude. Of course, these three provisions are taken as symbolic steps in the history of abolitionism, or organized anti-slavery movement, narrowly concentrated on the transatlantic trade of black people, whereas during the 18th and 19th centuries a great number of countries, in Europe, in ex-European colonies, and in other world’s areas, such as Russia and China, was advancing in the elimination of slavery, slave trade, forced labour and servitude in their territories (Quirk 2008)¹².

As Welch underlines, “no human right abuse has resulted in more formal international treaties than slavery” indeed (Welch 2009). The first most important one is the 1926 *Slavery Convention* of the League of Nations¹³. The Convention was the outcome of the work of the Temporary Slavery Commission, made up of

¹¹ As it is known, in 1802 Napoleon restored it, and it was only in 1848 that it was definitely suppressed, under the Second Republic.

¹² 1888 is taken as the year of the end of the transatlantic slave trade. The date refers to when Brazil put an end to the practice, the last country in the hemisphere to do so.

¹³ For a synthesis of the evolution of the international instruments for the abolition of slave trade and slavery, prior to the 1926 Slavery Convention and starting from the 1815 Declaration Relative to the Universal Abolition of the Slave Trade of the Congress of Vienna, see Bassiouni 1990: 459-466.

mainly European experts and established two years earlier, with the scope of documenting, categorizing and ultimately defining ‘slavery in all its forms’. The Convention was also the peak of a period of political strategies during which the European powers were trying to establish a legislation which was not too much intrusive with respect to various forms of human bondages occurring on the colonial soil (Allain 2008; Miers 2003: 121-130; Quirk 2011b). Indeed, the 1926 agreed-upon definition presents some room for interpretation. Article 1(a) defines slavery as “the status or condition of a person over whom *any or all* of the powers attaching to the right of ownership are exercised”¹⁴, and parties are bound to “prevent forced labour from developing into *conditions analogous* to slavery” (Preamble), “to prevent and suppress the slave trade and to bring about, progressively and as soon as possible, the complete abolition of slavery in *all its forms*” (Article 2). The parts I italicized are those ambiguous points that were poorly detailed and served to preserve forced labour and other practices without going against the interests of the colonial powers¹⁵. In fact, the Convention was largely interpreted as applicable to ‘classic’ slavery, that is chattel slavery (Allain 2009; Quirk 2011b). It nonetheless constituted an extremely important step: the first one in attempting a definition of the phenomenon, which is still valid in international law nowadays.

¹⁴ For a detailed analysis of the phrasing of this most celebre definition, with particular attention to the formulas “status or condition” and “powers attaching to the right of ownership” see Allain 2008: 2-16. For more on the definition itself see below note 14.

¹⁵ For an agreement on how to interpret 1926 definition I refer to the Bellagio-Harvard Guidelines, which were designed in 2012 by the members of the Research Network on the Legal Parameters of Slavery, essentially a group of scholars coming from mainly British and Northern American universities. For example, Guideline 2 clarifies that “the powers attaching to the right of ownership” should be understood as constituting control over a person in such a way as to significantly deprive that person of his or her individual liberty, with the intent of exploitation through the use, management, profit, transfer or disposal of that person. Usually this exercise will be supported by and obtained through means such as violent force, deception and/or coercion”. Guideline 3 establishes that “Possession is Foundational to Slavery”, whereas guideline 4 provides “further example of powers attaching to the right of ownership”, such as “using a person”, “buying, selling, or transferring a person”, or “profiting from the use of a person”. Guideline 7 recognizes that the term “slavery” has been used to refer to conditions going beyond the 1926 legal definition. Finally, guideline 8 and 9 distinguish slavery from forced labour and “institutions and practices similar to slavery, such as serfdom, servile marriages, child exploitation or debt bondage: slavery is present only where there is the exercise of power attaching to the right of ownership (<http://www.law.qub.ac.uk/schools/SchoolofLaw/FileStore/Fileupload,398946,en.pdf>, last accessed: 4/5/15. The Guidelines constitute the Appendix of Allain 2012). For further comments on the interpretation of slavery according to the 1926 definition, underlining its “property paradigm” and its potential in matching “a legal reading of ownership and the factual circumstances of contemporary enslavement” see Allain and Bales 2012.

It was only after legal slavery could be said almost worldwide over, in the 1950s, and more realistically during the 1960s, that other forms of human bondage started to be considered and included in the same semantic realm of slavery, as they shared “sufficient features with slavery to be rendered illegitimate” (Quirk 2008: 532; 2007: 184). The UN 1956 *Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery* represents the turning point in this sense. It did not abolish the 1926 one, yet expanded it. In its preamble, the declared purpose is to “intensify national as well as international efforts towards the abolition of slavery”, as defined in 1926 agreement (Art. 7a), “the slave trade and institutions and practices similar to slavery”¹⁶, whether or not these last ones were covered by the 1926 definition (Art. 1). Article 1 goes on specifying the nature of such practices, which should be interpreted as addressing several “servile statuses where there are no powers attached to the right of ownership” (Allain 2007: 16). These are bonded labour, serfdom, servile marriage and the transfer of children for the purpose of exploitation¹⁷. These four practices were certainly not new; what constitutes an important novelty is the fact that they began to be conceptualized as “four distinct problem areas” placed “on the same political and legal footing as chattel slavery” (Gallagher 2009: 802; Quirk 2008: 543-544).

Furthermore, it is worth noting that the 1956 *Supplementary Convention*, in its preamble, refers to other two crucial international instruments in the advancement of the history of abolition: the 1948 UN *Universal Declaration of Human Rights* and the 1930 ILO *Forced Labour Convention*. In Article 4 of the first one, it is stated that “no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”. The second one, along with its updated and more refined version, the ILO 1957 *Abolition of Forced Labour Convention*, provided a definition of this practice, requiring the immediate total abolition of it. It establishes a pivotal further commitment for signatory States¹⁸ in

¹⁶ It is worth noting that also the definition of slave trade did not consistently change from 1926 (Art. 1, 2) to 1956 (Art. 7c): “the slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves”.

¹⁷ See above note 14.

¹⁸ The Abolition of Forced Labour Convention has been ratified so far by 174 countries

protecting workers' rights. These references are interesting, inasmuch as they marked the beginning of a perspective on slavery in terms of rights, human rights and workers' rights, which is still very much widespread nowadays (e.g. Brysk and Choi-Fitzpatrick 2012).

From a political and not legal standpoint, the definition of slavery kept on growing, concurrently with new political and economic exigencies¹⁹. In the late 1960s, it included apartheid and colonialism as slavery-like practices. In 1974, the UN Working Group on Slavery was formed, and had the purpose of listening to the reports of accredited NGOs. During its annual meetings, up to 2006, it took up such a variety of practices, sometimes only weakly related to chattel slavery, that “as far as definitions go, it has muddied the waters still further” (Miers 2003: 12; see also Quirk 2011b). Indeed it considered also, for example, prostitution, honour killings, pornography, genital mutilation, and sales of organs, along with other practices bearing relation to slavery, such as forced marriage, adoption for exploitation, sexual exploitation, the use of child soldiers, and human trafficking.

In 2007, the Working Group was substituted by UN Special Rapporteur on “Contemporary forms of Slavery, its causes and consequences”, inaugurating the language of modern day slaveries, so often used in relation to HT. The 2000 Trafficking Protocol, in its definition of TIP, makes use of many terms at the centre of the above mentioned conventions: slavery or similar practices, forced labour, servitude, forced marriage, and ownership/control of a person over another one. Even if some of these practices have not achieved a univocal definition, and they regard, strictly speaking, essentially one element of the process of trafficking, namely the scope and final point, it seems however that HT is often conflated with slavery, ending up belonging to its semantic realm. This is evident also when looking at the organizations involved in anti-trafficking, both UN related, such as ILO²⁰ and OHCHR, and independent and linked to the abolitionist fight, such as Anti-Slavery International.

(http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:312250:NO. Accessed: 31/3/2014).

¹⁹ Miers explains that the reason was that “some of the newly independent States and the communist bloc were anxious to attack colonialism and apartheid but not anxious to have an inquiry into slavery 'in all its forms'” (Miers 2003: 12).

²⁰ To be precise, ILO has only occasionally conflated HT and slavery, while its main framework is force labour. Indeed, in their most recent global survey of 2012 they don't use HT as an organizing device (International Labour Office 2012).

A further crucial point is that in the “modern day slavery discourse”, slavery tends to be stretched at the point of functioning as an evocative concept rather than an analytical category, and the risk of being reduced to a highly exploited, moral-panic stimulating, rhetorical device (Quirk 2011a), or to become a meaningless term (Miers 2003: 13), is very real, as I will try to demonstrate.

2.2.3 Rhetorical new slaveries

HT can be considered both as *one* of the contemporary forms of slavery or as synonym of contemporary slavery as a whole. The annual Trafficking in Person (TIP) report of the US Department of State²¹ is a strong example of the second vision, where HT gets *de facto* equated to modern slavery. Indeed, in the report, several forms of human bondage and exploitation, ranging from sex trafficking to forced and bonded labour, from involuntary domestic servitude to the recruitment of child soldiers, are encompassed (TIP 2013: 29-40). Closer to the first conception is the description given in the Global Slavery Index 2013 report²², where it is stated that “modern slavery includes slavery, slavery-like practices (such as debt bondage, forced marriage, and sale or exploitation of children), human trafficking and forced labour” (Walk Free 2013: 2; also Bales 1999). Accordingly, the oldest antislavery organization, the British *Anti-Slavery International*, turning in 2014 175²³, considers trafficking as a type of modern slavery, along with bonded labour, child slavery, early and forced marriage, forced labour and descent-based slavery²⁴. The same standpoint is taken by the Northern American independent branch *Free the Slaves*. This second international NGO was born in 2000 out of the renowned work of K. Bales (1999), who also co-founded it.

²¹ Regarding the TIP report, its genesis and related issues see below subparagraph 2.3.4.

²² The Global Slave Index 2013 report is the first report of this kind published by the Walk Free foundation, an organization with the mission of ending modern slavery mobilizing a global activist movement, raising funds and conducting research (<http://www.walkfreefoundation.org/about/>. Accessed: 4/4/14). The report is accessible also from UN.Gift website. UN.Gift is the UN Global Initiative to Fight Trafficking, carried by a steering committee made up by the main UN related agencies, such as IOM and ILO (see below Chapter 3 for a presentation of the main IGOs involved in trafficking).

²³ The Anti-Slavery Society (later “International”) was founded in 1839 by Thomas Clarkson, after the first legal successes of the antislavery campaigns in Great Britain, and is the oldest human right organisation in the world (http://www.antislavery.org/english/what_we_do/175.aspx. Accessed: 4/4/2014).

²⁴ See: http://www.antislavery.org/english/slavery_today/what_is_modern_slavery.aspx (Accessed: 4/4/2014).

Not surprisingly, Bales' research still constitutes a reference point within the old-new slaveries' discourse. In fact, he makes a clear distinction between old and new slavery which became rather popular. New slavery is characterized, in a perfect opposition with the old one, by an absence of legal ownership, a low purchase cost with high profits, a short-term relationship, the irrelevance of ethnic difference and slaves' disposability (Bales 1999: 15). All these aspects are consistent with the contemporary highly flexible global economy. Bales broadly defines new slavery as "the total control of one person by another for the purpose of economic exploitation" (*ibid.*: 6), highlighting the omnipresence of violence, in different forms and various grades, as well as the denial of personal freedom. Among the three forms that new slavery can assume, debt bondage is the most widespread, followed by contract slavery – "which shows how modern labor relations are used to hide the new slavery" (*ibid.*: 20) – and chattel slavery²⁵.

Bales' new slavery does not go uncriticized. In general, his analysis is deemed to fundamentally rely on selective historical references to the capitalistic slave systems of the Americas, particularly Southern United States, leaving unexplored other already existing kinds of human bondages, such as the case of indentured migrants, and other parts of the world where, for example in India, debt bondage was already prevalent (Patterson 2012; Quirk 2011b). Furthermore, the notion of "total control" is problematic in relation to the past (some "old" slaves would not be considered as such nowadays since they were not fully controlled), to the present (it does not certainly apply to all forms of contemporary slavery either) and, most importantly, to the elaboration of a definition of slavery capable of respecting the spectrum of nuances making up the distance and the combinations between the two extremes of control and freedom, constraint and choice (O'Connell Davidson 2006: 7)²⁶.

Starting from these premises, Patterson (2012) offers a detailed critique of Bales' distinguishing features of old/modern slavery. For example, talking of legal

²⁵ Interestingly enough, the author talks about trafficking essentially in the Chapter about sex slaves in Thailand (Bales 2004: 34-79), other than rarely here and there in the preface and concluding Chapter. This confirms how 19th and early 20th centuries white slavery for forced prostitution tradition influences the perception of HT as "sex trafficking" only. It is common that those who focus on slavery make this distinction, even if the Palermo Protocol definition is clearly broader and not restricted to sexual exploitation and trafficking campaigns started to merge with the antislavery movement after 1950s (Quirk 2007: 188, 201).

²⁶ For a more exhaustive reflexion on this point see subparagraph 2.3.3.

ownership with reference to old slavery is not globally true, he contends, as many traditional societies had no formal systems of law. Furthermore, despite slavery is declared illegal almost everywhere, it is not totally the case that all extreme forms of modern forced labour are illegal or that laws are actually enforced, as for example in Mauritania, Niger, and Nepal (Patterson 1985). In addition, an easy way to sidestep the law is to recruit foreign trafficked labourers, and have their rights restricted, as it happens in Thailand, which even ratified all international protocols (Pearson 2005). Bales' claim that modern slavery is characterized by a low purchase price, whereas modern slavery by a high one is not correct, Patterson also notices (2012: 330): price variation was indeed too relevant to assert such a generalization. Accordingly, in contrast with Bales' argument, also profits in the case of old slavery could be very high, and there was no shortage of slaves in most traditional societies.

Patterson then questions that a typical feature of slavery today are short-term relationships. He brings as examples the millions of debt bondsmen in Pakistan and India, who inherited their status and who are considered to be slaves by Bales, as well as the case of child slavery in West Africa farms, domestic servitude worldwide, forced marriages, particularly in China, and even trafficked prostitutes, who maintain long-term relationships with their pimps, such as, for instance, Nigerian prostitutes in Italy (Carling 2005; Peano 2012). In other words, we are warned against the actual disposability of modern slaves. Finally, Patterson also contests that in contemporary slavery ethno-racial differences do not count, as Bales would want. The case of Nepalese and Vietnamese women coming from ethnic minorities is a blatant example, as well as the case of Brazilian women who rarely are Italian or German descendants, yet most commonly of Afro-Brazilian or mixed origin.

Having said this, the link between old (transatlantic) slavery and HT, as contemporary slavery, is revitalized not only within the campaigns and projects of international and local NGOs, such as *Anti-Slavery International* and *Free the Slaves*, but also by a good part of media reports, of governments and their policies, of academic literature and of people common sense. As it happened in the past, analogies between other kinds of human bondage and transatlantic slavery, as the real atrocious slavery, are invoked by different groups with different aims. Advocates of new slavery promote a vision of the phenomenon either as a totally

new one, occurring due to recent changes (market globalization, end of the Cold War, technological advancement), or as qualitatively different from past transatlantic slavery. In both cases the historical roots of a great part of contemporary problems are obscured (Quirk 2011a: *infra*).

Bravo (2011: 561-570; 2007: 250-257) identifies five useful trends in the usage of “the transatlantic slave analogy”, all of which employ a strong emotional call. In the first analogy, HT is compared to classical slavery in order to emotionally exhort the audience to action by stimulating a similar feeling of rejection. In the second one, the atrocities of the transatlantic slavery are diminished in order to amplify contemporary traffic in human beings. Most commonly, HT is presented as affecting a far greater number of people. The “assumption of the mantle of righteousness” is the third analogy, whereby the user acquires authority by making often unfounded references to her/his own or *her/his* country’s action against transatlantic slavery. Within this assumption, some “other”, often developing countries, are accused of not making enough effort in fighting HT, maintaining barbaric costumes threatening Western civilization. Gangs and States from the global “South” and ex-communist areas are usually identified as the main criminals and VoTs’ source countries (Kempadoo 2012; 2005)²⁷. The fourth analogy operates by distancing contemporary “enlightened” era from transatlantic slavery times. More strongly than with the other analogies, in this one the audience is detached from a consideration and questioning of the structural politico-economic apparatus underlying both institutions and, therefore, is made more docile in accepting the “dominant neo-abolitionist law enforcement paradigm” (Bravo 2011: 568)²⁸. This effect is obtained also by the last analogy – “the mythic slaying of the dragon” (*ibid.*: 570) – that triumphantly proclaims the success of the historic abolition of slavery, strategically ignoring the gap between legal abolition and actual emancipation (Quirk 2008).

Having said this, the analogy between TIP and transatlantic slavery could actually be rather useful if explored in terms of similarities between past and present structures of the world economic system (Bravo 2011: 583-585). Though, the employment of the transatlantic slavery analogy, inside the Euro-American neo-

²⁷ I will further explore this critical stance below in the paragraph 2.3 “Critiques to Human Trafficking”.

²⁸ See *supra* note 22.

abolitionist approach, detracts from an analysis of the contemporary global economic system. I will now deepen the abolitionist and neo-abolitionist paradigm, its genesis, its substantial relevance in the Vienna process and how, as many scholars demonstrated, it ultimately proves to be counter-productive in HT implementation in terms of full protection of victims' rights.

2.2.4 Feminists, prostitutes and trafficked women

“While references to transatlantic slavery are used to frame the discourse of modern trafficking, it is the fight against white slavery, rather than the transatlantic slave trade, to which the typical modern trafficking combatant owes her intellectual debts” (Bravo 2011: 555). While this statement is historically undeniable, many authors dealing with the topic bring it further, arguing that the relationship between HT and white slavery cannot be put only in terms of “intellectual debts”, but rather in terms of ideological continuity regarding gender roles, prostitution, and real and metaphorical national borders control²⁹.

2.2.4.1 Women mobility and the rise of the “white slavery panic”

The historical roots of “contemporary women sex trafficking” can be traced back to the growing concerns that Western European and Northern American States started to have, in the late 19th and early 20th century, regarding the cross-border movement of female migrants³⁰. As it is well known, this mobility was part of the large-scale international migration waves, in the aftermath of the abolition of slavery, and characterized the internationalization of waged labour during the period of globalization between 1850 and 1914 (Stalker 2000). Good numbers of non-white and white people belonging to the poor classes were migrating, clandestinely or not, within systems of debt bondage and of indentured labour, looking for economic opportunities to colonial and Western-dominated enclaves coming from falling plantation economies (Scully 2011).

In particular, the white slavery panic grew in front of the mass migration of thousands of women from Europe and Russia to the Americas, to other parts of

²⁹ See among many: Doezema 2010, 2005, 2002, 1999; Chuang 2010; Kempadoo 2012; Quirk 2007; Saunders 2005; Sullivan 2003; Weitzer and Ditmore 2010.

³⁰ One of the most exhaustive analysis of last century white slavery discourse, of its heavy role as the main progenitor of HT and of the related feminist debates surrounding the Palermo Protocol is Doezema 2010, which also systematized all her previous works (2005, 2002, 2001, 1999). For this reason, this paragraph is abundantly relying on that text.

Europe, to Asia, and to South Africa (Bristow 1983). Many women moved to find employment in various kinds of occupations as well as in the sex industry, sometimes as a result of socio-economic vulnerabilities, sometimes for economic advancement (Guy 1991; Scully 2011; Walkowitz 1980).

Narratives of the white slave trade started to flourish, masking the relevance of political, social and economic structural factors, such as colonialism and the “demands of patriarchal, racialized capital”, while at the same time focusing on sexual victimization and grouping together ideas and themes of the Victorian society, concerning gender roles, class position, victims and perpetrators, corruption and exploitation (Kempadoo 2012: xii; see also Bravo 2007; Chaumont 2009; Irwin 1996). The rhetoric of white slavery, for its “lurid nature and sensationalism” received a far greater support than abolitionism alone (Doezema 1999: 39) and was ridden to change the discussion around prostitution by reformers, who based it in a critique of society where men, along with other socio-economic forces, were oppressing women. In this way, the attention was directed to the perpetrators, to society, and to men (Irwin 1996:2). Furthermore, white slavery narratives – like contemporary HT trafficking ones – were grounded in and nourished emotional reactions, moral and securitarian visions, and were strategically used to promote and to analyse larger issues on dominant groups’ political agendas: such as nationalism, racism, migration, and morality (see Quirk 2007: 188-190).

These narratives proved to be very enduring and successful, even if different historians have already suggested that the scope of white slavery was actually low, whereas what was high was the “white slavery panic”³¹. This means that the actual numbers of innocent young women being kidnapped, drugged, deceived or coerced, in various ways, to migrate and to become prostitutes against their will results poor, testifying against the key figure of the white slavery myth: the “innocent pure victim” deserving rescue, often opposed to the “fallen depraved whore”/ “anarchic border crosser” deserving condemnation and repatriation (Doezema 2010: *infra*; 1999; Harrington 2005). The phenomenon of white slavery seems, in this sense, more telling about broader social dynamics than real practices.

As the visibility of migrant white women working for non-white men as prostitutes in South America, in the Middle East and in Asia, grew, along with fears

³¹ Chaumont 2009; Corbin 1996; Doezema 2010: 15; Grittner 1990; Guy 1991; Walkowitz 1980.

and rumours of organized networks managing the business, public and governments' concerns resulted in a series of international and domestic provisions. I now offer a brief overview of the various international conventions on white slave traffic, and I accompany it with references to the main campaigners' groups of the European and American debate on prostitution (see Jeffrey 2009[1997]: 7-34). My aim is to show how the stances, the organizations and the issues at stake, regarding prostitution, sexuality and womanhood, show a remarkable continuity with today Palermo Protocol, in particular around the key debated issues of women's consent in relation to prostitution.

2.2.4.2 Regulationists, prohibitionist, abolitionists

Preceded by a first international congress of anti-white slavery groups in 1899, the first *International Agreement for the Suppression of the White Slave Traffic* was signed in 1904 by 13 States (all belonging to the European area, with the exception of Russia). Such agreement did not conflate white slave traffic with prostitution and took into consideration "the procuring of women or girls for immoral purposes *abroad*" only (Art. 1, emphasis added). The overall purpose of the convention was to increase controls at borders areas and the international cooperation for the identification, protection and repatriation of "women of full age who have suffered abuse or compulsion" within the "criminal traffic known as 'White Slave Traffic'" (Preamble). Such stance is explained by the fact that the 1904 Agreement was mainly promoted by regulationist countries, such as France (Doezema 2010: 109). The regulationist approach to prostitution, of which France was the pioneering leader, assumed that prostitution was an inevitable moral and social evil and that society should be at least protected by the diseases spread by these "fallen women". With the support of doctors, regulationist States aimed at controlling brothels through a system of licensing, and prostitutes' bodies through a series of compulsory medical examinations (Corbin 1990; Doezeema 1999; Guy 1991; Saunders 2005; Walkowitz 1980).

The peak of the regulationist approach is constituted by the three *Contagious Diseases Acts* promulgated in England during the 1860s. It was in response to these provisions - which allowed police detention and forced women suspected of being prostitutes to undergo invasive medical checks - that abolitionist proto-feminists stood up. Josephine Butler, who led the campaign against the acts,

eventually won obtaining their repeal, in 1886. Her position maintained that the prostitutes were the victims to be rescued and restored, and not sexually deviated women; they were the ones suffering male lust, while, at the same time, the only ones receiving a punitive treatment from society (Walkowitz 1980: 67-148).

Butlerite feminists, along with social purists, merged their campaigns against prostitution with the ones against white slavery. The white slavery trope gave to abolitionism an unprecedented support. At its very onset, abolitionist feminism borrowed from the anti-slavery movement not only the name (abolitionism), but also its rhetoric. In Irwin's terms, "whatever its precise symbolic configuration, the rhetoric of white slavery derived much of its impact by updating the familiar rhetoric of abolition, in which the degraded black slave was replaced by the demoralized white woman" (1996: 3). The term "white slavery" aimed at establishing a metaphorical connection between State regulated prostitution and the worst imaginable institution³². It is therefore not surprising that, in addition to assuming the name, the rhetoric and the symbolic imaginary of the anti-slavery crusade, anti-regulationists saw the actual joining to their movement of former slavery abolitionists (Irwin 1996; Quirk 2007: 187).

Purity campaigners, the majority of whom were men, aimed at the total elimination of the vice, with a particular focus on young people. Their approach to prostitution was indeed named "prohibitionist", that is it wanted the act to be turned totally illegal, whereby both the prostitute and the procurer should be subject to be arrested (Doezema 1999: 27). While social purists were slightly ambiguous in their attitude to sex workers, abolitionists intended to arouse total public sympathy for "enslaved" women. Their way to obtain this was to subtract women all responsibility: they were neither deviant nor sinful, they were all just victims who could have never consented to work as prostitutes³³.

³² The term also aimed at drawing a separation between women sexual slavery and African slaves, while making a "moral comparison" between the two forms of human exploitation. It nonetheless gives greater value to "the sufferings of the women, whose purer natures made sexual contact particularly abhorrent" (Irwin: 1996: 3). This argument evidently encloses a racist assumption according to which the exploitation of blacks, and the sexual exploitation of black women, was less important and constituted a minor moral problem.

³³ During the evolution of the abolitionist campaign then, the slavery analogy became progressively less metaphorical, coming to refer to the "procurement of 'innocents' for the purposes of forced prostitution" (Quirk 2007: 187). This variant began to dominate, remaining the prevailing one still nowadays as the "trafficking as modern day slavery" discourse demonstrates, with its stereotypical

Despite the success of the abolitionist campaigns, only a pale influence of their stance can be seen in the second 1910 *International Convention for the Suppression of the White Slave Traffic*. Besides the fact that the scope of the crime was expanded to embrace the recruitment for sex work within national borders, in the definition there appeared a first reference to the irrelevance of the consent of the victim if she is under twenty years of age. Whereas for women of full age, fraud, use of violence, “threats, abuse of authority, or any other means of constraint” (Art. 1) must take place for the crime to occur.

In the following 1921 *International Convention to Combat the Traffic of Women and Children*, there was the change of language from “white slavery” to “traffic of women”, marking an important official abandonment of the racist vision of the previous provisions that left unaddressed the exploitation of non-white women³⁴. Also children of both sexes were comprised (Wijers and Lap-Chew 1997: 24).

Eventually, it was in the 1933 *International Convention for the Suppression of the Traffic in Women of Full Age* of the League of Nations that the abolitionist position, applied to international traffic only, prevailed (Doezema 2002). The convention condemned all recruitments of a woman for prostitution abroad, regardless her consent and her age. In fact, contrarily to the 1910 agreement, here the difference in consensual capacity between minors and full aged women is nullified. Nonetheless, this uniquely applies to “a woman or girl of full age” who is recruited “even with her consent in order to gratify the passions of another person” and “*carried out in another country*” “for immoral purposes” (Art. 1, emphasis added). In this way, single State regulations were left intact, since the provision hit women’s consent to travel abroad to engage in sex work only.

All these previous treaties were consolidated and amended by the 1949 *UN Convention for the Suppression of the Traffic in Women and the Exploitation of the Prostitution of Others* and with it the abolitionist approach definitely prevailed, even if the convention itself did not receive much international support, nor there

narratives, such the one of girls trafficking from Nepal to India at the beginning of this Chapter. Nonetheless, the metaphorical version, whose aim was to eliminate prostitution, has never really died out, as the role of the neo-abolitionist coalition during the Vienna process shows (see below, 2.2.4), nurturing a background ambiguity, which I see as pervasive within the HT discourse, and whereby the conception of prostitution *per se* as a form of slavery coexists with the one of only forced prostitution as slavery.

³⁴ See above note 31.

was any organ monitoring compliance (Chiang 2001). In its Preamble, it is stated that “prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community”. Whereas Article 1 declares that the State parties “agree to punish any person who, to gratify the passions of another: (1) Procures, entices or leads away, for purposes of prostitution, another person, *even with the consent of that person*; (2) Exploits the prostitution of another person, *even with the consent of that person*” (emphasis added). The consent of women to engage in sex-work, irrespective of her age and to whether she was migrating to another country, was considered irrelevant.

The reason why the last two conventions of 1933 and 1949 fully married an abolitionist position (according to which all prostitutes are victims even if they consented to be sex workers) when the issue of white slavery was not so popular anymore, can be explained by the fact that governments’ concern with prostitution were, on the contrary, still present, especially after First World War (Irwin 1996). In addition to sharing the same objective of eliminating prostitution, along with an ambiguous attitudes towards prostitutes – sometimes to be blamed, sometimes to be rescued – the victory of abolitionism on prohibitionism is then due to the success that prohibitionist campaigners noted in adopting the “abolitionist language of ‘protecting women’ and of ‘saving women’” (Doezema 2010: 112).

2.2.4.3 Radical feminists vs sex workers’ rights

The 1949 convention was the last international instrument directly concerning HT before the 2000 Palermo Protocol, albeit sex work and trafficking kept on being tackled in various UN resolutions and declarations, all of which assumed an abolitionist position. This situation changed in the mid-1980s, and even more in the 1990s, concurrently with a return of prostitution at the top of the international agenda due to a renovate surge of radical feminist campaigns against women trafficking and to the highest level of organization ever reached by the movement for sex workers’ rights. Radical feminists, best represented by K. Barry and her work (1995[1979]), stressed the political and global reach of men’s violence against and domination of women through sexuality and sexual exploitation. Prostitution represented the epitome of women transversal and pervasive subordination to a patriarchal society (Barry 1995: 9-24). Rereading in

feminist terms the Marxist critique of liberal consent and his theory of false consciousness, Barry argued that consent and choice are the products of male dominance and that they are irrelevant, particularly in the case of prostitution, one of the worst violations of human beings (*ibid.*).

On the other side, the feminist sex work approach aimed at shifting the debate away from moral and political assumptions toward a consideration of worker's rights: health, safety, wages, and the like. Sex workers' rights defenders focused on reformulating the popular image of the prostitute as illegal, ill and dirty, to turn her into an individual with equal civil, occupational and human rights as all other workers within society (Limoncelli 2009; Sullivan 2003: 70; Wijers and Lap-Chew 1997).

The formal distancing from an abolitionist perspective was epitomized by the 1993 *Declaration on the Elimination of Violence against Women*, where only trafficking in women and *forced* prostitution were considered violence against women (Art. 2c), and by the famous *Fourth World UN Conference on Women* held in Beijing in 1995, where, in its platform for action, there is an explicit distinction between forced and free prostitution, and trafficking is referred to as “the exploitation of prostitution” and not as prostitution only³⁵. Since then, the “voluntary vs. forced” distinction started to become more and more accepted within the international arena (Doezema 1998: 37-41). Notwithstanding, in reality, things did not radically change: neo-abolitionist convictions and practices are still majoritarian among international actors, governments and NGOs, and the old myth of the innocent “white slave” has essentially informed the 2000 Trafficking Protocol, especially in encoding the duality of the prostitute either as an innocent victim or as a dangerous migrant. The contemporary fight against HT is also largely affected by an often useless search for a guiltless victim, whose consent to migrate – either to engage in prostitution or in any other job – is nullified by a series of means played out by the traffickers, as indicated in the Protocol. In this way, the innocence of the real victims, who will be identified and rescued, is preserved: it is indeed a coerced innocence.

In fact, my narrative now returns to the drafting history of Palermo, for I want to show how it is in direct continuation with the legacy of the white slavery

³⁵ <http://www.un.org/womenwatch/daw/beijing/platform/index.html> (Accessed: 9/5/15).

discourse so far sketched and which became palpable during the negotiations held in Vienna. The Vienna process was indeed a battleground which saw the harsh opposition of two feminist lobbies – a radical feminist one and one in defence of sex workers’ rights – around the status of the woman prostitute: whether an innocent victim or not.

2.2.5 Negotiating sex

Subparagraph (b) of Article 3 of the Palermo Protocol specifies that “the consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used”³⁶. This apparently unproblematic sentence encloses the above sketched one-century-long historical battle around prostitution. A crucial match was played during the meetings in Vienna: the result is a compromise sentence, open enough to embrace rather different interpretations. In Chuang’s words:

The drafting sessions quickly became a forum for heated debates over global anti-trafficking policy, including whether the international legal definition of trafficking should encompass “voluntary” prostitution, and how to balance States’ concerns over irregular migration and criminal activity against their obligation to protect trafficked persons’ human rights. Emblematic of the priority placed on fostering international cooperation to combat this growing problem, States ultimately agreed to leave resolution of the more contested issues to individual state discretion (Chuang 2006b: 438-439).

2.2.5.1 Prostitution as trafficking or not? CATW vs GAATW

During the negotiations, the two main opposite contemporary approaches to prostitution became very visible, as they were embodied into the two main lobbies that hardly contended for the definition of trafficking, of VoT, and particularly around the issue of consent. Also various State delegations used the negotiations as a chance to condemn prostitution, while few others argued that a focus on prostitution was detrimental to the efforts to find an agreement on trafficking (Doezema 2005: 62). The Human Rights Caucus (HRC) constituted one of the two blocs. It was led by the International Human Rights Law Group (IHRLG), with

³⁶ For the subparagraph (a) of Article 3 see above.

Global Alliance Against Trafficking in Women (GAATW), Women in Law and Development in Africa (WILDAF) and with the Asian Women's Human Rights Council (AWHRC). This coalition cooperated also with individuals – not official representatives – of the Network of Sex Work Projects (NSWP). NSWP was against the adoption of the Trafficking Protocol, yet it eventually decided to unofficially join HRC to exercise an influence on the debate, while remaining invisible (Doezema 2010: 150-151; 2005). The other main lobby, called Human Rights Network, was led by the abolitionist Coalition Against Trafficking in Women (CATW), which included more than 140 NGOs.

These two lobbies had conflicting views on the ideal - and in reality “absent” -VoT: CATW conception of a very passive woman is opposed to GAATW idea of a self-determining subject rich in agency (Jaksic 2011: 244-260). Accordingly, their views on prostitution, and on consent, diverged, specifically on whether the first one should be considered as trafficking *per se* regardless the second one. The position of HRC and of the international NGO GAATW, influenced by the advocates of sex-workers' rights (coming from NSWP), and along with some delegates, sought to separate sex work from trafficking, following a conception of prostitution as labour and as a matter of personal choice. They were moved by a feminist sex work approach. In this view, trafficking occurs when there is the use of force, of violence or of deception in the recruiting, in the migration process and/or in the working conditions, that is in those situations where self-determination is highly restricted.

CATW, on the contrary, had a feminist (neo)abolitionist position whereby all prostitution constitutes a violation of human rights and a form of sexual exploitation, not so different from rape or incest. In their view, as we have seen, all prostitutes are victims (Ditmore 2012: 111; Doezeema 2010: 28 and *infra*, 2005; Raymond 2002; Wijers and Lap-Chew 1997). CATW and some delegates lobbied for the Palermo Protocol to take a clear anti-prostitution position, in accordance with radical feminism.

The very fact that a crucial role in determining the Protocol was played by two opposite feminist lobbies, and that these lobbies argued around the issue of prostitution, is in itself revealing of how much this new provision is in direct historical continuity with the last century white slavery/women trafficking myth. Above all, (neo)abolitionists, who ultimately aimed at getting rid of prostitution,

found the support of those States, mostly developed ones, that wanted to close their national borders and curb human rights' protection for VoTs, for both the cost that aids and assistance would mean, and for the fear of favouring the arrival of illegal migrants³⁷.

Also following Doezema (2010: 154-155), the core arguments of the two opposite blocs can be made evident by comparing the statements made by two key exponents of the two opposite blocs. Raymond, from CATW, maintains that her Coalition advocated for – and had it passed – “a definition of trafficking that protected all victims of trafficking, not just those who could prove they had been forced”, in other terms making “no distinction between deserving and undeserving victims of trafficking— those who can prove they were forced and those who cannot”. Such an all-comprehensive definition, she continued, “provides the strongest support to international efforts to end trafficking because it is clear, unambiguous, and offers no loopholes for traffickers” (Raymond 2002: 494)³⁸.

On the other side, Jordan of HRC writes that while slavery, forced labour and servitude are defined in other international provisions, the terms “exploitation of the prostitution of others” and “sexual exploitation” are defined neither in the Protocol nor in international regulations: they had to be left undefined, as state delegates were unable to find an agreement “over whether or not voluntary adult prostitution should be defined as trafficking”. The real problem, as she notices, is that “undefined crimes violate international human rights norms and most (or all) of the world’s constitutions” (Jordan 2002: 32). Nonetheless, HRC success consisted in the recognition of a separation between forced prostitution and voluntary prostitution.

2.2.5.2 From draft to draft to a compromise

By going through the different drafts of the Protocol progressively discussed during the eleven sessions of the negotiations, it is evident how the first proposals

³⁷ See below paragraph 2.3.

³⁸ The same sort of statements are reported in CATW website, where one can read: “CATW organized the International Human Rights Network (IHRN), a coalition of more than 140 NGOs, to successfully advocate for a definition of trafficking that protects all victims, not just those who can prove that they were forced” and a little below “Our challenge, in opposition to the enormous power and resources of the sex industry that portrays prostitution as sexual liberation, work or even glamorous, has been to make the harm of prostitution visible”. (<http://www.catwinternational.org/WhoWeAre/History>. Accessed: 21/04/14).

were heavily bearing the traces of their immediate historical precedents. And how, step by step, the final compromise version of the Protocol was substantially reached, as mentioned, by letting the definition of trafficking loose enough, on one side, to accept opposite interpretations, in particular regarding prostitution and the exact meaning to be attributed to sexual exploitation, and on the other side to be accepted by all state delegates (Chuang 2006a; Doezema 2010: 145-169; Jordan 2002).

The first two drafts proposed by Argentina and by the US explicitly linked trafficking to prostitution, and prostitution to sexual exploitation, thus excluding the possibility of voluntary prostitution. Such link was heavily fought against by the HRC, who lobbied for creating a Protocol where the subject was a neutral human rights' bearer whose rights had been trampled on and who had suffered some kind of force and coercion in the exercise of his/her work, included sex work. They failed, as it was impossible to get rid of "sex" in the Protocol: evidently, State delegates were too committed to the link between prostitution and trafficking. The two drafts already presented crucial differences which turned out to be the most contested points in the negotiations: the Argentinian one referred to women and children only, whereas the US one, albeit recognizing that women and children are particularly vulnerable, applied to trafficking of all kinds of persons; the first one does not make a distinction between a child and an adult with respect to consent (similarly to 1933 and 1949 conventions), whereas for the latter trafficking occurs for an adult only when there is the use of deception or of force, etc. (Doezema 2010: 155-157)³⁹. CATW lobby group supported the Argentinian proposal, and the HRC lobbied for an improvement of the US one.

As these two versions diverged too much, in March 1999⁴⁰, they merged into a third one, which still contains the two options for the definition of trafficking, the Argentinian and the US ones. The title of this third draft continued to refer to women and children only and forced labour was kept separate from prostitution. This means that a concern with prostitution as sexual exploitation was still

³⁹ For the full version of the Argentinian proposal see <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/V99/802/43/PDF/V9980243.pdf?OpenElement>. For a full version of the US draft see: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/V98/575/05/PDF/V9857505.pdf?OpenElement> (Both last accessed: 21/4/14).

⁴⁰ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/V99/812/66/PDF/V9981266.pdf?OpenElement> (Accessed: 21/4/14).

prevalent: the greater vulnerability of women and children referred to sexual vulnerability. As the HRC noted and criticized, this assumption is problematic at various levels. In terms of gender representations, it seems to subtract to women their sexual adulthood, infantilizing them and creating a strong unbalance between their maturity and the one of men. For boys and men, indeed, it is not a matter of being able to consent, rather to desire and being active, while for women of being receptive. In terms of juridical applicability, the Argentinian option is problematic for those countries where prostitution and other activities of the sex industry are legal. Furthermore, such instrument did not seem to be able to adequately protect men's rights. More exactly, following the abolitionist ideology, men by definition cannot be trafficked (Doezema 2012: 158- 159).

Accordingly, another contentious term of the March 1999 draft was "trafficking victim". The HRC argued that it should have been replaced by "trafficked persons", since it "carried heavily genderized notions of powerlessness" (*ibid.*). In comparison with the language of the Protocol on Migrant Smuggling which was essentially gender-neutral, but implicitly focused on a male subject, HRC argued that the subject of the Trafficking Protocol was and remained a female. Indeed, while the change from "victims" to "persons" finally passed, the special care for women and children was approved for the definite title, as is well known, in June 1999 by the fourth session.

The comparison with the discussions around the Smuggling Protocol was significant also for another aspect. As above mentioned, the dark side of the innocent victim is the threatening migrant whore. This opposite pair functioned within the white slavery and the HT discourse alike. In both cases, this is mostly evident in the growth of police control and of repressive measures for sex workers, migrants, and especially female migrants (see, for instance, Global Alliance against Traffic in Women 2007). During the process, the ambiguity toward trafficked women, in particular toward their role as threats, other than victims, was made clear by the fact that many States resisted to favour strong protections for VoTs, as advocated by the HRC, and that the term "rehabilitation" – a term generally used for offenders – was used in one of the first drafts to indicate how States should treat VoTs (Doezema 2010: 121). The Smuggling Protocol addresses the illegal borders crossing controlled by criminal organization. Smuggled migrants are generally aware and responsible for their situation of illegality, contrary to VoTs who are not

criminally culpable, as the HRC strongly maintained. Nonetheless, as HRC representatives noticed, many delegates were confusing trafficking with smuggling and vice versa. As many authors argue⁴¹, this is not a simple linguistic confusion, rather it has to do with the nature of the Trafficking Protocol itself, which is primarily a tool for law enforcement, thought and designed more to protect States, than to protect the so called “victims”, from organized crime, immorality, uncomfortable strangers and prostitutes coming from the global South.

During the seventh session, in January 2000, the Netherlands, who had by themselves proposed a draft where there was no mention to sexual exploitation or to prostitution as separate from any other kinds of labour exploitation, had to moderate their position and joined Italy and the US to produce a third draft where “sexual exploitation” reappeared, but was left undefined and put in the text only as a form of slavery or of forced labour. This draft basically became the option two, whereas the first option combined the initial US and Argentinian proposals. In the meanwhile, the CATW abolitionist campaign had grown its consensus in the US and among other States’ delegation such as the Philippines, which indeed submitted a further definition with the support of Germany and France. Also in this definition, “sexual exploitation” was undefined, but it was kept separate from forced labour and slavery, so that each State was free to determine whether prostitution had to be considered as exploitation. Eventually, at the ninth session in June 2000, lobbyists and delegates had three separate definitions to merge into one. In all of them “sexual exploitation” was present, marking a failure of the HRC in trying to remove it from the definition of trafficking (Doezema 2010: 164). A new draft was created, merging the three options, by a small group of State delegations, led by Brazil. The issue of consent, that is “the extent to which trafficking should be defined as the result of ‘force’ – thereby admitting the possibility of consensual prostitution – or whether all prostitution should be defined as violence” was not determined, and was to dominate the last two sessions of the Vienna negotiations (*ibid.*: 165).

CATW’s argument was rather successful insofar as it linked consent to prosecution. Their campaigners sustained that consent could have been used – as it was already happening in many cases of sexual violence – by traffickers to defend themselves, stating that women were aware and took their decision to migrate and

⁴¹ The strong law enforcement approach of the Trafficking Protocol and its restrictive consequences for migrants are tackled in the following section.

to be sex workers, and that they were not forced. CATW also made reference to previous conventions to reinforce its position. On the other side, having dropped the efforts for a neutral Protocol with no reference to prostitution, the HRC lobbied for the recognition that it was possible to consent to be a prostitute, and that where there was no forcing there was no trafficking.

Finally, facing the real risk of having to abandon the entire Protocol, since delegates were unable to reach any agreement on that point, they adopted a definition which is a compromise, where, as above mentioned, “exploitation of the prostitution of others” and “sexual exploitation” are undefined. In this way, single States were not required to change their domestic legislations regarding prostitution⁴². Furthermore, those expressions are kept separate from “forced labour or services, slavery and servitude” (Art. 3a), even if all possible forms of trafficking could be already comprised in these terms, included involuntary sex work, also considering that voluntary migrant labourers are covered in the Smuggling Protocol (Jordan 2002).

If the Protocol marks a progress, following the trend of a growing international acknowledgement of a separation between forced and voluntary prostitution, nonetheless it does not take a firm stand regarding the protection of human rights, not only of migrant sex workers, but of labour migrants in general. It is significant that the Protocol lets each State Party free to decide on the measures to adopt to assist the victims and to give them temporary or permanent permission to stay in its territory (Art. 7). In addition, the Protocol is subject to further critiques coming from an interdisciplinary pool of literature that I will explore in the following section, grouping them, for analytical purpose, along few broad topics. The first topic critically tackles the legacy of the abolitionist position, both within white and transatlantic slavery, providing a further reason for the genealogical notes offered in this section.

⁴² This aspect is clarified in the *Interpretative notes for the official records (travaux préparatoires) of the negotiation of the United Nations Convention against Transnational Organized Crime and the Protocol thereto* (page 12) “The Protocol addresses the exploitation of the prostitution of others and other forms of sexual exploitation only in the context of trafficking in persons. The terms “exploitation of the prostitution of others” or “other forms of sexual exploitation” are not defined in the Protocol, which is therefore without prejudice to how States Parties address prostitution in their respective domestic laws.” (http://www.unodc.org/pdf/crime/final_instruments/383a1e.pdf. Accessed: 25/4/14).

2.3 Systematizing the critical literature around Human Trafficking

The critiques to the Trafficking Protocol are numerous; they concern its premises, its formulation and its implementation. I have already mentioned the core one in the previous sections, and it is now appropriate to provide a deeper systematization of them. As critical authors are abundant, and as their arguments present significant overlappings, it is my feeling that the literature on the topic might result repetitive and confusing, as it did sometimes to me. Therefore, in what follows, I have tried to make a selection from the uncountable literature, individuating few broad lines of critical argumentation regarding HT discourse at large. These lines clearly intersect.

A first pivotal critical analysis of trafficking conceives it as an ideological discourse, partially continuing and drawing from previous historical discourses around slavery, namely around transatlantic slavery, but essentially, around women trafficking. Secondly, there is a conspicuous number of scholars who critically addressed the problematic nexus between trafficking and migration, demonstrating how negative, far and ultimately useless the Protocol is with respect to the actual experiences of migrants. Finally, the third critical argument aims at showing the political functionality of HT in favour of the interests of the US *in primis*, and of the developing countries more generally.

2.3.1 (Neo)abolitionism's victims

Trafficking as modern slavery discourse (O'Connell Davidson 2010) and sex trafficking/trafficking in women discourse (Doezema 2010; Weitzer 2007) are both defined by Bernstein (Bernstein 2007) as forms of "contemporary abolitionism", but also more generally referred to as "neo-abolitionisms" (e.g. Bravo 2007; Chuang 2010)⁴³. According to Bravo (2007: 240), the four principal

⁴³ I find useful to clarify that I could find three uses of the term "neo-abolitionism". One restricted to the issue of prostitution (Chuang 2010), the other one more broadly indicating an approach based on the conviction that trafficking today, as slavery in the past, could be "eradicated or controlled through legal mechanisms that focus almost exclusively on prohibition and punishment of the trafficker and rehabilitation of the violated victims" (Bravo 2007: 240). Since the first one is embraced by the latter, and since radical feminism is *de facto* in coalition with an often conservative and racist law enforcement approach, I tend to use the term in the first meaning, unless specified.

“conceptual and legal frameworks for comprehending and combating the modern traffic, i.e. law enforcement, human rights, women’s and children’s rights and labour rights, are fundamentally neo-abolitionist”. This means that they ultimately rely on legal instruments that almost entirely focus on prohibition and on the punishment of the prosecutor and the reintegration of the victim, with the further aim of abolishing prostitution (for instance Rassam 2004).

The neo-abolitionist movement, particularly in the US, sees the coalition of liberal and radical feminists and of Christian groups with neoconservative governments, together with the neoliberal modern-day antislavery activism. The joint aim of this multifaceted “moral crusade” (Weitzer 2007; Weitzer and Ditmore 2010) is “the abolition of institutions and conditions of force and violence that enslave humans, prostitution being identified as one of the main institutions that violates women and girls and restrict freedoms”, while appealing to the conception of universal human rights (Kempadoo 2012: xv). The twenty-first-century abolitionists, nurturing the panic around “sex trafficking” and new slaveries, have raised from evangelical Christian and feminist abolitionist projects to redefine all sex labour as slavery, to lobby for laws for punishing the perpetrators, and to rescue the victims. This kind of approach is not new, yet utterly analogous to nineteenth and twentieth centuries abolitionists and to their success in the fight of “white slavery”, as I have previously shown⁴⁴.

2.3.1.1 Framing trafficking within the “oppression paradigm”

I here want to clarify the scope of abolitionism (in prostitution) and the white slavery legacy, first, on a juridical and political level, in “transforming the anti-trafficking movement into an anti-prostitution campaign” focused on sex and on sexual exploitation of women and girls (Chuang 2010: 1658); second, and more at the level of imaginaries’ production, in “reform[ing] the popular image of the prostitute, enabling the public to see her not as the internally corrupt fallen woman,

Also Chuang (2010, note 6) declares that there is some confusion around the proper terminology to be used within prostitution-reform debates. Even if advocates in favour of the abolition of prostitution call themselves “abolitionists”, the author prefers to add the prefix “neo” to distinguish them from “nineteenth-century antislavery reformers”. Finally, Allain and Bales (2012: 1) refer to a “neo-abolitionist era” in the sense that it “goes beyond its historical predecessor, which focused on ending legal slavery, to a contemporary movement meant to end slavery in fact”.

⁴⁴ See above 2.2.4.

but as the pitiable victim of malignant external forces” (e.g. Irwin 1996: 17; Day 2010).

The influence of the anti-prostitution neo-abolitionist movement on the Palermo Protocol is evident. Nonetheless, analogously to the scarce achievements of the white slavery panic in terms of social improvement⁴⁵ on the one hand, and to the success of the white slavery metaphor on the other, the sex trafficking discourse, heavily determined by prostitution-reform debates, had an enormous influence on anti-trafficking policies and on legal development, while achieving little in terms of bettering the protection of VoTs’, migrants’ and sex workers’ human rights. Furthermore, neo-abolitionists have been remarkably effective in shaping the popular understanding of trafficking, reducing it to sex trafficking at best, if not subtly equating it to all sex works, as I already pointed out.

Many “moral crusaders” (Weitzer 2007), or advocates of the “oppression paradigm”, as Weitzer calls the prostitution abolitionist stance – since it maintains that the entire sex industry constitutes an “institutionalized subordination of women, regardless of the conditions under which it occurs” – do not make evidence-based claims when conflating sex work and trafficking (Weitzer 2012, 1338).

Less than 20 years ago, and more than one century after the white slavery panic, trafficking and prostitution were not sharing the same discourse. Differently, nowadays, radical feminist lobbies have managed to naturalize the social construct of prostitution “in a particular way through the trafficking prisms”, when there is no objective equivalence between the two: no reliable analysis demonstrated that the majority of prostitutes are trafficked. It is argued, on the contrary, that many “oppression writers” (Weitzer 2012: 1343) make a selection of the sources, quoting only data supporting their argument: they inflate the numbers of victims and

⁴⁵ In this respect, Irwin (1996: 17) writes: “In itself, the white slavery panic probably accomplished very little. Despite its sound and fury, it is unlikely that the Criminal Law Amendment Bill which followed in the wake of public outcry actually diminished the traffic in women or ended the sexual exploitation of children. It is even less likely that the panic did anything to resolve class antagonism, redistribute wealth, provide meaningful employment opportunities for women, raise wages or improve labor relations, reorganize the personal lives of the urban poor, or ameliorate any of the social and economic problems which reformers saw as the root causes of prostitution. Through the frenzy of newspaper coverage and the drama of public demonstrations, the white slavery panic brought with it the appearance, but not the reality, of social change. When the tumult dissolved, the problem of prostitution and its causes remained.

construct stereotypical hyper-dramatized stories⁴⁶. Such a manichean vision evidently serves ideological and political goals, ignoring that trafficking is a complex phenomenon and that the vicissitudes of migrant sex workers, as the ones of any other migrant, may or may not encounter different degrees of exploitation at different points of this process.

Chuang (2010) offers a detailed assessment of the impact of neo-abolitionism on the anti-trafficking legal frameworks, in the US and worldwide, and on its target population. She argues that neo-abolitionist lobbies have negatively affected the US and the international anti-trafficking provisions by leaving aside people trafficked into non-sex sectors and “by confusing legal standards by strategically equating trafficking with slavery” (Chuang 2010: 1706). Chuang effectively explains that “both effects perpetuate inconsistency and confusion regarding the legal definition of trafficking and thus undermine the central goal of the UN Trafficking Protocol – that is, to foster international cooperation among States to combat this crime and human rights violation” (*ibid.*). Neo-abolitionists’ pressure, along with the US system of sanctions, to focus on the sex industry resulted in the adoption or enforcement of domestic laws, of funds allocation and of aid services delivery, essentially targeting sex trafficking and prostitution. Sometimes, even, anti-prostitution instruments were passed under an anti-trafficking semblance. The equation of trafficking and slavery is also detrimental, since it perpetuates an understanding of trafficking which diverges from its legal definition. According to Chuang, the risk is, on one side, to dilute the legal power of anti-slavery law, while, on the other, to raise “the legal threshold for trafficking by creating expectations of more extreme harms than required under the law” (2010: 1709).

The neo-abolitionist effect on anti-trafficking interventions does not involve the legal framework only. A great part of the collateral damages has evidently concerned the sex sector, with an increase criminalization of it. Sex workers have suffered a drastic reduction of programmes and of services designed to support them legally, socially and in terms of healthcare, particularly in the field of HIV/AIDS prevention. Alternatively, the organizations that wanted to continue to operate to support sex workers simply quit applying for US funding, with the result

⁴⁶ For example see Day 2010; Ditmore 2012; Feingold 2010; Jones 2003; Pearson and Anti-Slavery International 2002; Snajdr 2013; Soderlund 2005; Thrupkaew 2009

of having to reduce their projects. On the other side, the flow of funding toward feminist and faith-based anti-prostitution organizations⁴⁷ has incremented the rescue-the-victim rhetoric and operations, “rooted in a law-and-order approach” (*ibid.*). With no doubt, brothel raids allow some victims to be saved, but they also expose voluntary sex workers to humiliating police treatments, imprisonments and forced repatriations. Generally, female and transexual sex workers, and migrants alike – as I will discuss below – have assisted to a reduction of their freedom, due to a significant increase of police controls. And, such more radical and open stigmatization and criminalization of the profession and of migration, simply makes women and men, more likely to enter the informal and illegal sectors, becoming more susceptible of being exploited and blackmailed by traffickers, employers and pimps. Furthermore, it has been documented that many “rescued” women tend to return to the brothels, not due to the “false consciousness of the victim” – as neo-abolitionists would claim – but because they do not trust the authorities at all, simply having the perception of falling from one system of control into another, and fearing to be deported back to their countries where they might reencounter worst conditions or a shelter detention experience that could violate international human rights law (Chuang 2010: 1715- 1718; Kapur 2005; Jones 2003; Pearson and Anti-Slavery International 2002; Soderlund 2005; Thrupkaew 2009).

2.3.1.2 *The female victim subject*

In my argumentation, one of the most relevant repercussions of the anti-prostitution paradigm consists in the promotion of a female victim subject supported by gender-biased anti-trafficking projects. The underlying assumption of this paradigm subtracts agency to migrant women, attributing them a greater intrinsic vulnerability, whereby they become the privileged victims of trafficking and the main, if not the sole, beneficiaries of protection services. Even in the face of a considerable prevalence of female migration – meaning that they are becoming the main income earners of the family – there seems to be a persistence in imagining them as ignorant, ingenuous and somehow unfitting to proactively and

⁴⁷ Chuang here brings as an example the organization IJM, International Justice Mission (2010: 1715). I had direct contact with IJM in Nepal, since it was the main counterpart in India of the Nepalese organization I conducted research in, Nepalese Home (NH). For a description of the repatriation of two minors, conducted in partnership by IJM and NH at the Indian-Nepalese border town of Birgunj, to which I participated, see Chapter 4.4.1.

successfully organize and push through a migratory project. Men migration is somehow more accepted, as men are imagined as the real breadwinners, and their possible exploitation does not necessarily imply a victim status; on the contrary, they are more likely to simply become irregular or failed migrants.

All this has various implications. First, it has been observed that in preventions campaigns, as well as in other kinds of anti-trafficking projects and legislations, women and girls are discouraged and restricted from migrating altogether⁴⁸. These measures indicate an important failure to really understand and address the structural difficulties of legal migration procedures, as well as the structural reasons why women turn to informal channels, which inevitably leave them more vulnerable to trafficking. Secondly, male victims are overlooked by officials, NGOs and services providers – there are indeed very few projects designed for them – and they themselves resist to a self-recognition as VoTs, which remains ideologically reserved to women. But, not surprisingly, this last observation is applicable to women also, who alike might resist identifying with the disempowering label of “victims”. Finally, and crucially, the link between female gender and victim status masks other more incisive features that turn the subject more vulnerable to traffickers, such as biography, family and community background, ethnicity, and class (Chuang 2010: 1710-1712; Dias and Sprandel 2012; Kapur 2005; Surtees 2008).

The dominant subject figure emerging from the reductive neo-abolitionist discourse, so far analysed, is therefore the female victim. For example, in this regard, it is significant to recall that during the Vienna process, the non-abolitionist coalition HRC, which comprised sex work feminists, had to advocate for substituting the term “victim”, adopted in the initial versions of the Protocol, with the more neutral term “person”⁴⁹. The point is, again borrowing Chuang’s terms, that “[t]he discursive slippage between prostitution and trafficking sweeps any exercise of agency by the putative victim under a totalizing narrative of victimization that refuses to engage in any marking or relative control of freedom” (2010: 1699).

Analogously to what Irwin (1996: 17) observed in relation to the white slavery metaphor, victimizing the prostitutes emphasizes the “helplessness of

⁴⁸ See below.

⁴⁹ See above subparagraph 2.2.4.

women and undermined women's claims to legal, social, and economic equality with men” and, at the same time, “it does not threaten the images of womanhood and family” of middle and high-class global bourgeoisie. Furthermore, to seriously consider that many women can deliberately chose to be sex workers would imply turning to structural political and economic causes of larger exploitative power relations (see also Chuang 2006a).

Radical feminists – abolitionists and neo-abolitionists – in their fight against prostitution and migrant prostitutes, construct a disempowered female social actor, flattened on a supposedly weaker female gender, oppressed by a patriarchal machist society and economy, which notwithstanding is left substantially unanalysed. The structural conditions of marginalization, that might lead a young woman to choose to undertake a risky migratory endeavour, are essentially stereotyped and repetitive. They include: poverty, low education, belonging to an ethnic minority, geographical remoteness/borderlands. These attributions are used *ex-post* to justify her mistake, in terms of “conditions of vulnerability” (as stated in the Protocol) of “false consciousness”, or of “structural violence”, and have the effect of depoliticise the entire phenomeno⁵⁰. Interestingly enough, they are also used *a priori* to determine a target area for the implementation of anti-trafficking projects that ultimately result detached from their object of intervention (Sverre Molland 2012b). In this way, what might be migrants’ fully aware choices are *de facto* nullified, as generally an analysis of the specific individual situation combined to an appreciation of larger-scale factors, is skipped, as the focus is on a victim to be properly warned or rapidly rescued, and her on suffering (Jaksic 2013)⁵¹.

2.3.1.3 Neo-colonialist melodramas

The analogies with the white slavery/nineteenth century abolitionism protagonist of the melodrama are evident. Doezema (1999: 28) identifies some related features that typify the perfect victim that has been the protagonist of white slavery melodramas: her purity and innocence, often ending up being synonyms with naïveté and ignorance; her young age and virginity; her unwillingness to be a prostitute; her whiteness. The resemblance with nowadays victim’s characteristics

⁵⁰ See Chapter 3.

⁵¹ For a discussion of these themes (subject/subjectivity, violence, vulnerability) within the anthropological literature, see Chapter 1.

is strong. The most striking difference consists in the skin colour. It might be true that the trafficking of white skin women provokes more scandal⁵², nonetheless the typical victim is depicted as coming from the global South, as already mentioned. This means that the racist assumptions at the basis of the white slavery discourse are differently perpetuated in the HT discourse. Before, white slavery was a matter of “collective dishonour”, where the notion of respectability was linked in a complex manner to racism and nationalism (Quirk 2007: 189). Put in simple terms, the concern with women proper sexual conducts, from a middle class issue became a broader social issue, up to being ranked among the values that distinguished the nation and that therefore needed maximum preservation. The violation of white women by men considered of inferior race was then a further unacceptable outrage to the integrity of the Nation.

Today, the situation is twofold. On the one hand, as mentioned above, the Trafficking Protocol emerged in a context of growing preoccupation for borders crossing by more and more migrants, and for the related fear of terrorist attacks. Therefore, the contemporary nationalist adversity toward the arrival of immigrants as a threat to the integrity of the nation, at various levels (e.g. economic, political, cultural), is at work here. This xenophobia seems to take the shape of a panic “about the survival of the nation, manifesting itself partly in legal responses that focus on strengthening border controls, tightening immigration, and casting the “Other” as a threat primarily to the security of the (First World) nation-state” (Kapur 2012: 26; see also Ausserer 2011; Berman 2003; Kempadoo 2012; Wijers and Doorninck 2010). Furthermore, within the neo-abolitionist paradigm as well, the old link between the good reputation of the nation and female good conduct. Such link becomes particularly strong during moments of boundary crisis, since the integrity of women body symbolically carries the representation of the integrity and honour of the nation (Doezema 2010: 128; Yuval-Davis 1997: 45).

On the other hand, the racist vein of the trafficking discourse passes through the very construction of the archetypal “Third World” victim, along with her mythical episode of trafficking, where she appears as naïve and passive. Coming from a rural and poor remote area, with no education, the young main character is

⁵² Bravo (2007: 575-578) notices that frequent mentions of women’s race reveal an underlying racial hierarchy, whereby, for example, the trafficking of white Russian and Ukrainian women is more scandalous than the one of women of other nationalities.

usually of an ethnic minority or of a particularly disadvantaged family/community background. She is most commonly deceived and lured by the promise of a good employment or, more rarely, she is sold by her family, usually by her father, her step-father or her cousin, or by a more distant relative and acquaintance. She is made to cross a border, often an international one, and she is transported into a more central place, either Europe or a bigger city, often as a middle stop-over before a transnational crossing. Most importantly, she has no idea of what is going to happen to her: she could never suspect that she is going to be forced into prostitution. Her working conditions are dramatically presented as the worst possible slavery like-conditions: she has her passport taken, she can go out only accompanied, after her initial resistance she is subsequently raped and tortured to let her start receiving the clients. She is poorly fed and her health and hygienic measures are disastrous. Finally she is indebted in such a way that it makes it impossible for her to pay back her freedom. When she manages to return, because she was rescued or helped to run away by a customer, she is traumatized, with no life skills, no professional preparation, probably HIV-positive, and rejected by her family and community. She then can be re-trafficked, if she goes immediately back home, or she might be fully assisted within a recovery programme, enter a shelter, follow a vocational training, reconstruct a normal life, and be declared fully reintegrated. Only rarely, she can be described as a returnee who becomes an activist working to help other returnees or potential VoTs (Blanchette and Silva 2011; (Frederick 2012b); Snajdr 2013).

This myth⁵³ and the kind of interventions and attitudes that it sustains have been subject to extensive critiques by numerous scholars, mainly drawing from post-colonial feminist theory and gender studies⁵⁴. In general, as noted, the representation of women as victims, and their assimilation to the category of children, implies an attribution of a low agency, inherent to the gender factor. In this view, gender is something determined purely by external factors where women

⁵³ When I say “myth” I do not mean that these kinds of stories do not correspond to some real cases and are totally invented. Along with the *corpus* of literature here used, the mythical nature of this narrative refers to the fact that it is stereotypically repeated to represent the vastest majority of trafficking cases, when this is far from being proved. In Weitzer words, they are “formulaic, sensationalized morality tales of sexual abuse” serving the neo-abolitionist ideology which, as seen, victimizes trafficking women straightforwardly equated to sex slaves (2014: 7).

⁵⁴ See the majority of the scholars so far quoted who have critically assessed the HT discourse dominated by the neo-abolitionist “oppression paradigm” (Weitzer 2012).

internal agency has little space of manoeuvre and where the negotiations between the social actor and macro forces are not considered (e.g. Kempadoo 2012). The gender discrimination is aggravated by a racist prejudice concerning “Third World” women, recalling an evolutionist/colonialist infantilizing gaze. They are believed to be more oppressed, as suffering of a double subjugation by a patriarchal and racist society: they are inevitably marginalized and less equipped, in all respects: educational, economic, cognitive, and cultural (Kapur 2002, 2000).

Within the feminist debate on women trafficking that I am considering, radical feminists, represented by CATW, are not the only one being “attached to ‘third world prostitutes’ suffering bodies” (Doezema 2001: 18). Also anti-trafficking sex work feminists can happen to infantilize, with “orientalist representations”, the “Third World” sex workers, presented as victims in opposition to “‘voluntary’ Western sex workers (*ibid.*) Kempadoo (1998a: 10-12) notices that in recent feminist and sex-work writings, a neo-colonialist stance is evident. In particular, she refers to the work of the radical feminist K. Barry (1995) and her hierarchy of woman subjugation, where the most oppressed is the “Third world” non-Western woman, due to her underdeveloped state of ignorance, poverty, tradition and men dependency, in opposition to the Western emancipated woman “in control over her income, body and sexuality” (see also Mohanty 1984). Yet, more significantly, also some sex workers’ rights advocates “assume that western development, capitalist modernization and industrialization will enable women in developing countries to exercise choice and attain ‘freedom’” (Kempadoo 1998a: 12).

Having said this, to cover the large debate around genders’ construction and racism, as well as the equally intense one around the figure of the migrant subject, particularly the female one, elude my discussion. I have briefly sketched an overview of the most important set of critiques to the HT discourse by emphasizing, borrowing Bernstein’s words (Bernstein 2010, 2012), how neo-abolitionist campaigns, seeing the joint effort of conservative, evangelical and radical feminist groups (extremely strong in the US, but able to exercise a global influence and dominate the HT discourse), share a “commitment to carceral paradigms of social, and in particular gender, justice”, which the author efficaciously names “carceral feminism”, “and to militarized humanitarianism as the pre-eminent mode of engagement by the state” (Bernstein 2010: 47).

Therefore, on the one hand, the neo-abolitionist narrative undoubtedly favours a law enforcement approach and borders tightening, with the ultimate aim of prohibiting prostitution and of limiting women mobility, according to the motto “rescue and restore the victims/punish the evil ones” (Chuang 2010: 1701). It also reinforces the “Madonna-versus-whore stigma” (*ibid.*), according to which only those women who unconsciously migrate to end up in the sex industry are worthy of protection, while discounting the need of intervention for raising the protection of sex workers, of migrant sex workers, and migrants at large. On the other hand though, it should not be totally disregarded that the neo-abolitionist narrative can constitute an important warning against liberal conceptions of freedom and consent on behalf of abstract subjects taken out of power relations (Barry 1995; Sullivan 2003: 76). Even if, the same neo-abolitionist hyper-attention to the victim subject tends to prevail, obfuscating the importance to seriously consider and act upon those unequal power relations.

In conclusion, we have seen how nineteenth century anti-prostitution feminists borrowed both their name and their rhetoric from anti-slavery abolitionist movement, realizing how successful the (white) slavery metaphor was as a mobilizing tool, via the creation of a social panic and the emphasis on the status of victims for all prostitutes. The two movements, though, followed separate tracks (different campaigns, institutions, international instruments and legal provisions⁵⁵) and began converging during the second half of the twentieth century only (Quirk 2007: 188), reaching an official integration precisely with the Trafficking Protocol. Analogously, the success of the twenty first century comparison between slavery and trafficking, within media, political and humanitarian discourses, has a clear “symbolic power” and “advocacy-related appeal”, even if “the identification of trafficking with chattel slavery – in particular, the transatlantic slavery – is tenuous at best” (Feingold 2010: 49-50), and it is sensible merely in terms of evocation.

I am arguing that, in both past and current movements and analogies, it seems that the victimization of the social actors constitutes a key factor of the abolitionist approach, its rhetorical success and its mobilizing force. In reference to historical abolitionism, Bravo (2007: 241) notices that it did not succeed “in ending

⁵⁵ See above where I mention Chuang’s (2010) critical observation regarding the risks at a legal level of a conflation between trafficking and slavery.

institutionalized exploitation”, since it did not aim “at the structural underpinnings of and incentives for the activities of the actors involved”. She further remarks that “mere prohibition and criminalization of the activities will not and *cannot* transform exploitative relationships” (*ibid.*, original emphasis). Indeed, abolitionism does not intervene on the structural economic level at the basis of the social injustice characterizing the institution of slavery. Most significantly, “it fails to create the conditions of agency”, as Rassam clearly argues (2004: 850)⁵⁶. In fact, and this is the point I want to stress with particular emphasis, the abolitionist approach had and has a limited impact (e.g. Quirk 2008), also because it “reinforces the victimization of slaves and fails to provide post-emancipatory alternatives” (Rassam 2004: 850)⁵⁷.

I now turn to the second big pool of critical literature around TIP, the one tackling the problematic trafficking-migration nexus, to show how the neo-abolitionist ideology pervading TIP discourse is ultimately detrimental to migrants’ rights.

2.3.2 Trafficked, smuggled or “simply” exploited?

Human trafficking can include but *does not require movement*. People may be considered trafficking victims regardless of whether they were born into a state of servitude, were transported to the exploitative situation, previously consented to work for a trafficker, or participated in a crime as a direct result of being trafficked. At the heart of this phenomenon is the traffickers’ goal of exploiting and enslaving their victims and the myriad coercive and deceptive practices they use to do so (TIP 2014: 29, see also 2013: 31; 2012: 33, emphasis mine⁵⁸).

A certain amount of surprise and of confusion stem from this statement. Firstly, “transportation” and “transfer” are listed among the necessary acts involved in the crime, as stated in the Protocol and clarified in the UNODC website⁵⁹. Secondly, as a matter of fact, all definitions of trafficking include the element of movement, especially across borders. Evidently, this “new definition” tries to be

⁵⁶ Quoted also in Bravo (2007: 241).

⁵⁷ This statement also paves the way for a reflection on the post-trafficking apparatus of recovery and reintegration, which I will explore in Chapter 4 and 5.

⁵⁸ For an introduction of the Trafficking in Persons report see the following paragraph 2.3.4.

⁵⁹ See <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menu> (Accessed: 7/4/2014).

all-comprehensive, probably aiming at drawing an equivalence, in fact rather vague, between trafficking, enslavement, and labour exploitation. It also confirms the definitional problem affecting trafficking. Yet, besides this exception, HT has always and unanimously been considered as a matter of mobility, particularly cross national, but, more and more, even domestic. Trafficking and migration are often regarded as two inseparable phenomena, where trafficking is a sub-category of migration and the link between the two, as seen, is rooted in trafficking history. Indeed, it regards its premises and the reasons for its creation, it concerns its objectives and target people.

Nonetheless, the dominant neo-abolitionist approach, and the majority of anti-trafficking measures and discourses, as well as the Protocol itself, seem to disregard the migratory issue inherent to trafficking, if not solely in terms of illegal migration, posing an alarming threat to the State and the integrity of its citizenship, and to international security (Anderson 2008; Aradau 2008; Berman 2010; Sharma 2005; Salt and Stein 1997). Trafficking could be positively addressed from a migratory point of view “in order to develop policies that can help both to reduce ‘trafficking’ and to prevent the human and labour rights violations” (Kaye and Anti-Slavery International 2003:3). Yet, on the contrary, the conflation of trafficking, undocumented migration, and smuggling seems to serve the purpose of further restricting freedom of movement, taking advantage of the diffused fear of terrorism (Haynes 2005: 230). In this respect, I recall that, inasmuch as the Protocol is framed within the Convention on Transnational Organized Crime, and packaged with a Protocol on smuggling, it must reflect a preoccupation with migrations constructed as illegal (Grewcock 2003), while showing the “panicked state of the modern State” in front of a supposed security threat, and its “crime crusade” (Berman 2003) as opposed to a concern with the human rights of migrants (Berman 2003; O’Connell Davidson and Anderson 200; Kapur 2005)⁶⁰. The organized crime is indeed one of the frameworks, very close to the illegal migration crime, by which HT is “problematized” (Aradau 2008: 25-26)⁶¹.

⁶⁰ It is worth noticing that in 2003 the Human Rights International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families entered into force. Currently its State parties are 47 only; this is telling about the scope of its success (https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4&lang=en. Last accessed: 11/5/15).

⁶¹ For Aradau (2008: 15) “the problematization of trafficking, through the various representations of the phenomenon, creates an object of knowledge that can be subsequently governed”. The two

This second largest corpus of critiques to HT discourse precisely addresses such flaws and other deficiencies within the migratory framework. In particular, for analytical purposes, I will divide such corpus into three subsets, aiming at systematizing many of the related observations spread in the previous pages. The subsets are not at all mutually exclusive.

2.3.2.1 States' high security/migrants' low protection

There is a first critical argument underlining the fact that the Trafficking Protocol and its signatory States are committed neither to improve migrants and migrant workers' (human) rights, nor in assuring safe migration routes, nor, in general, to tackle the more structural and rather uncomfortable reasons at the basis of risky migration - such as the constant quest for cheap labour force that the global neo-liberal market requires (see for example Berman 2010) and the Kafkian, if not all together prohibitive, bureaucratic official channels of legalized migration. On the contrary, the Protocol implementation *de facto* results in collateral human rights damage, with a lowering of the chances of protection for *bona fide* refugees, an increase of people attempting undocumented migratory alternatives, many cases of victims not identified, simply repatriated and denied the possibility to recover and prosecute their traffickers (e.g. Buckland 2008; Chapkis 2003; Gallagher 2002; Kneebone 2010; Pearson and Anti-Slavery International 2002). More radically, other scholars have fully inverted the perspective, challenging the idea of trafficking as a form of migration: they rather propose to see it as an accidental consequence of tighter migrations measures and of the efforts to curb migrants' illegal entry and employment (Koser 2000).

Various authors underline, with different emphasis, the multiple themes implicated in this main argument: citizenship, labour rights, "illegal" migration, nationalism, racism, and similar. Yet, all of them agree that the anti-trafficking rhetoric, either taking the shape of a fight against modern day slavery or assuming the more restricted shape of a battle against women sexual enslavement,

representations, or frameworks, in addition to organized crime and illegal migration, are, for the author, prostitution and human rights. Also Kempadoo (2012) includes what she calls "the criminal justice approach" among the narratives through which HT is conceptualized and combated, the other two being (neo)abolitionism and transnational feminism. More recently, Kempadoo (2015) has reformulates her analysis identifying three campaigns dominating the HT discourse: the modern anti-slavery, abolitionist feminist and celebrity humanitarianism.

depoliticizes the thorny question of international mobility. It obscures States' responsibility and collusion in producing structural inequalities and social vulnerability, in defending the logic of borders protection according to principles of national sovereignty and identity, in backing an international security agenda, and in constructing categories of people (see also Lindquist 2010 and Hoang and Parreñas 2014).

The anti-political effect, and effectiveness, of the trafficking discourse on the migratory issue occurs via “goodie/baddie paradigm” which renders the phenomenon of trafficking intelligible through moralistic and emotional, but not political, categories (Anderson 2008). There are good migrants, that is victims of trafficking, and bad migrants, that is illegal dangerous foreigners, and the divide between the two groups is established by the abstract opposition voluntariness/choice vs. involuntariness/force.

Yet, for both groups the best solution is the same: temporary detention followed by repatriation (e.g. Hua 2011: 41; Wijers 1998:72). Significantly then, the duration of the permit to remain in the destination country is determined by the duration of the criminal proceedings against the traffickers, or is altogether conceded under condition of cooperation of the VoT with the investigative authorities of the trafficking crime, and of rejecting the profession in the sex industry, as in the case of Italy, Spain, and the US for example (Chapkis 2003; Dottridge 2007; Giordano 2008; Pearson and Anti-Slavery International 2002; Piscitelli 2008).

The anti-trafficking discourse does not work as an “opportunity to shift some ‘illegal immigrants’ into the ‘good’ category by recognising them as trafficking victims”, as Anderson’ analysis (2008: 3) of UK migration policy shows. But even if this were the case, it would not mean a greater inclusion of this category of migrants into the national polity, since, as victims, “they can only be helped and rescued” and sent back home, as “they are not political subjects, rather they are objects of negotiation” (Anderson 2008:7). This is epitomized, for example, in Sharma’s research (2005) with Chinese women migrating to British Columbia (Canada). These women, out of a group of men and children who had migrated under the same conditions, were labelled, by the Immigration Minister and by some feminists, as “VoTs” and, for the very reason of preventing them from being re-trafficked, they were kept in jail. The paradox that the author wants to stress

is that the double feminist and governmental use of the anti-trafficking discourse served at the same time to help illegal migrants *and* to legitimize repressive measures towards them (Sharma 2005: 93-94; see also Kempadoo 2012: xxiv).

The missing element in the picture is constituted by the “real” evils, the traffickers, imagined as “West’s Others”, demonized as organized groups threatening and attacking the way Western civilization deal with migrants and women in a civilized manner (e.g. Sharma 2005: 101-102)⁶². Not only such picture is largely unproven and often disconfirmed since, on the contrary, the great majority of migrants are helped by people they know, distant relatives or friends of friends (without considering that it is totally unrealistic to imagine that a labour migration, clandestine or not, can occur without the support of some kind of intermediaries). But also, tougher border controls are further justified in the name of the fight against the perpetrators, again skipping the questioning of States’ conduct and interests in managing migration. As if traffickers, smugglers or individual criminals operated in a vacuum, and were not part of the same single global system of inequalities, where States, with their political and economic interests, and international corporations play a significant role, by incentivizing the mobility of goods, of capital and of some bodies only, “while the bodies of others face ever-growing restrictions and criminalization” (Sharma 2005: 88-89).

It is finally also worth noting that the language of slavery and of forced labour gets increasingly associated to illegalized migration. And this is problematic. Not only, again, increasing immigration control is thus justified in terms of slavery prevention, but also the association between labour exploitation and illegality risks to detract public attention and controls from the diffuse exploitation of “legal” migrant workers and from workers *tout court* (Anderson 2008)⁶³. Furthermore, the Protocol focuses on cases of exploitation at the point of destination that are linkable to the migration process, to one of the means, listed in the definition, and to recruit the migrant (use of force, abuse of power, and so on). Hence, State parties do not have to improve their protective measures regarding the rights of any migrant subject to abuse within their national borders (O’Connell Davidson 2006: 8-9). This is clearly an important limit of the provision.

⁶² This rhetoric became particularly effective after the terrorist attack of 9/11/2001 to the Twin Towers in Manhattan, NY.

⁶³ In this respect, Anderson (2008) suggests that it should be crucial “to separate protection of labour and other rights from immigration status” (Anderson 2008: 12).

In sum, the trafficking narrative is deemed to disguise a series of racialized political and economic projects of the global North, with the perpetuation of a “global apartheid” of ‘citizens’ vs. ‘illegalized individuals’ of the global South (Sharma 2005). The trafficking narrative obscures States’ role in constructing non-citizens, concealing their vulnerability (Anderson 2012; Kneebone 2010) and their complicity with the structural reasons by which migrants have no other choice than moving clandestinely (Koser 2000). These reasons include: land expropriation, trade liberalization, structural adjustment projects, and other macro-economic reforms endorsed by the WB and IMF, unemployment due to late capitalist labour markets, growing poverty, particularly rural and feminized, war and conflicts (see also Chossudovsky 2003; Oxman-Martinez, Martinez, and Hanley 2001: 301; Wichterich 2000). The HT discourse, in other words, contains a form of governmentality of human mobility (Aradau 2008) which includes techniques of biopolitical management and control mechanisms in the production or in the reinforcement of identity categories, namely the VoTs and their illegal opposite, along with a whole “regime of truth” (Ausserer 2011; Berman 2010)⁶⁴.

2.3.2.2 From the victim’s point of view

A second stream of more qualitative studies focuses on women migrants’ local context, culture and experience, often assuming the inner point of view to their migration projects. In this way, the continuous tension between agency and constraint, choice and sacrifice, self-determination and subjection to larger forces generally emerge. This kind of arguments are foregrounded predominantly by feminist scholars and activists, mostly dealing with sex work migrants and with their migratory experiences and rights, partly setting up what Kempadoo (2012) calls the “transnational feminist” framework to women trafficking⁶⁵. This perspective is grounded in the subjectivities and in the lived experiences of the

⁶⁴ See the Introduction of this work for a presentation of my theoretical and ethical positioning, in particular here regarding the useful Foucauldian concept of ‘discourse’ applied to HT, as it has been already used by other scholars (i.e. Aradau 2008; Ausserer 2011; Berman 2010).

⁶⁵ See above note 62. It is appropriate to notice that, to my knowledge, the production of academic literature around HT, albeit critical, in a way inevitably reflects the focus on sex exploitation of women and children, demonstrating that it falls under the same discourse, as it is obvious (see also Segrave, Milivojevic, and Pickering 2009: 11). The works on slavery mostly belong to other disciplinary traditions. There are some exceptions mixing a variety of forms of trafficking and slavery, making use of a loose conception of slavery. They are not by specialist scholars, rather journalists or activists, such as Batstone 2010, Skinner (2009) and Kara (2010).

social actors, offering a grass rooted critique and a number of alternatives to the prevailing representations of trafficking, as well as helping to formulate “alternate discourses on sexuality, prostitution, and trafficking, and more generally on human rights and women’s liberation” (Kempadoo 2012: xx; also Heredia 2008: 311-313). With qualitative participatory methodologies that imply a close engagement with the migrant women, these works broadly maintain and demonstrate that women migrants are actually the ones that suffer the greater misrepresentation and discrimination.

As stressed several times, the narrative of gendered victimhood means a greater agency’s subtraction to female rather than male migrants, with a “gendered emphasis on passivity, ignorance, and force” (Agustín 2006: 98; see also Andrijasevic 2007). The VoT is typically a woman. On one side, some of these studies tend to denounce how migrant women are discriminated – according to a gender factor, and/or a racial one and as sex workers – due to particular political and economic changes in their country of origin that make difficult for them to find a job in formal and protected labour sectors, due to restrictive immigration policies and to prejudices and racism of the authorities and of the population (see for example Kempadoo and Doezema 1998; Thobani 1999; van Liempt 2011; Wijers 1998).

Few others consider the victimizing and ineffective, when not damaging, practices of the humanitarian business, analysing the projects of some intergovernmental bodies, international and local NGOs. For example⁶⁶, Andrijasevic’s (2007) visual analysis of the images used in IOM anti-sex trafficking campaigns in post-socialist Europe corroborates the argument by which Eastern European trafficked women are heavily victimized and objectified. Women are indeed represented as passive, inert and still, like injured dolls or even dead, often in cage or literally in the hands of the traffickers (see below figure 1). In this way, the author argues, a disempowering scopophilia is revealing the broader political purpose of controlling women sexuality and limiting their migration “at a time of

⁶⁶ I mention here just two studies, yet the corpus of this kind of analysis is vast, covering a conspicuous number of countries, organizations, aspects of the issue, projects, and being related either to sex workers, migrant sex workers or trafficked women.

deep social and symbolic reorganization” (Andrijasevic 2007: 42)⁶⁷. In another vein, Harrington’s (2005) study goes further in showing how, in IOM anti-trafficking operations within Bosnia-Herzegovina and Kosovo temporary peacekeeping international community, migrant women victimization passes through their patologization via a post-traumatic stress disorder (PTSD)⁶⁸ diagnosis. In Harrington’s words “the diagnosis of PTSD provides an important framework for interpreting VoT subjectivity and for justifying [...] interventions into the VoT’s inner life” (2005: 189). Furthermore, “this interpretative framework has allowed analysts to read reasons for migration as logical, but *dysfunctional*” (*ibid.*, emphasis mine; see also Brunovskis and Surtees 2008). In both cases, women mobility is the problem, while more structural pushing and pulling factors at the root of violence and exploitation are not. Emblematic in this sense, in Harrington’s work, is the heavy collusion, yet impunity, of the UN military and civilian peacekeeping apparatus.

At the same time, this sort of studies, being based on extensive fieldwork, show the actual complex functioning of migrants’ projects, agency and lived experiences, considering them as multifaceted subjectivities at the crossroad of various networks of relationships and formal and less formal systems of social models, cultural pressures, religious ties, familial duties and personal desires. Significantly, they so demonstrate how far the category of forced and powerless victim is from the real world, as well as the opposite one of the independent self-determined bearer of liberal rights (Sanghera 2007: viii). Indeed, these ethnographies, assuming the point of view of local contexts and of marginal subjects, challenge the very notion of “universal” human rights, which “flow automatically or linearly from a Western, individualistic human rights discourse” (Kempadoo 2012: xxii). However, they are also cautious against both depicting a homogeneous and essentialized oppressed Other, and the local as the space of resistance, in order to avoid the reproduction of reified dichotomies such as West vs the rest, global vs local, and the like (*ibid.*).

⁶⁷ Hua’s visual analysis of the representation of sex-trafficking through US government sites draws similar conclusions, demonstrating how official imagery of sex trafficking produce racialized and gendered understandings of national belonging (2011: 71-93).

⁶⁸ See more on post trafficking PTSD in Chapter 5.

For instance, regarding the area of Latin America and the Caribbean, the research of Kempadoo (Kempadoo 1998b)⁶⁹ among migrant sex workers in Curaçao (Dutch Caribbean) illustrate “the fluidity and porousness in boundaries of ‘forced’ and ‘voluntary’ participation in sex work” (1998b: 127), regardless the difficulties and exploitation that women suffer, such as the facts that: a whole series of men (husbands, middle-man, immigration officers, taxi drivers, etc.) “take advantage of the women’s informal or pseudo-legal status” (*ibid.*: 129); that racist hierarchies are embedded into the sex trade; that they are stigmatized and have to keep ambiguous information about their lives, especially with their families.

Piscitelli’s investigation (Piscitelli 2006; 2008:53-57; 2011) of Brazilian prostitutes in Spain is more specifically framed within a critical reading of the HT discourse. The anthropologist shows how the perception of exploitation and violence and of being a VoT is highly subjective, often articulated in financial terms, in terms of “deception” or of physical violence endured with the pimps or the clients. Echoing and embodying the melodramatic representations of human trafficking of information campaigns that bombard them, allowed by the lack of conceptual clarity especially around the concept of “exploitation”, Piscitelli’s informants seem to totally conflate the crime of trafficking in persons with the most severe human rights violation, even if this is not always the case⁷⁰.

Similarly, for the Brazilian transexuals sex workers in Italy studied by Teixeira (2008) the *real* victims are the ones that have a totally different experience from their own: they have been jailed, raped, and lashed to be prostitutes, bounded to the brothel by unrealistic debts, often identified with African and East-European prostitutes. This study raises the complex problem of self-recognition and of self-identification as VoT, which partly contributes to explain why the number of victims is still low, and again proves how large is the distance between social

⁶⁹ The majority of the essays in the reader edited by Kempadoo and Doezema (1998) – from which the paper I’m referring to is taken – are good example of qualitative investigations with Third World migrant sex-workers from different world areas. In this sense, this publication is certainly ground-breaking.

⁷⁰ In this respect, Nieuwenhuys and Pécoud interestingly argue, with particular reference to anti-trafficking information campaigns, that: “the necessary recognition of trafficking as a human rights violation appears to be abusively used to legitimize the control of undocumented migration at large. These campaigns rely on—and feed—a conceptual confusion between immigration and trafficking; the crime represented by trafficking eventually ends up criminalizing all forms of unauthorized migration” (Nieuwenhuys and Pécoud 2007: 1689).

actors' and official depictions both of their experience, vulnerability and power, and of the anti-trafficking operations.

Moving to another area of interest for my work, Southeast Asia, Molland's ethnography (2012) excellently explores the local worlds and the intersubjective relational dimensions between "victims", activists and "traffickers" along the Thai-Lao border. He combines an analysis of the bureaucracy of aid organizations and of state's efforts to adjust to international concepts and standards on how sexual commerce actually works. In fact, the author offers a view, from the inside, of recruitment and of sex work, which problematizes the popular stereotypical narrative of the innocent woman forced or tricked into prostitution by organized criminals, showing instead how the recruitment occurs along friendship, kinship and patron-clients lines.

Working in the Vietnamese Mekong Delta region, Lainez (2012; see also Lainez 2015) locates his analysis altogether outside of a HT language and opts for an "intimate ethnography" within one single family, "to illuminate the subtleties of an exploitative commodified sexual economy and power dynamics between a daughter and a mother" (Lainez 2012: 150). Drawing from the studies of O'Connell Davidson (2005) and Tabet (2005), Lainez's micro-ethnography challenges the Western idea of prostitution as a mere "sex-for-cash" transaction, showing how transactional sex in reality implies a set of relationships comprising the offering of sexual and of emotional services in exchange of some kind of earnings, in cash or in kind. Commercial sex in Vietnam cannot be grasped without considering: the role of the family, the fictive extension of kinship relations to the patrons, the different kinds of violence that daughters suffers, and the sense of familial duties framed, in Vietnam, within the Confucian values of filial piety and gratitude (Lainez 2012; Rushing 2006; Walters 2013). Furthermore, filial devotion, a deep respect of kinship/age hierarchies, and personal sacrifice are rooted in the whole Southeast Asia area and beyond, as also Montgomery's ethnography (Montgomery 2001) with children prostitutes in Thailand and Sandy's one with Cambodian sex workers testify. Finally, Grillot's (2010) enquiry among Vietnamese women living in Chinese borderlands, further contributes to prove how the categories of HT and of VoTs are distant from the irreducible variety of cases and nuances of the experiences of the women who are now half Chinese due to the fact that they became partners/wives/concubines/domestic labourers of a Chinese man.

Given these scenarios, how talking unproblematically of forced victims and evil traffickers can make sense? The very short review that I have offered of these studies⁷¹, all of which share a special attention about migrants' lived experience, culture and local context (not necessarily assuming a feminist perspective) was moved by the purpose of getting closer to the second line of critical arguments within the migratory framework. This line is particularly relevant, since it lets the critiques to HT dominant discourse emerge directly from the migrants' stories and from their local worlds. The above mentioned works and various others will be referenced in the following Chapters of this text, which also attempts to provide grassroots' critical alternatives from the lives and voices of the subjects so called "victims of HT".

2.3.2.3 Impossible categories

The third and last subset of critiques within the migratory framework to HT addresses the process of categorization and the definitional problems regarding the impossibility and the arbitrariness of applying to migrants, in the real world, the categories of VoT, smuggled, illegal, irregular, undocumented or "simply" unlucky or deceived migrant. Keeping on a more general level than the previous reflections, but sharing the same basic assumption - that is the complexity of migrants' actual experience - under question here are the categories themselves. In other words, from an ethnographic approach I go back to legal, political and migration studies.

The problem can be approached starting from the debate around the conceptual distinction between trafficking and smuggling⁷². In legalistic terms, smuggling is a crime against a State party while trafficking is a crime against a person, where the State has some obligations only when some form of human rights' violation occurs. Both though fall under the rubric of organized crime (see

⁷¹ The other major groups of works in the current literature, also anthropological, significantly focus on Eastern European (e.g. Andrijasevic 2010) and West African women, especially Nigerian, "trafficked" to Europe (e.g. Peano 2013, Plambech 2014 and Skilbrei and Tveit 2008), and on modern slavery within US territory (e.g. Bales and Soodalter 2010). Gozdziaik and Collett (2005) is a good overview of the state of the art of researches on HT in the Northern American area.

⁷² In the Additional Protocol to the UN Organized Crime Convention against the Smuggling of Migrants by Land, Sea and Air, migrants' smuggling is defined as "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident" (Art. 3a). For some other comments on the Smuggling Protocol see above subparagraph 2.2.4.

for example Wijers and van Doornick 2002). However, this distinction does not help to disentangle the problematic notions of “consent” and of “exploitation”, which are thus reintroduced in their making the substantial difference between trafficking and smuggling.

Smuggling regards the illegal way in which a person, aware of committing an illegality, crosses national or international borders, having pursued the facilitation of an organization or a middle-man, who is not involved in the destiny of the migrant once the borders are crossed. In trafficking, the ultimate exploitative aim on destination, unknown to the migrant her/himself, is part of the definition of the crime: the knotty element of “exploitation” is indeed the distinctive mark of trafficking (Salt 2000). The Trafficking Protocol is concerned with migrants’ working conditions after they enter the country. Trafficking can involve being smuggled across borders, yet it can often happen under the guise of legal migration. In other words, the migration-trafficking nexus concerns both regular and irregular migration (Skeldon 2000).

The two phenomena are evidently part of a continuum: smuggling can turn into trafficking, and in happier cases vice versa as well (Apap, Cullen, and Medved 2002; Gallagher 2001; Holmes 2013; Lee 2005). Yet, the two definitions establish a neat line of separation between voluntary and consensual migration (smuggling) vs involuntary and non-consensual (trafficking) (see for example Andrijasevic 2010: 7; Derks 2000; O’Connell Davidson 2006: 8), between legal and illegal (Anker and Doomernik 2006: 2).

Various authors have underlined how these distinctions are inapplicable and largely oversimplify the processes of irregular migration and migrants’ exploitation (see, for instance, Agustín 2002, 2006a, 2006b; Andrijasevic 2004; King 2002; Lutz 2004; O’Connell Davidson 2013; Parrenas 2001). The inadequacy of the distinction is evident at different levels. All three elements of trafficking can pose difficulties of straightforward applicability to the complexity of cases that can occur in a migrant’s experience. That is, both at the level of recruitment and transportation, of force or deception and of exploitation upon arrival, there is margin for uncertainty, ambiguity, interpretation, and a long series of contextual factors should be taken into consideration. For example Koser (1998), explaining the flourishing of smuggling and trafficking with the drastic reduction of legal migration channels (see also, for instance, Oxman-Martinez et al. 2001: 300), compares the recruiter to

a service provider, dismantling the image of traffickers as evil strangers taking advantage of developed countries' liberal democratic policies. This vision also clearly challenges the description of trafficking. To this, we must add that, in practice, the distinction between smuggler and trafficker is not always blatant, since often the same person is engaged in both activities, or since the link between the first recruiter, the possible chain of facilitators and the final exploiters, is not always clear.

This can have serious consequences, because where the exploiter is not linked to the mover and to his/her criminal organization, the crime of trafficking does not apply and many human rights' violations can stay underground and unpunished, with many exploited people left unprotected (Anker and van Liempt 2012: 5-6). Indeed, the element of exploitation, in addition of being tricky as too vague, as said specifically in relation to sex, too often regards migrant labourers, particularly irregular ones, who have not necessarily been forced, tricked or sold, but who suffer forms of coercion in the conditions of entry, of residence and of employment. Smuggled and trafficked people can find themselves working together in the same sweatshops under exploitative conditions, or the latter can be treated as undocumented migrants if caught outside a trafficking context. Furthermore, exploitation can blur distinctions between state-sanctioned cross-border movement, that is regular, and other forms of mobility: labour exploitation cannot be limited to the framework of trafficking (Aradau 2008: 24). In sum, exploitation cannot be taken into consideration exclusively when and if taking place at destination and within illegalized states.

As mentioned, the oppositions voluntary/involuntary and consent/force, with the consequent either/or division between victims and guilty, are possibly the most contested. Firstly, the majority of the situations are a complex mixture of decision-making, agency, self-determination and external constrictions, related to migration policies, such as opening of new migration regimes, and to the "migration industry", such as the creation of new links among middle-men and employers (Anker and van Liempt 2012: 1-2). Secondly, it is worth noting that, even if by definition consent is declared irrelevant in a series of circumstances, it is nonetheless used by immigration and by law enforcement officials to separate cases of smuggling from trafficking. In fact, the great majority of individuals, as I could also verify during my research, consented either to be smuggled or to cross borders

under legal immigration programmes. They just were not aware of the sometimes terrible conditions and restrictions to their freedom they had to endure either along the way, where they can become enmeshed in a coercive and exploitative situation, or on their arrival, when they are caught in a trap of exploitation, coercion and debt bondage (Feingold 2010: 49; Oxman-Martinez et al. 2001: 300). Indeed, what an artificial distinction between trafficking and smuggling also fails to recognize is the “temporal dimension to migration cycles” (Ford, Lyons, and van Schendel 2012). For example, a migrant worker can enter a country for an illegal job and then change it some time later and find her/himself exploited, therefore turning into a VoT. And how about minors who were trafficked by definition and then become irregular adult migrants? Not to mention those extremely complicated cases “whose legal and migration status are so complex that they are not easily categorized as economic migrants, as refugees or as trafficked persons” (*ibid.* and Farrelly 2012).

Last but not least, the difference between forced and voluntary migration is extremely complicated when considering structural factors: how can “free choice” be neatly determined when the subject is plunged into conditions of structural violence, poverty or patriarchy (Sandy 2007, 2006)? This is a crucial question and I hope I will be able to offer some insights about it during this work. I believe that general answers are inappropriate and that only an exploration of social actors’ inner dispositions and visions, as well as an investigation of the local milieus they live in can offer valuable insights on such an intricate matter.

To conclude and to sum this third set of problems around the actual impossibility of some categories of TIP discourse, I borrow the efficacious words of O’Connell Davidson, as I think that many of the above observations can be connected to the fact that

the term 'trafficking' does not describe a single, unitary act leading to one specific outcome, but rather refers to a process (recruitment, transportation and control) that can be organized in a variety of ways and involve a range of different actions and outcomes. Trafficking, like traditional understandings of slavery, comes as a package, and there is room for dispute as to which particular actions and outcomes, and in what particular combination, should be included under its umbrella. This problem is compounded by the fact that many of the constituent elements identified in the Protocol definition of trafficking

themselves present definitional problems (there is, for example, no international consensus regarding the definition of 'sexual exploitation', or indeed of 'exploitation'), and by the fact that the abuses that come under the umbrella of 'trafficking' can vary in severity, generating a continuum of experience rather than a simple either/or dichotomy (O'Connell Davidson 2006: 8).

The author underlines, the constructed nature of the categories of 'freedom' and 'slavery'. The flexible definition of the latter, and consequently of the first one – as shown above by the historical sketch of its expansion through the main international instruments⁷³ -, is a clear demonstration that we are dealing with changing historical, political and economic realities and relations, and that “people’s experience of exploitation, abuse, powerlessness and restriction ranges along a continuum” (O'Connell Davidson 2010: 250). Accordingly, VoTs do not constitute a clear-cut predetermined category: in the real world, there are not migrants who are in total control of their choices at every moment of their experience in opposition to enslaved victims, sold, starved, whipped, raped, and forced to work in inhuman conditions. In the same way, “the differences between trafficking, smuggling, and migration are not fundamental, but constructed through reference to the *imagined line* between ‘freedom’ and ‘restriction’ and to political judgements about what count as ‘appropriate’ and ‘inappropriate’ forms of exploitation and force” (O'Connell Davidson 2010: 245, italics mine). Given that the exploitation that constitutes the purpose of trafficking is not determined either in degree or in kind – and given that the same can be said in relation to the use of force, of threat, and of deceit –, that there are no internationally established nor cross sectors minimum labour standards, and that ‘modern slaves’ do not have a legal status, qualifying a person as a VoT, instead of considering her/him, for example, as a migrant experiencing poor working conditions, results quite problematic (*ibid.*: 252).

The establishment of that imagined line is a highly political act. Yet, precisely such a political and arbitrary aspect eclipsed by the trafficking/(new)slavery analogy, is nonetheless able to generate “an illusion of political consensus” (*ibid.*). Clearly, if the arbitrariness of that line were visible, it would be possible to question the conduct of liberal democratic States and for

⁷³ See above subparagraphs 2.2.2 and 2.2.3.

migrants and non-migrants to build alliances and to start socio-economic changes and political arrangements, and for women not identified as VoTs to assert new social positions capable of reshaping the boundaries of citizenship (Andrijasevic 2010: 4). But, the “political judgements” regarding the in-appropriateness of a form of exploitation, or of a migratory experience, are obscured, and the potentials for migrants’ action are neutralized by distancing trafficking into the realm of slavery, that is into something radically different from other common rights’ violation, something opposite to the liberal autonomous free subject, a mirror Other that reinforces the virtues of liberal civilized societies such as moral justice and compassion (O’Connell Davidson 2010: 256-257)⁷⁴.

In sum, O’Connell Davidson contends that the “dominant discourse on ‘trafficking as modern slavery’ revitalizes the liberal understandings of freedom and unfreedom that historically allowed vigorous moral condemnation of slavery to co-exist with the continued imposition of extensive, forcible restrictions on individuals deemed to be ‘free’” (O’Connell Davidson 2010: 245). It follows that, in addition to a depoliticization of the HT discourse, with the knocking down of its potential insertion into a migrants’ rights discourse and activism, “‘trafficking as modern slavery’ discourse inspires and legitimates efforts to divide a small number of ‘deserving victims’ from the masses that remain ‘undeserving’ of rights and freedoms” (*ibid.*, see also Hathaway 2008⁷⁵). Along with the definitional imprecision, this is made evident by and partly explains the gap between the great numbers of VoTs in many international reports, media discussion and political rhetoric, as well as the small numbers of actually identified and assisted ones (O’Connell Davidson 2010: 252; Piscitelli 2011)⁷⁶.

⁷⁴ In this paragraph, the author draws from the works of Brace 2004 and Lively 1998 to briefly explore “The work of the slave as a cultural figure”, as the title of the section explains (O’Connell Davidson 2010: 255). Her observations are also applicable to the figure of the victim.

⁷⁵ This assumption is not unanimously shared within the critical literature around HT, albeit common. Gallagher (2009) precisely criticizes Hathaway’s (2008) objection to anti-trafficking and smuggling campaigns, sustaining that: “Unfortunately, the research necessary to vindicate ta claim that migrants, including asylum seekers, are worse off as a result of international efforts to curb smuggling and trafficking is yet to be done” (Gallagher 2009: 841, see also note 214, *ibid.*)

⁷⁶ My fieldwork experience also testifies in this sense. I will tackle and problematize the issue of victims’ identification and their scarce numbers in Chapters 4 and 5.

2.3.3 US *longa manus*

It is probably no coincidence that in the same year, 2000, that the Trafficking Protocol was established, the US Secretary of State promulgated the national anti-human trafficking law, the *Trafficking Victims Protection Act* (TVPA), which constitutes the Division A of an older and more comprehensive provision named *Victims of Trafficking and Violence Protection Act*, totally dedicated to women⁷⁷. Since the mid-1990s, the US had indeed shown a very proactive domestic and foreign policy with respect to monitoring and combating the HT. As we have seen, the final version of the Trafficking Protocol that passed after the harsh Vienna negotiations ended up reflecting many aspects of the initial US draft⁷⁸. However, while the Clinton administration aimed at developing an international instrument, the domestic anti-trafficking law was managed by a Republican Congress who aimed, through a unilateral sanctions' system, at inducing international compliance to its own minimum standards (Chuang 2006b).

I will not probe into an analysis of this provision, as it would evidently fall outside the interests of this text. What is of relevance, on the contrary, are the international reach of this piece of legislation and its effect on anti-trafficking policies abroad. In what follows then I will limit my focus on this aspect and on few related problematic aspects and implications that a good number of scholars have highlighted.

The bulk of the criticisms is based on the fact that the TVPA establishes a sanctions' regime which gives authority to the President to withdraw "nonhumanitarian nontrade related foreign assistance" from those countries considered not compliant, or as not "making significant efforts" toward compliance, with the "minimum standards for the elimination of trafficking" set by the US government (Sec. 110a). Countries' compliance with the minimum standards is determined by an annual report published by the *ad hoc* Office to Monitor and Combat Trafficking in Persons within the US Department of State. Since 2001, the Trafficking in Persons (TIP) report, officially serving as a tool to more effectively target assistance programmes, has served as an international stage where countries

⁷⁷ For the integral text of the provision see: <http://www.state.gov/documents/organization/10492.pdf> (Accessed 30/6/2014). Division B is titled "Violence against Women Act" and includes Chapters on law enforcement, education and training, violence on minors, and battered immigrant women.

⁷⁸ See above subparagraph 2.2.5.

are publicly evaluated and classified. The evaluation is done according to the US ‘three Ps approach’ which schematizes the fight to trafficking into the three ambits of prevention, prosecution and protection, and to which now it is added the fourth ‘P’ of ‘policies’. This approach was also at the centre of a US draft version of the Trafficking Protocol and it has been a model for many anti-trafficking legislations and NPAs in various countries.

Countries are grouped into 3 tiers. Tier 1 consists of those countries that fully comply with the minimum standards outlined in the TVPA, Tier 2 consists of those that do not fully comply but are making efforts to bring themselves into compliance; and Tier 3 of those that do not comply and are not making enough efforts to ensure compliance (Sec. 110b). In 2003, tier classification was modified with the inclusion of ‘Tier 2 Watch List’ where are included countries that can fall from Tier 1 or countries at risk of being downgraded to Tier 3, after 2 consecutive years in the watch list, if the number of trafficked persons in their territory is significant or increasing and their governments fail to increase their efforts to combat trafficking. Tier 3 is a status that might involve the cessation of nonhumanitarian, nontrade related assistance, the negation of funds for the participation of those governments officials in educational and cultural exchange programmes and instructing, on behalf of the President, the “Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use the Executive Director’s best efforts to deny, any loan or other utilization of the funds of the respective institution to that country” (Sec. 110d).

TIP report has evolved over the years, from a brief country description to a detailed narrative, as well as the number of countries reported increased. Under a methodological point of view, data are collected from consulates and embassies, other reports, meetings with government officials, NGOs, academic studies and information submitted to an open e-mail address⁷⁹, on prosecutions cases, victims’ protection and other anti-trafficking initiatives (TIP 2014: 37). These sanctions are also officially intended to function as incentives for foreign countries to meet US minimal standards. Additionally in this sense, the TVPA envisages the allocation of

⁷⁹ tipreport@state.gov

funds for anti-trafficking international programmes, with the establishment of a competitive grant process to aid IGOs and NGOs abroad⁸⁰.

It is comprehensible that this set of instruments in the hands of the United States has raised extensive criticism. For example, following Wooditch (2011: 476-477), the effectiveness of the TIP report, especially in the determination of the countries deserving sanctions, has been doubted, as well as the efficacy of the anti-trafficking grants and the reliability of a full explanation of countries' compliance with the minimum standards. In her detailed statistical analysis, the author conducts a longitudinal assessment of the TIP report to answer the research question whether the report has a strong effect on global anti-trafficking policy. In the second place, she also aims at demonstrating whether the US anti-trafficking aid is effectively awarded to lower tiered countries that demonstrate to be making an effort in combating HT. Her conclusions are that the TIP report does not seem to have had the effect of increasing anti-trafficking initiatives overall and that it has not served to guide grants (Wooditch 2011: 487-488; see also Global Alliance against Traffic in Women 2007: 235). Also Caraway (Caraway 2005) questions the reliability of the report, accusing it of being biased in its focus on trafficking for sexual exploitation only, while imprecise regarding victims convictions, sentences and law enforcement. More radically, Mahdavi (2011) asserts that the tone of country narratives reveals US "nepotism", "neo-colonial intent", and "moralized rhetoric", in addition to the fact that the descriptions are sometimes based on very little evidence.

In general, the strongest and most diffused critique maintains that TIP report, related incentives and unilateral sanctions have placed US in the role of a "global sheriff" (Chuang 2006b;), with the effect of imposing worldwide US conservative neo-abolitionist anti-prostitution, anti-immigration, security agenda, that is an anti-trafficking policy conflated with political interests and ideology and based on considerations different from trafficking data (Agustín 2007; Allain and

⁸⁰ Since the TVPA's initiation, the United States has invested more than US\$600 million in international anti-trafficking programs (U.S. DOS, 2009; U.S. Government Accountability Office, 2007). The majority of the funds have been directed to the U.S. Agency for International Development, U.S. DOS, and U.S. Department of Labor. The U.S. government has also provided more than US\$100 million to international organizations such as the UN on Drugs and Crime, International Labour Organization, and International Organization for Migration (Wooditch 2011: 476).

Bales 2012; Chuang 2010, 2006b; Gallagher 2001; Human Rights Watch 2003; Kempadoo 2005; Wooditch 2011).

TIP is deemed to have various more subtle effects, not exactly related to the fight against HT, and not all positive. The ratification of the Trafficking Protocol, for instance, on behalf of some governments might be suspected of occurring due to economic and political reasons, and not due to an actual humanitarian commitment, in the same way that governments can provide false information or start spectacular anti-trafficking measures of façade to quickly obtain US funds and favours (Haynes 2005; Kempadoo 2005). The use of sanctions does seem to follow US interests, as the Northern American power seems reluctant to use them against important economic or security partners, even if they are not compliant (Kapstein 2006). In this sense, it has been also noted how countries classification seems to respect criteria that are far from trafficking matters (Mahadavi 2011). For example, after 11/9, Tier 3 principally included Arabic and Islamic countries, such as Iran, Indonesia, Arab Emirates, Saudi Arabia, and the like. In 2003, US government reclassified the efforts of some States, such as Russia, Israel and South Korea, in order not to have to sanction them and, in so doing, to spoil the positive diplomatic relations with them⁸¹. The following year, due to a presidential resolution, Myanmar, Cuba, North Korea and Venezuela were automatically downgraded to Tier 3. These governments, along with Middle East others, have been stuck in the lowest category since 2005. On the contrary, as it could be imagined, the countries in Tier 1 are all “developed” ones, mainly Western European, mainly market destinations. In this way, the world appears divided into good and bad countries (Kempadoo 2005). The threat of sanctions might well function with respect to migration policies, in the sense that it has been used to obtain changes that suite the US securitarian priorities, legitimizing an increase in controls and rounding up of undocumented workers, rather than improving anti-trafficking provision’s implementation.

Finally, one of the most eloquent fact of US abolitionist hegemony is that since 2003 the TVPA has prohibited the allocation of funds to organizations that promote the legalization of prostitution or simply that do not hold an anti-

⁸¹ Given the current Ukrainian crisis, not surprisingly Russia is placed in Tier 3 in TIP report 2014. For 2014 list of tier placements see <http://www.state.gov/j/tip/rls/tiprpt/2014/226649.htm> (Accessed 4/7/14).

prostitution abolitionist perspective (Ditmore 2012; Wooditch 2011). NGOs working in the trafficking field were required to declare their opposition to prostitution in order to be eligible for, or maintain, USAID funding. The consequences are evidently disastrous, in terms of sex workers' stigmatization and criminalization, advocates' coalitions, rights and health preventive and protective measures (Schendel, Lyons, and Ford 2012: 4). In addition to fact that, in this way, the privileged association trafficking-sexual exploitation is perpetuated, with overwhelming investments in the fight against "sex trafficking", while disregarding many other realms of exploitation where intervention would be desperately needed⁸². Indeed, even if, on one side, many anti-trafficking programmes and national policies rely on the all-comprehensive definition of the Palermo Protocol, as a matter of fact the great majority of them focuses on rescuing and protecting women and girls involved, or at risk, in the sex industry, as also confirmed by my research. This results not only in restrictive migration laws particularly concentrated on women, but also, as previously remarked, in the obscuration of the complex political, nationalist, and migration issues under the (ideological) guise of rescuing them from being "sex slaves".

The case of Nepal seems emblematic, as trafficking for sexual exploitation in Northern Indian brothels has created such a moral panic that many women's right to emigrate for any kind of reasons have been refused (Ford, Lyons, and Schendel 2012: 4; Frederick 2012; Hausner and Sharma 2013). This is occurring in a country considered as making "significant efforts" against HT; a country that ratified the UN *Convention against Transnational Organized Crime* in December 2011 and the one on the *Elimination of all Forms of Discrimination against Women* in April 1991⁸³.

The definition of "girls trafficking" in Sanjeela's textbook, reported in the opening of the Chapter, is very telling in this sense. If we also consider that the director of *NH*, the NGOs she was assisted by, did not know much about the UN definition⁸⁴, and probably neither did Sanjeela's teacher, we can grasp how the

⁸² See also above subparagraph 2.3.2.

⁸³ Nepal has been in Tier 2 at least since 2007 (TIP 2014: 287), albeit the extremely problematic political situation and the equally weak policies, implementation procedures and coordination among organizations in the fight against HT, as I could myself see (for more on this see Chapter 4). Nepal has not ratified the Palermo Protocol yet, but only the Convention.

⁸⁴ Recorded interview, 1/8/2013, Kathmandu (NP). I will introduce Miss Mamata Tamang below in Chapter 4.

different levels of HT discourse – international, State level, local – are ambiguously connected and disconnected, yet all ultimately biased in equating HT with women sex trafficking.

2.4 Epilogue

After a long detour, we are back to Nepal and “girls trafficking”, where this Chapter started from. In the back of my mind I tend to have the conviction that *in reality* people know that the protagonist subject of the stereotypical series of tragic events built around “the victim of sex trafficking” is an abstraction. In particular, nowadays, as a fluvial critical literature on the topic has been released and does not seem to decline⁸⁵. It is therefore with surprise that I find myself reading a very recent on-line newspaper article re-proposing the litany of: usually virgin girls and young women, coming from mountainous poor rural areas, who are kidnapped, lured or bought directly from their families, beaten, tortured and raped, taken clandestinely to India, sold and commoditized in a brothel, forced to see up to 40 men per day. They become HIV positive and often pregnant. The phenomenon is said to be growing and the data are precise: 7,000 girls trafficked from Nepal each year. The image on the side of the text is even more stereotyped: two hands tied with a rope. And as usual, the authoritative words of an activist and of a returnee are reported to add credibility to the paper⁸⁶. The whole story is incredibly similar to the one I read on Sanjeela’s course book. This suggests the following: that the victimizing and depoliticising (neo)abolitionist approach, with its mythical episode of trafficking, is indeed still both dominant and successful.

⁸⁵ Let’s notice, for example, that a further HT journal by Routledge has just published its first issue: <http://www.tandfonline.com/loi/uhmt20#.U8T1TbFqMto> (Accessed: 11/5/15)

⁸⁶ <http://thediplomat.com/2014/02/women-and-girls-a-commodity-human-trafficking-in-nepal/> (Accessed 4/7/2014).



Figure 1 “Trafficking in persons. Help Brazil not to fall in this trap”. These two big cubes functioned as desk for additional anti-trafficking information material and they were positioned in the anti-trafficking office of Goiania (see 4.2.2 and 4.2.3).

In this Chapter I have tried to offer a necessarily partial picture of the state of the art of the multidisciplinary, mainly critical, literature on HT, which has become impressively vast. I sketched the double genealogical line of the Protocol - the transatlantic trade one and the white slavery one - both in terms of international legislation and of its rhetorical appeal. Such overview had the purpose of locating the instrument within a historical framework, showing some ideological continuities as well as providing an idea of the historical, political and economic embeddedness and of the expansion of the category of slave/victim. I did not enter into the stimulating debate around loose or clear-cut definitions of past and present slavery, and its complex relation with various forms of human bondages. This would have meant referring to a different huge corpus of studies too far from the objectives of my thesis. On the contrary, I tried to deepen the white slavery/abolitionist heritage, with no doubt more influential on the HT discourse, analysing its legacy during the Vienna process itself, where the Protocol was discussed, and in the dominant understanding of trafficking, its gendered and racist assumptions, and examining its consequences for migrants. The radical feminist, conservative and Christian ideological imprint of HT emerged as the most criticized aspect of the trafficking discourse. I then presented other two crucial critical lines: one exposing the

securitarian anti-migration agenda at the basis of the international provision and its implementation, and the other one denouncing the US subtle blackmailing international policy. In both cases, different authors get to the same conclusion: a general worsening of the conditions of migrant workers, mostly women working in the sex industry.

Broadly speaking, this Chapter aimed at overviewing the macro-context, its history, its issues and its limits, of what can be considered, by now, a disciplinary realm in itself and that represented the theoretical framework of my multi-sited and multi-level research. I wanted to show how HT came to be a discourse, a specific object of knowledge producing further knowledge and generating specific speculations, problematizations, world visions, legislations, researches; how it created its own language, new identities, experts, scholars, activists, allowing specific practices, giving birth to organizations, programmes, projects, State organs, and so on (e.g. Aradau 2008).

Finally, as clarified in the introduction, the underlying thread of my work follows how the protagonist subject figure of the trafficked woman is differently constructed, presented, perceived and acted out at the various levels of the HT discourse. The kind of subject constructed at this macro-level of the discourse – specifically the juridical, legislative, political, ideological and partly mass media one – is thought, as I have tried to demonstrated, through dichotomic and rigid categories, such as, in the first place, victim vs. perpetrator, innocent vs. guilty, aware vs. unaware, choice vs. constraint, and the dominant (neo)abolitionist discourse figure is the passive female victim of sex trafficking. In the following Chapter I will problematize the kind of VoT subject emerging at the level of UN related agencies from the words and perspectives of several of their officials. By concentrating on the issue of vulnerability and of the main causes of trafficking, I will show how the victim figure of the HT discourse and her stereotypical traits are essentially reproduced, in a general de-politicized and fatalistic approach.

3. REPRESENTING THE VICTIM SUBJECT

UN AGENCIES AND MIGRANTS' VULNERABILITIES

In those processes of social transformation that we study which involve the unsettling, often violent, dislocations of neo-liberalism, globalized consumption patterns and state aggression, an enlarged theory of the self and of subjectivity is urgently needed. The making and remaking of selves are everywhere in evidence, but this truism takes on a particular force in the context of many experiences, social movements and changed ways of livelihood and belief that are actively premised on transforming the self.

I discuss [...] the specific demands involved in trying to analyse people's desire for change in the very nature of who they are and how they represent themselves to themselves. It is desire that take shape in conditions of poverty, and racial and ethnic discrimination, and within the shadow of new forms of aspiration.

Moore 2007: 23

3.1 The level of the Intergovernmental Organizations

My previous discussion was rather abstract. It relied on definitions, treaties, and a multidisciplinary critical literature that is only partially based on ethnographic investigations, and which belongs more to the disciplines of sociology, history, legal and criminal studies, international relations, women's development and migration studies. The following pages offer a selected account of my research experience at the macro international level of the UN related institutions devoted to the fight against TIP.

As already mentioned, the primary reason for including IGOs officials as interlocutors during fieldwork, and in general to consider this level of the HT discourse, lies in the overall structure of this work. Indeed, one of my underlying aims has been to conceive, to approach and to present HT as a multi-layered and a multivocal arena of different actors, with different positions and perspectives, roles and languages, functions and interests (i.e. multilateral organs and governmental secretaries' officials, NGOs operators, psychologists and social workers, trafficking returnees).

Following the common tendency to sort things geometrically, we can mentally organize HT discourse as a series of concentric circles corresponding to the levels of investigation. An alternative image is a pyramid where at the larger basis we have the innumerable and irreducible lived experiences of individuals scattered all over the world, and at the peak the few places of decision and policy making at a global level, such as, *in primis*, the UNODC offices in Vienna, or the IOM ones in Geneva. At the intermediate levels we can imagine: the macro regional bodies, such as ASEAN in South East Asia, or the Southern Common Market in Latin America; the various governments and their ministries; the regions inside each State; the various NGOs, some international, other very local; the big or small urban centres at crucial transnational borders; the micro worlds of the shelter houses with their staff working in it.

I often used this mental scheme during my research, and I clearly reproduce it when I use the terms “micro” and “macro”. Nonetheless, the image of the arena, or of any other that one can associate to the idea of polyphonic ethnography (Clifford 1983)¹, makes collapse hierarchical figurations or micro/macro distinctions, which are relative, anyway. The voice or level of the IGOs is “macro” only if we look at it from afar, that is in particular from the VoTs' point of view, which is distant – not in geographical terms – from them. Yet, if we look at it more closely, its dimensions and boundaries change².

¹ See Chapter 1.4

² To be fair, I did not conduct ethnography of/within the international institutions and my vision is still from a certain distance and qualitatively superficial, nonetheless, both during my research and during fieldwork, the presence of IGOs was important. In this sense, it is worth recalling that, specifically at the beginning of each field, it was also necessary to “pass through” some of these institutions, other than the relevant NGOs, in order to gain access to the most difficult and relevant subjects of the research, the returnees of trafficking. This could occur indirectly via the acquisition of a positive reputation as a reliable anthropologist inside the network of the anti-trafficking

3.1.1 On HT unsolvable issues

In the following pages, I will also tackle some of the key issues, critiques and practical effects of the HT discourse previously analysed in Chapter 2. In particular, there are some unsolved and problematic issues: the definitional confusions and the interpretative disharmony, resulting in a discrepancy between documents and practices; the criminalizing effect of the discourse on both migrants and sex workers; the delicate issue of consent, which links to the condition of vulnerability; the lack of evidence-based figures and of reliable researches.

The questions I would like to answer are: how do the historical legacies and current ideologies and interests have tangible effects on the actual organization and functioning of the HT discourse? How is this discourse translated into practices, decisions, way of thinking and doing that fieldwork helps access? In brief, how is the discourse tangible at this institutional level? Specifically, I would like to confront some organizational aspects and institutional voices with: the hyper attention to women and girls victims that is intrinsic to trafficking; the even more problematic focus on prostitution, which is the heaviest historical legacy affecting HT and brings to an all too easy conflation of trafficking with women/sex trafficking, albeit the 2000 definition is broader; the neo-abolitionist and securitarian interests, predominantly coming from the US and efficiently pursued thanks to their system of sanctions, but widely shared all over the world; various hypothesis regarding the causes of trafficking, going under the label of “vulnerability” and which seem to systematically avoid a consideration of more structural factors where the choices of the most powerful international agencies and of the States have a great responsibility.

3.1.2 Migrants’ vulnerabilities

Finally and significantly, I intend to reconstruct what kind of victim subject emerges from the intergovernmental institutional voices that I have selected. My idea is to see to what extent the neo-abolitionist victimizing and depoliticizing gaze - well functional also within the anti-migration agendas - resonates in the

apparatus, or more directly by receiving permissions to meet the VoTs, or being directly introduced to them as their beneficiaries in some projects.

organizational structure, in the policies, and in the way of thinking of some high rank officials.

I will try to evaluate whether and how the protagonist subject position of the trafficked woman of the mythical episode of trafficking is proposed and reproduced, and if the dichotomic and rigid categories along which the social actors are thought, such as, in the first place, victim vs. perpetrator, innocent vs. guilty, aware vs. unaware, choice vs. constraint, are used and useful³.

In sum, I aspire at defining a profile of the typical VoT at the IGOs' level. I argue that the representation of the trafficking victim subject seems to be consistent with the HT discourse: she is a vulnerable female marginal migrant, whose poverty and ignorance made her fatalistically fall into the hands of the sex traffickers. However, I will also show how the vulnerability of the VoTs can be variously conceived, approached and in a way multiplied. For this reason, it is more appropriate to talk of vulnerabilities. The voices I take into consideration in the following pages offer indeed a complex picture of what constitutes being vulnerable.

In Chapter 1, I examined “vulnerability” as a conceptual instrument used in the anthropological literature. I maintain that vulnerability is not an ontological totalizing condition of the subject, rather a social construction (Bourgois 2008; Castilho 2012; Lazzarino, 2013b; Pinelli 2011), arising both from specific migration, asylum and assistance policies (Koser 2000; Pinelli 2008, 2013) and other political actions, and from broader and historically rooted situation of structural violence and suffering⁴.

Applied to my case study, vulnerability is approached as a discursive production functional to the construction of TIP truth. Albeit being vulnerable does not mean to be a victim (Das 2000: 209), the dominant paradigm of HT wants a victim as always *a priori* vulnerable, in the sense that, vulnerability seems to be the condition and the main cause for the blind fall into the traffickers' net. Moreover, vulnerability has to do with consent, inasmuch as this has been declared irrelevant in those cases where vulnerability is abused.

³ This programmatic intention applies also to the level of the States that I will tackle in the following chapter.

⁴ See also below Chapter 5.2.

3.1.3 APOV: vulnerability in the HT literature

Within the literature on HT, the term “vulnerability” is very much widespread. The expression “abuse of [...] a position of vulnerability” (APOV) is listed in the definition of HT (Art. 3a) as one of the means a recruiter can use to obtain the consent of a victim. This concept was unique to the Palermo Protocol at the time of its adoption (UNODC 2013: 17). Along with other terms I paid more attention to in the previous Chapter, in particular “exploitation”, “sexual exploitation” and “forced labour”, “vulnerability” is equally ambiguous and problematic (Piscitelli 2006: 21). “Vulnerability” is vague *per se*, because it is a concept extremely difficult to define in abstraction and to universalize: it depends too much on specific moral and political contexts, on individual perceptions and on social norms (Nieuwenhuys and Pécoud 2007).

It is no coincidence that a recent UNODC guidance document of 2012 is devoted to clarify “APOV” with the purpose, in particular, to assist criminal justice practitioners (UNODC 2012). In this guidance note, both the existence and the abuse of vulnerability “must be established by credible evidence” to support a prosecution that contends APOV as the means for trafficking someone (2.2). The *travaux préparatoires* to the Trafficking Protocol indicate that the reference to APOV refers to any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved. Only in this sense, APOV can be brought as evidence for the crime of trafficking.

Vulnerability, then, is defined according to the personal, situational and circumstantial situation: “personal vulnerability for instance, may relate to a person’s physical or mental disability. Situational vulnerability may relate to a person being irregularly in a foreign country in which he or she is socially or linguistically isolated”. Finally, “circumstantial vulnerability may relate to a person’s unemployment or economic destitution” (2.3). These kinds of vulnerabilities, it is also specified, can exist prior to trafficking or be determined by it: “pre-existing vulnerability may relate (but not be limited) to poverty; mental or physical disability; youth or old age; gender; pregnancy; culture; language; belief; family situation or irregular status”, whereas trafficking created vulnerability is linked to: “social, cultural or linguistic isolation; irregular status; or dependency cultivated through drug addiction or a romantic or emotional attachment or through the use of cultural or religious rituals or practices” (*ibid*). Nonetheless, APOV lack

a clear definition and its ambiguities may result in highly risky misapplications (6.1). For this reason, the cooperation of specialists, such as psychologists, social workers, and anthropologists is recommended (5.3).

In another UNODC paper of the following year, entirely devoted to the issue, vulnerability is said to be “central to how trafficking is understood and to the discourse that had developed around this phenomenon” (UNODC 2013: 13). “Despite the lack of an agreed definition”, vulnerability in the context of HT generally refers to “inherent, environmental or contextual factors that increase the susceptibility of an individual or group to being trafficked” (*ibid.*). Poverty, inequality, discrimination, gender-based violence, along with membership to a minority group and lack of legal status are some of these factors, which have a different impact on “groups that already lack power and status in society” (*ibid.*: 14) and which turn people less able to fully exercise their rights.

In a previous UNODC document of 2008 (UNODC 2008: 69), being vulnerable is defined as being in “a condition resulting from how individuals negatively experience the complex interaction of social, cultural, economic, political and environmental factors that create the context for their communities”. In this interesting and exceptional definition, the centrality of the context of the person is stressed, along with the person’s way to interact with it. Also among the UN agencies’ voices I will consider, the active role of the victim, albeit in a condition of vulnerability, is rarely taken into account, going for more flat explanations, such as the one provided in the international provision.

In fact, the Trafficking Protocol, where APOV is not defined at all, provides an oversimplified description of what vulnerability is. In section III on “Prevention, cooperation and other measures”, it is stated that “States Parties shall take or strengthen measures [...] to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity” (Art. 9, 4)⁵. APOV and vulnerability are two different concepts, which nonetheless overlap and might be confused⁶. If the

⁵ Reference to vulnerability occurs a third time in the preamble of the Protocol where we can read: “Concerned that, in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected”

⁶ “For example, the mere fact of a person’s vulnerability to trafficking (because of poverty, gender, etc.) is sometimes taken as evidence or even proof that the requisite means element of the trafficking definition has been established. Conversely, the apparent absence of initial vulnerability may lead to the conclusion that a person has not, in fact, been trafficked” (UNODC 2013: 15).

existence of characteristics of vulnerability is not enough for the means of APOV to exist, on the other side though, as a form of crime prevention, programmes aiming at the reduction of communities' vulnerabilities must be read in the logic of trying to reduce their susceptibility to trafficking (UNODC 2008). Of course, this cannot apply to factors such as age, gender, sexuality, religious or cultural beliefs, and vulnerability reduction projects often become poverty- reduction ones (along with awareness raising ones), as vulnerability and poverty are *de facto* often equated (see also UNODC 2008: 64-68; SIREN 2007), as we will see.

Preliminary, I start entering the IGO's level, presenting the global inter-agency initiative to fight TIP.

3.2 The Global Initiative to Fight Human Trafficking: lack of consensus

The UNODC is not the only UN agency devoted to trafficking. Since TIP is a complex phenomenon including numerous issues, approaches and categories of social actors, the organizations involved regard: labour conditions and labourers' rights, covered by ILO; migrants and their rights, covered by IOM; human rights, represented by OHCHR; women and children issues, taken over by, respectively, UN Women and UNICEF.

Not surprisingly, in 2007, these organs, with the addition of OSCE (and the exception of UN Women, which is nonetheless a donor), launched the initiative UN.GIFT.Hub, acronym for Global Initiative to Fight Human Trafficking⁷. The hub coordinates and cooperates with all kind of stakeholders, from governments, to business companies, from civil society, to the media and academia, and it strongly promotes synergies. The purposes of this multi-agency and multi-stakeholders enterprise are essentially to raise awareness and knowledge, to provide technical assistance and to build capacity. Its primary mission is "to eradicate human trafficking by reducing both the vulnerability of potential victims and the demand of exploitation in all its forms"⁸.

⁷ <http://www.ungift.org/>.

⁸ <http://www.ungift.org/knowledgehub/en/about/index.html> (Last accessed: 24/7/2014).

Each of these organizations deals with trafficking, as noted, in a way consistent with its mandate, and this often implies a lack of coordination and integration between the different projects. For example, IOM's main aims regard prevention, with the provision of mass media information campaigns, "to equip vulnerable populations with the information necessary to better protect themselves from the recruitment tactics of traffickers", and protection, with the provision of "options of safe and sustainable reintegration and/or return to their home countries"⁹.

In this respect, it is worth mentioning the existence of an *ad hoc* program, called "Assisted Voluntary Return and Reintegration" (AVRR), defined as "an indispensable part of a comprehensive approach to migration management" and designed to assist migrants who are "unable or unwilling" to stay in a foreign country and wish to go back to their countries of origin¹⁰. VoTs are among the vulnerable groups who benefit from AVRR program. IOM role in anti-trafficking can be seen, at least partially, consistent with the hegemonic anti-migration agenda, inasmuch as it fosters sedentariness and repatriation.

ILO, by contrast, approaches trafficking "and other forms of modern slavery" as forced labour, where "the victims are the most vulnerable". Interestingly enough, even if "forced sexual exploitation" stands out, it is at the same time equated to other forms of forced labour. Migrant workers and ethnic minorities are considered "particularly vulnerable to forced labour"¹¹. Indeed, all the anti HT projects *de facto* regard the protection of migrant workers, in cooperation with governmental stakeholders, providing capacity building and technical assistance to improve labour protection¹².

The multi-agency nature of UN.GIFT, as Kneebone (2010) observes, highlights the definitional looseness of HT, open to various interpretations and approaches, and constitutes a further challenge "of assembling a reliable picture of victims of trafficking" (Kneebone 2010: 145). Broadly speaking, the UN.GIFT.Hub

⁹ <http://www.iom.int/cms/countertrafficking> (Last accessed: 24/7/14).

¹⁰ <http://www.iom.int/cms/return-assistance-migrants-governments> (Last accessed: 24/7/14). For a critical reference on the interesting concept of "migration management" see (Jacqueline Berman 2010). I will go back the AVRR program in Chapter 5.3.1, where I will refer to the research I conducted in Central West Brazil with the evangelical NGO *Rescue Project*, which is partner with IOM. My main Brazilian informant, Sabrina, returned home via AVRR.

¹¹ <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm> (Last accessed: 24/7/14).

¹² http://www.ilo.org/global/topics/forced-labour/projects/lang--en/index.htm?facetcriteria=TAX=A.65&facetdynlist=WCMS_210855 (Last accessed: 26/7/14).

was unable to generate consensus around a clear-cut definition of trafficking. This problem mainly results in the impossibility of having homogeneous statistics and proportions, for instance, of sexual and labour exploitation, or of the incidence of male, female and minors among VoTs (*ibid.*).

3.3 Vulnerability beyond poverty: two voices from IOM and UNODC

3.3.1 Risky migration as a multifactorial decision-making process

The presence, the organization and the degree of involvement in anti-trafficking measures of UN agencies vary from country to country. In Vietnam, IOM is a well-established institution of reference in the anti-trafficking national apparatus, which closely works with the relevant Vietnamese governmental institutions and is supported by different donors.

I had contacts with IOM officials all the three times I stayed in the country to carry out fieldwork. In particular, I have been in touch with Mr David Trees, both personally and over the years by e-mail. Mr Trees is an American expat to Vietnam with almost 10 years' experience in the area, in the field of HT and as IOM project manager. He is a remarkable exception in a framework where the frequent turnover in IGOs and NGOs staff constitutes a problem causing the presence of rather young, unexperienced and uncommitted people, even in important positions.

I have always met David informally, and he always refused to be recorded, in the same crowded French café in Hanoi. His knowledge of HT in Vietnam is grounded and his competence extends beyond legislations and projects to include cultural and societal factors. Some of the factors he pointed out are: women's reticence to talk about their trafficking experience and to self-report as they decided to migrate through a social network they trusted; the general paternalistic and victimizing attitude towards returnees; the different social perception and representation of men and women migrants; the essentially economic governmental view according to which poverty is the core cause leading women to leave their homes "*with no clue*"¹³.

¹³ Unrecorded conversation, 15/11/11 and 3/5/13, Hanoi (VN).

David explained that the priorities of IOM projects in the area of protection. He explains that these are psychosocial support, mental health and the promotion of self-help groups, with the aim of developing accurate assessment models to monitor and effectively help women to recover and reintegrate. The setup of two assessment units, along with ongoing capacity building and technical support, in Ha Giang and Lao Cai Northern provinces, in close collaboration with the local authorities, is a successful example of IOM project, he maintains. IOM acted directly within the already existing local structures, the Social Protection Centres (SPC)¹⁴.

Almost in the end of our last vis-à-vis contact, I ask him whether he considers migrants as more vulnerable, and, surprisingly considering his position, he said that probably they are not, that there is a good percentage of success in migratory projects, and that VoTs are not particularly unequipped or unaware of the risks or of the phenomenon of HT. Rather, it is a multifactorial process of decision making where often the simple knowledge of the risks, maybe distractedly acquired from an information leaflet, is not sufficiently contrasted by family pressure, personal expectation, social perception, the trust in the local social network, or the enthusiasm of the recruiter. It is not a pure matter of poverty or ingenuity, he reaffirms.

3.3.2 The social aspect of vulnerability and the responsibility of consenting

Mr Rodrigo Vitoria seems to share the same opinion regarding poverty. He is a lawyer and the coordinator of the Unit of Governance and Justice of UNODC Brazil in Brasilia, when I was carrying out fieldwork in 2012. He started working in UNODC in 2008. Other than having listened to him few times during various conventions and seminars on TIP, which in Brazil seem uncountable¹⁵, I met him

¹⁴ I conducted a good part of my fieldwork in Lao Cai city and province, where a great anti-trafficking effort has been indeed placed. The majority of my informants, also the ones living in the capital city, have their families there (see Chapters 4.3.7 and 5.2.2 and 5.4.1 for more on Lao Cai).

¹⁵ During my six months fieldwork in the country, I attended 5 seminars on or related to HT: two were of international nature, one regional, one federal and another at a city level. And this, without considering a special two days seminar on migration after the annual convention of the Anthropological Brazilian Association in July 2012.

personally for an interview in his UN office, a pleasant villa with a swimming pool in a residential wing of the geometrical capital city¹⁶.

While he is affirming the total irrelevance of consent, I intervene: “*Because there is also the problem of vulnerability, of its abuse...*”, “*Yes, yes*” he replies, “*Everyone wants to have a better life, everyone’s dream is that one...everybody wants to go to Europe, everybody wants to go to the US, everybody wants to earn more...send money to the family here, buy a house for the family*”¹⁷. I ask him then whether he is implying that poverty is the main cause of TIP, and him: “*I think that is not only poverty, is the social condition of the person [...] there are many middle class girls who fall in this...it’s not poverty – you understand? – I think it’s a social aspect*”.

UNODC is, for what I could see, rather influential and relevant in Brazil. Indeed, it has been operative in the country for more than 20 years, and in 2001 it established its regional office in Brasilia, covering also Argentina, Paraguay, Uruguay and Chile. Immediately after the adoption of the Trafficking Protocol, UNODC, in close partnership with the Ministry of Justice, ILO and the States’ authorities in charge, financed the first Diagnosis on Trafficking of Human Beings conducted in four Brazilian States from 2000 to 2003 (Colares 2004)¹⁸. UNODC participated also in the following crucial research on TIP, conducted at Guarulhos International Airport (São Paulo), in the Humanized Assistance Office to Migrants, to detect the presence of returned victims of HT among deported and non-admitted migrants from Europe¹⁹, while ILO supported the third one²⁰.

Regarding the position of UNODC, Mr Vitoria is careful in pointing out that, even if they work in close cooperation with the National Secretary of Justice to improve and strengthen the prosecution measures in the fight against HT, the primary focus is on human rights and all kind of exploitation must be included, not just of sexual kind. “*It is necessary to punish, but also without losing the focus on what is the principal objective: the legal rights [...] that we aim to protect are*

¹⁶ UNODC office opened a new office in January 2014 to complete the partnership officially signed in May 2013 with the Minister of Justice (<http://www.unodc.org/lpo-brazil/en/frontpage/2014/01/21-unodc-inaugura-novo-escritorio-em-brasilia.html>. Accessed: 27/7/14).

¹⁷ Recorded interview, 22/5/12, Brasilia (DF-BR).

¹⁸ Among the States of the research there is also the State of Goiás, in Central West Brazil, where I conducted a good part of my fieldwork in the country.

¹⁹ Secretaria Nacional de Justiça 2006. For more on the Humanized Assistance Office Migrants at Guarulhos airport see below Chapter 4.2.

²⁰ Secretaria Nacional de Justiça 2007

human rights”. This is certainly a reassuring statement, revealing a purpose otherwise difficult to perceive, for example, from UNODC Brazil website, where anti-trafficking projects intersperse events and initiatives relate to drug, corruption, and counterfeit business.

Mr Vitoria does not think that the definition of trafficking of the Protocol is ambiguous. On the contrary, he finds it complex, for it tries to cover as many cases as possible, but it provides three clear exemplifying lists of actions, means and aims. By taking and summing at least one element from each list you will characterize the crime, he maintains. Then ask him if he agrees with the widespread critique maintaining that, after the ratification of the Protocol by Brazil in 2004, there has been an increase of criminalization of both prostitution and illegal migration. I even specify, *“as a sort of side effect, or as a sort of result, coming from the definition’s ambiguities, and possible confusions”*. *“I think that there has never been a moment when Brazil intended to criminalize prostitution, it’s not a crime in Brazil, [...] much less to tighten migratory process [...], therefore in this part I do not agree with the affirmation”* he replies, and continues: *“On the other side, what the Protocol’s ratification, the internalization of the legislation, brought to Brazil consisted in some difficulties of interpretation, not in relation to the crime itself, but in relation to the issue of consent”*. He explains to me that even if consent is declared irrelevant for the purpose of determining the crime, many judges, attorneys and law experts *“believe that if a person wanted to go, she disappeared, she is not under the crime”*, either she is part of the criminal chain or she is not a victim; she is responsible of her choice to migrate irregularly.

This has nothing to do with the criminalization of prostitution, he maintains. However, it has to do with the criminalization of migration. Indeed, the sudden “she” in Mr Vitoria words, that is the female subject coming out from his discourse, suggested me the alter ego of the innocent virgin victim: the illegal dangerous migrant/chaos bringer whore of the anti-migration (and anti-prostitution) dominant paradigm²¹.

²¹ Fieldnotes, Diary 4.

3.4 Forced labour and migrant workers: the ILO

Few days before the meeting at the UNODC, I visited another crucial UN agency: ILO. ILO Brazil office is located in a luxurious villa of architectural originality in the Northern Embassies' sector of the city, which looks like a very upper class green residential area. ILO is among the oldest international organizations of this kind, founded in 1919, as part of the Treaty of Versailles at the end of World War I, along with the League of Nations, as an affiliated agency of it.

Mr Luiz Machado is the young coordinator of the ILO Project to Fight Forced Labour in Brazil, with eight years of experience in the field. I open our conversation with a question regarding the use of terms, in particular the difference between “forced labour” and “slave labour” (*trabalho escravo*). He explains to me that “forced labour” is an international concept defined in the 1930 ILO *Forced Labour Convention*²², “the most ratified convention within the 189 conventions we have”, he underlines²³. It refers to coerced work, which a person did not consent to.

3.4.1 Subjective perception and dreaming a new life

Brazil adapted to the *Convention 29*, as it is called, in the ‘40s, at the time when the Penal Code was drawn up and, with article 149, forced labour was criminalized²⁴. In 2003, article 149 was expanded to include “degrading conditions of work” and “condition analogous to slavery” and to go beyond the mere restriction of freedom. The Ministry of Labour and Justice decided to acknowledge those situations where “the worker was free to go, but because of his/her vulnerable conditions, there was exploitation, abuse of the situation”, harming the dignity of the human being, Machado explains.

Further on in our conversation, we arrive at the most interesting point of this matter. “*Degrading conditions*”, he clarifies, refer to a “*very subjective*” situation

²² For a further reference to this Convention see Chapter 2, subparagraph 2.2.1.

²³ Recorded conversation, 17/5/2012, Brasilia (BR).

²⁴ The presence of the term “slave labour” in Brazil comes instead from the mainly religious movements among civil society that, from the 70s, denounced and fought against the violation of human rights involving slave labour, referring to a practice of exploitation that never ended since colonial times. The same term then migrated to the 2003 National Plan to Eradicate Slave Labour, representing the first official document to use the term, which then was adopted by all following national provisions. For a good reference on modern-day rural slavery in Brazil see Costa, International Labour Office, and Special Action Programme to Combat Forced Labour 2009 and Parente and International Labour Organization 2011. For an analysis of forced labour at large at an international level see International Labour Conference 2009.

difficult to typify as a crime²⁵, whereas “*restriction of freedom is very objective*”. He brings as examples, for this second situation, cases of armed guarded detention, of documents subtraction, and of debt bondage.

I think that the element of subjectivity, the sort of elusive nature of the “exploitation spectrum”, reluctant to be univocally identified by a pair of terms, as argued in the previous chapter, is crucial. I indeed recognize a more or less implicit acknowledgment, on behalf of my interlocutor, that categories, particularly when juridical, even when they are context specific, still must be conceived and applied with care, as there is always a margin for interpretation and ambivalence, even within the victim’s lived experience itself.

As for the Palermo Protocol definition, Mr Machado thinks that there is a lack of unified, standardized understanding of the Protocol and of its adaptation to national legislations, in addition to the internal problem of a hyper focus on sexual exploitation and international migration, and of coordination and integration among different ministries and projects²⁶. Because “*trafficking is cross cutting among many other crimes*”, he specifies, therefore the organs involved are copious. Thus, I provoke him: “*Don’t you think then that it would be even better to get rid of the category of trafficking [...] or you’d keep it and agree with the definition?*”. Mr Machado tells me that he agrees with the definition, even if it needs to be revised. “*You could not get rid of it [the category of trafficking] because otherwise you could not punish the crime, in particular that of moving people with the intention of exploitation*”. In the perspective of ILO, trafficking is indeed only the means leading to force labour.

Mr Machado has mentioned the hypertrophic presence of sex work and migration issues, therefore I ask him the question regarding the increase of sex work and migration criminalization after the ratification. Analogously to Mr Vitoria, the ILO official denies, with a little hesitation, that this has happened in Brazil, but he is on the contrary positive to its occurrence at the international level.

Finally, I interrogate him regarding both structural and cultural reasons for trafficking. “*In the first place*”, trafficking occurs for “*the socio-economic conditions...people vulnerability [...] migration generally occurs because of a*

²⁵ In this respect, Mr Machado told me about the funny episode of a senator who had recently declared that he worked in degrading conditions in the Congress because there weren’t a sufficient number of toilets for all congressmen to use.

²⁶ See below 4.2

search for a better life, of a dream [...] considering the economic condition of the country, poverty [...] Workers migrate in search for a work, a job to make a living, to manage to support oneself and one's family... and this condition of vulnerability turns into a trap for these people, for the recruiters and traffickers' activities".

In Brazil, ILO main recent projects were two: one on slave labour in rural areas and the other one on TIP (2005-2012), with a special focus on sexual exploitation and international trafficking²⁷. The contribution of ILO has been substantial in both cases, in terms of technical assistance and financial support for research, for awareness raising campaigns, for work policies' elaboration, for NPAs drafting and for other important political initiatives, such as the foundation of the National Commission to Eradicate Slave Labour²⁸. Before leaving ILO office, after my conversation with Mr Machado, I stop in front of some book shelves full of information material and realize that, as it is understandable, ILO involvement, projects and studies regarded also, at a great extent, the key issue of migrant workers. The shelves were in fact rich of more or less technical books, brochures and leaflets on detailed guidance for Brazilian workers in the Southern Common Market and overseas, and on public policies for international labour migration²⁹.

3.4.2 The greater vulnerability of international migrants

Surprisingly, Mr Machado and I had not touched upon the migration issue in our conversation, contrarily to what occurred with Ms Mai Thuy, the national project coordinator of ILO 5 years long project in Vietnam regarding the protection

²⁷ See more on this below when I provide a brief focus on the Brazilian case and its internalization of the Palermo Protocol (Chapter 4.2.1). These are two extremely interesting ILO technical publications: one is International Labour Office and ILO Office in Brazil 2012, regarding the assessment and improvement suggestions of Brazilian legislation and public policies in order to better conform to the Palermo Protocol, the second one is Miranda et al. 2009, a training manual on international and national TIP for grassroots female groups of legal assistants *Promotoras Legais Populares*) who learn and support other women in the knowledge and fight for their rights.

²⁸ CONATRAE is the acronym in Brazilian Portuguese, standing for *Comissão Nacional Para a Erradicação do Trabalho Escravo*, which belongs to the National Secretary of Human Rights.

²⁹ The material was often produced in partnership with the Ministry of Work and Employment and with the Ministry of International Relations. See for example Ministério das Relações Exteriores 2012 at <http://www.portalconsular.mre.gov.br/antes-de-viajar-1/orientacoes-para-o-trabalho-no-exterior/view> and Almeida and Penna 2009 http://www.oitbrasil.org.br/sites/default/files/topic/tip/pub/contribuicao_para_construcao_374.pdf (Las accessed: 31/7/2014).

of labour migrants within and from the Greater Mekong Sub-region (GMS)³⁰, both in regular and irregular situations. The project started in June 2010, having as main donor the Australian Government Overseas Aid Programme (AusAID), and working in partnership with various governmental organs, among which the Ministry of Labour, Invalids and Social Affairs (MOLISA) and Vietnam Women Union (VWU) - the two main institutions also responsible for VoTs protection in the country - with representatives of the employers and of the employees. The involvement of government, employers and employees is the reason why ILO approach is named tripartite, Ms Mai Thuy explains to me. The project focuses on 5 Vietnamese provinces, with the principle aim of reducing the exploitation of labour migrants, and of preventing that one of migrants at risk. It operates through capacity building with various institutions, legal advice, policy implementation support, information and preventive information delivery directed to “the most vulnerable groups with key messaging on safe migration and rights awareness”³¹.

The ILO office in Hanoi city is located in the city centre, in an old dusty French building not too far from the Military History Museum. Mai Thuy receives me in a huge conference room where her thin voice gets dispersed, also due to the intense traffic noise which is unavoidable in the city. In the perspective of labour migration and of labour exploitation “*trafficking is a subset*”, she immediately clarifies³², reminding the words of Mr Machado who specified that trafficking is a means (for exploitation).

When I insist a little to deepen the issue of trafficking in an ILO perspective, raising the problem of the biased conception of trafficking as women trafficking for sexual exploitation, Ms Mai Thuy reassures me. “*For sure*” they consider as HT also trafficking for labour exploitation: “*within Vietnam, the Palermo is not ratified yet*³³, but the government is also expanding the definition of HT to include the labour exploitations [...] as far as I know the new law³⁴ included the forced

³⁰ The GMS is constituted by the following countries: Cambodia, the People's Republic of China (PRC, specifically Yunnan Province and Guangxi Zhuang Autonomous Region), Lao People's Democratic Republic (Lao PDR), Myanmar, Thailand, and Vietnam.

³¹ http://www.ilo.org/hanoi/Whatwedo/Projects/WCMS_205867/lang--en/index.htm, also for a detailed description of the project (Last Accessed: 2/8/2014).

³² Recorded conversation, 4/8/2011, Hanoi (VN).

³³ At the time of this interview indeed, Vietnam hadn't ratified the international provision yet (see below 4.3). I remind that I report the words of my interlocutors *literaliter*, keeping therefore their English language mistakes when occurring as long as the meaning is still clear.

³⁴ See below for more on Vietnamese anti-trafficking legislation (Chapter 4.3).

labour”. I add that, for the first time, men are also considered as possible VoTs in the latest version of the new law; she confirms my observation saying also that: “*it’s a very good sign because it is no longer the case that the main focus is reduced to children and women trafficking...but the new law*” she continues “*has newly ... you know...*”, meaning that one thing is the provision on paper, another thing is to change local authorities’ mentality and people common understanding.

My conversation with Ms Mai Thuy, who had started working in ILO 7 months only before I met her, when the project started, dealt essentially with the phenomenon of international migration, in particular “illegal” mobility in the area of East Asia. One point my interlocutor seems especially worried to make clear: for her, international migrants are more vulnerable. This is the case for a series of reasons: first, they are indebted and this puts them in a vulnerable situation where they have no much power to negotiate their working conditions, since they simply have to work as much as possible to repay the debt (when they have not simply fallen into a debt bondage).

Secondly, people who take the risk of migrating illegally are usually also the poorest, low educated, “*lower integrated*” and unskilled ones, since, paradoxically, illegal migration is cheaper, and faster, than the legal one. These people are also the ones who lack knowledge and awareness regarding both the “*real situation*” abroad and their rights. Thirdly, these kinds of people are further exploitable and vulnerable in a foreign country due to, in addition to their undocumented condition, other factors such as language barrier and a general difficulty to orientate in a foreign place. Given this scenario, according to Ms Mai Thuy, prevention is the key: it is necessary to “*prepare*” migrants so that they can better “*protect*” themselves. “*What does it mean to you to be vulnerable?*” I then ask her directly: she summarizes her argument saying that it is essentially a matter of poverty and of low education.

3.5 The particular case of UNIAP

ILO is not the only organ operating regionally or sub-regionally. In this sense, a unique case is constituted by UNIAP, the United Nations Inter-Agency Project on HT in GMS, of which ILO is also a partner. This huge project was in its

final phase at the moment of my fieldwork. Started in the year 2000, it involved a remarkable amount and variety of partners and donors, among governmental institutions, UN agencies, international NGOs and research centres. One of the major role of UNIAP, as well as its most important initiative, has been to serve as a secretariat for the COMMIT process, providing technical assistance, from policy development to policy implementation³⁵. With the end of the last of three sub-regional plans of action (SPA) in December 2013, the UNIAP project was meant to stop being active with its name and become something else, according to what Ms Ly Phuong told me, but its exact destiny was unsure³⁶.

3.5.1 The inability to protect themselves

Ms Phuong has been working in the information analysis management for three years and at the beginning of our conversation she asks me various questions regarding the research I am conducting. Her position inside UNIAP and her exceptional curiosity makes me expect for a valuable combination of macro-micro perspectives. Nonetheless, I was partly disappointed. Ms Ly Phuong's words regarding the reasons behind risky migration and the issue of vulnerability sounded very similar to Ms Mai Thuy's, for example, and to the stereotypical official descriptions that one can find in official projects and organizations' websites.

I do not mean that these descriptions are untrue, but simply that they retell a flat widely shared and repeated scenario which is a basic truism. In this scenario, *“everybody is looking for a better life”, “for a dream life”*, Ms Phuong also believes (as her Brazilian colleagues), but migrants who fall into trafficking are supposed to be particularly vulnerable, because they are less educated, poorer, living in remote rural areas, with very few chances of employment and higher desire to migrate. *“They cannot distinguish between fake and true [...] they cannot analyse the offer*

³⁵ http://www.no-trafficking.org/how_obj.html (Last accessed: 9/8/2014). COMMIT is the Coordinate Mekong Ministerial Initiative against Trafficking, which is a broad multi-sectorial framework for the fight against trafficking. Born in 2004, it is the main achieved objective of Phase 1 of UNIAP project, whose main stakeholders are indeed governmental institutions. In that year, an important memorandum of understanding was signed by the six governments of the sub-region, bounding them to multilateral and government-NGO cooperation against trafficking meeting international standards (<http://www.no-trafficking.org/commit.html>, for the full MOU text see http://www.no-trafficking.org/reports_docs/commit/commit_eng_mou.pdf (Last accessed: 9/8/2014).

³⁶ Unrecorded conversation, 28/5/2013, Hanoi (VN). At the moment of writing, I cannot find on the web any updated information regarding either UNIAP transformation or definite closure. I presume it is still all in process.

[...] *they do not have enough understanding, not enough awareness, not enough soft skills to protect themselves*”, Ms Phuong says to me, and for her this is the reason why they easily accept and go, and, once there, they can stand exploitative working conditions, as they might think that *“it is normal for people like them”*, who do not *“perceive themselves as vulnerable”* and with equal rights.

3.5.2 Out of the myth

Almost two years before, during my first longest fieldwork in the country, I met Mr Nguyen Ngoc Anh, the national project coordinator of UNIAP in Vietnam. During the long conversation with him, in UNIAP offices within UN compound in the city centre, we touched upon many issues³⁷. Starting from a detailed explanation of UNIAP, with a particular focus on COMMIT and on the Shelter Self-Improvement Initiative³⁸, we continued talking about the Protocol definition, the lack of evidence-based empirical research, resulting into unreliable statistics and data, the TIP report, and the causes behind trafficking.

3.5.2.1 The absence of a trafficking definition and of clear interpretation of it

Over my question regarding the Palermo Protocol and its definition, Mr Anh notices that it is problematic for it takes into consideration international trafficking only, disregarding internal trafficking, and it does not necessarily work well in the country, since there is not a national definition, and since Vietnam is not a State member of the Convention yet, the international definition is only partially recognized³⁹. So I ask him whether the government is working on a definition, and he explains to me that after a long debate on whether a definition should be

³⁷ Recorded interview, 26/7/2011, Hanoi (VN).

³⁸ For a list of UNIAP initiatives see <http://www.no-trafficking.org/initiatives.html> (last accessed: 11/08/2014). Along with COMMIT, SIREN and Underserved Victims are the other two key UNIAP initiatives. SIREN stands for Strategic Information Response Network and consists in conducting researches, validation and analyses on HT in the region, with the production of reports, data sheets, forums, case studies, and the like (<http://www.no-trafficking.org/siren.html>). “Underserved Victims” is a project aiming at reaching those VoTs who “are not formally identified as such and are then unable to access support services they may require”. The project targets those areas where the problem is more severe. An underserved group significantly is, for example, male victims of labour exploitation on boats, factories and plantations (http://www.no-trafficking.org/init_underserved.html). The “Shelter Self-Improvement” project is a capacity building initiative for shelters managers and staff, aiming at creating a network with common quality standards. For what I could see, this project wasn’t carried up to any satisfying results, being interrupted with the last training workshop in November 2011 (see also http://www.no-trafficking.org/init_shelter.html and below Chapter 5.4).

³⁹ See above note 31.

included in the trafficking law or not, it was finally decided that no definition was needed. He does not agree with this decision, maintaining that a common reference would be better, also due to the fact that “*there is a lot of myth or misunderstanding about trafficking at the moment, not just among the normal people, but among the officials who work in this field*”. “*Trafficking*”, he continues, “*is commonly seen as the sale of people, but the sale of people for money or income is just one of the forms of trafficking [...] many people are victims because they were deceived or coerced to work... in a brothel for example*”.

There is not a clear understanding on the nature of the purposes of trafficking, he then adds, referring to the fact that sexual exploitation is “*in a way*” a form of labour exploitation. At this point, I raise the issue of consent and of how there is often confusion on whether consent can nullify the crime or not. I report to him the objection to the Protocol of being over worried with the transportation aspect of trafficking, that is with illegal migration, and less with increasing migrants and workers rights’ protection. Mr Anh does not seem to be responsive on these matters, simply reaffirming his conviction that a “*legal definition*” distinguishing trafficking, smuggling and forced labour is “*definitely needed*”, even if, he argues, it is more a matter of “*assisting people towards the right interpretation*” and “*in establishing its scope*”, than having a definition *per se*.

3.5.2.2 *Men invisibility and the need for grounded research*

When we tackle the topic of HT worldwide and of the position of Vietnam in this global scenario, Mr Nguyen Ngoc Anh reports that around 50% of HT in the world occurs in the Asia Pacific area, with the highest prevalence in Thailand and Japan. However his figure does not have a clear source, simply, he says, “*it comes from somewhere*”. Mr Anh is the first one, in fact, to recognize the impossibility to know the exact prevalence of the phenomenon and the severe lack of reliable researches and data, also regarding the phenomenon in Vietnam, even if he thinks that it is growing. In particular, he brings as an example the common unsubstantiated belief that there are more trafficked men than women, only because, this is his uncommon opinion, labour exploitation is more profitable than the sexual exploitation and it is believed that the labour force is essentially male.

I take then the opportunity to observe the general invisibility of men within HT discourse and the good step the government was making in this sense, for it was

including men in its new anti-trafficking legislation. Mr Anh replies to me with little enthusiasm that even if the law recognizes them, in practice they are not recognized, because it is a matter of changing people mind-sets, echoing Ms Mai Thuy's remark. It is indeed very difficult to have access to male victims, because they are not identified and recognized as victims: *"no one really knows what's going on with them"*, he clarifies, *"everybody thinks about trafficking in women and children"* for prostitution and marriage. So, I ask if COMMIT is going to work in this sense, but apparently, Mr Anh observes, at the governmental level the need for more research with the aim of providing better support, in this case regarding male victims, is not really acknowledged, and UNIAP has to really push the governments to fill the gaps in terms of researches, evidences, empirical data collection and to adopt a reliable methodology⁴⁰.

Talking about researches and reports, I find it appropriate to ask Ms Anh his opinion on the largely criticized TIP report. *"I think the TIP report is not a full situational analysis report, it's not an academic report [...] the purpose of the TIP report is to assess the countries' responses or efforts [...] we don't use as a tool [...] it's not a working document ... for many of us"* Mr Anh thinks, acknowledging also the political aspect of it, yet avoiding entering into the debate around US hegemonic foreign policy. In this respect, he fairly notes that *"it would make more sense if the report is produced by the UN because all the countries are State members of the UN"*. And when asked about Vietnam ranking and representation, Mr Anh notices that the ranking, because of the automatic downgrading of a country after three consecutive years of no significant improvements or changes, does not necessarily reflect the ongoing efforts of a country. *"I think the purpose of the TIP report is as a stimulator to push for more action, for more commitment"*.

3.5.2.3 The role of the traffickers in triggering and vulnerability as disempowerment

"I think no one knows, I don't know either [...] I don't go for the common belief or myth where people have low education or economic difficulties...there's a number of other risk factors as well...it's a combination of reasons", Mr Anh is the only interlocutor who gave me such a clear-cut answer to the question around the

⁴⁰ See above note 33 and UNIAP "Underserved Victims" initiative which is indeed addressing male workers and SIREN initiative as well.

main causes of trafficking, giving me a rather singular explanation, which took the perspective of the traffickers, instead of that one of the trafficked. He believes that one of the most important factors consists in the fact that traffickers are less active in some areas and very active in others. In these last ones, it might happen that, even if people are not so poor and have never thought of migrating abroad before, they are instilled the desire to migrate by the traffickers, *who are hunting for victims*” and *“initiate some sort of motivation”*. But certainly, when the recruiters’ rings are very active, due to easy access and transportation⁴¹, and this is combined with the poverty of the local people - who can be *“desperate for employment, desperate for money and they would do anything to get money to support the family”* - the area becomes a hotspot.

Towards the conclusion of our conversation, I want to investigate more Mr Anh’s knowledge about VoTs subjective experiences, since he has conducted some direct research with them. Besides the external causes he is made reference to, I ask him which are the inner motivations, desires, dreams and expectations that lead some people to accept, in varying degrees, unsafe migration conditions. His reply sounds like a mantra: *“I think everyone has aspirations for a better life”*. He thinks, like the majority of the officials I talked to, that it has to do with the human being, it is a universal ambition. And he continues: *“[...] for the victims they are just the unlucky ones... for many victims, even after been repatriated, returned, they didn’t even know they were victims of human trafficking, they were just thinking that they were unlucky”*. Indeed Mr Anh also believes that ignorance, remoteness, absence of access to mass media information and poverty are crucial factors for which someone take the risk, for example, of having to work as a sex worker.

I finally ask him what is his idea of vulnerability, and he replies, after pausing, that it has a lot to do with power: *“you don’t have money, you don’t have power, you don’t have money, you feel desperate”*. But surely money is not the only element which can disempower people: he indicates discrimination, domestic

⁴¹ In this respect, Mr Anh mentions a research they conducted in Cambodia taking into consideration the impact of the new East-West corridors, part of the huge highways’ system in GMS projected and implemented by ADB. This new infrastructural network of roads is and is going to generate relevant changes in the area, also for HT (see <http://www.adb.org/projects/41682-012/documents> and <http://www.amchamvietnam.com/greater-mekong-subregion-gms-road-network-in-2015-adb/>. Accessed: 14/8/14). For the UNIAP research on HT in Poipet, on the Cambodia/Thailand border, see http://www.no-trafficking.org/reports_docs/2009-2010_UNIAP_sentinel_surveillance_Poipet.pdf (Last Accessed: 14/8/14).

violence, peer pressure, and Confucianism's family values as well. These factors can together create such a pressure heavily determining a person's decision making to migrate. If that migration is unsafe, the experience might result into trafficking.

3.6 Human rights perspectives

I would like now to report the voices of three last interlocutors working in UN related agencies which represent complementary approaches to HT. Hypothetically, these people should be bearers of additional perspectives to the ones sketched above, namely a human rights' one, a women's rights one and a children's rights one. In fact, Ms Paula Pallares works in UNWomen offices in Brazil, Ms Nguyen Thi Ha in UNICEF Vietnam country office, and Mr Surya Bahadur Deuja is the head of Promotion, Policy and Collective Rights Division of the National Human Rights Commission (NHRC) in Nepal, along with Mr Kamal Thapa Kshetri from the Office of the Special Rapporteur on Trafficking in Women and Children.

3.6.1 Nepal National Human Rights Commission

Mr Surya explains to me the “*unique [and] complementary*” position of the Commission, which is a State body, funded by the government, yet totally independent from it, and with strong relationships with the UN, via the support and coordination of the International Coordinating Committee (ICC). NHRC offices are indeed not accidentally located at the end of the same street of the UN gated compound, roughly on the opposite side of Kathmandu from where I was living during fieldwork, nearby *NH* NGO offices and houses. The NHRCs are domestic counterparts of the United Nations Human Rights Council, its key stakeholder, and are meant to provide international organs with reliable information on national human rights' protection, to promote UN principles through capacity building, legal technical assistance, and educational campaigns, and to engage with UN treaty bodies⁴². The broad role of NHRC is to “address discrimination in all its forms, as

⁴² Recorded conversation, 15/8/2013, Kathmandu (NP). For more details on NHRCs, ICC, historical references and relationship with UN see the ICC website at <http://nhri.ohchr.org/EN/Pages/default.aspx> (last accessed: 18/8/14).

well as to promote the protection of civil, political, economic, social and cultural rights”⁴³. The core funds come from the government, while additional funding for special projects come from UNDP, for example, and other governments.

NHRC in Nepal was born in 2000, but became a constitutional body in 2007 only, with the Interim Constitution of Nepal, acquiring the possibility to fully exercise its powers. This is also when the HT issue passed from being tackled as an additional project and became an integral part of the Commission. Mr Kamal tells me that in 2002, initially with a 3 years long project funded by UNDP, the Office of the Special Rapporteur on Trafficking in Women and Children (OSRT) was established with the idea of acknowledging HT as an issue of human rights violation. Since its establishment, the office annually releases a report on TIP, especially of women and children, aiming at being a reliable information source⁴⁴. This task is not easy, Mr Kamal explains to me, because there is not uniformity among the various data collecting systems: “*one NGO has one type, another NGO has another type*”. To solve this inhomogeneity, he continues, every year they refine the information collection format and questionnaires they submit to the numerous local and international NGOs, to the various governmental bodies (Supreme Court, Nepal Police, Labour Migration and Foreign Employment Ministries, the Ministry of Women and Children), to the 5 Development Regions authorities and also at the districts’ level.

In addition to the report, the Office is also active in the field with two main mandates - Mr Surya clarifies -: one is the protection mandate and the other one concerns advocacy. Under the first mandate, for example, the Commission operates also cross-nationally, cooperating with other NHRCs, especially with the one of India, to rescue and repatriate victim minors, also in partnership with some NGOs. Furthermore, a crucial point, he underlines, is that the Commission has, under some aspects, an enormous power, equivalent in some cases to the police or to a governmental investigative agency⁴⁵.

⁴³ <http://nhri.ohchr.org/EN/AboutUs/Pages/RolesTypesNHRI.aspx> (Accessed: 18/8/14).

⁴⁴ The most recent reports can be downloaded from NHRC website at <http://www.nhrcnepal.org/publication.php?page=R> (Accessed: 16/8/14).

⁴⁵ A document titled “The Current Activities of the National Human Rights Commission of Nepal” provides information regarding Nepali NHRC, with an overview of its history, organization, composition, major functions and activities, and so forth, in addition to a detailed record of human rights’ violations for the year (Available from www.asiapacificforum.net, accessed: 6/7/15). The powers of the commission are large indeed, and they include: “powers as equal to the court with respect to requiring any person to appear before the Commission”, “publishing and recording names

3.6.1.1 International, regional, and national HT definitions

Half way through our conversation, when my sweet “Nepalese tea”, as my hosts call it, is almost finished, I come out with my question regarding the position of the Commission on the Palermo Protocol definition of HT. Mr Kamal is hesitating: “... *the Commission has not yet declared what... about the definition [...] and many stakeholders and many activists who have been working in this area noticed human trafficking had to cover a lot of the decrees and provisions that are covering our national laws...human trafficking protocol definition is a broad [one]...not exactly that definition borrowed by our national law, but nearby that*”. This is the case also because the Commission advocated with the Legislative Committee, during the drafting of the national anti-trafficking law in 2007⁴⁶, for a definition in line with the Protocol, suggesting various amendments.

What Mr Kamal highlights is that the Commission has not taken yet an official position regarding the definition, whether it is adequate or not. Mr Surya adds that for advocacy purpose, during many workshops for “*conceptual clarity*”, the UN definition is used, whereas for juridical purposes the national one is the one “*really*” employed. So I ask why Nepali government has not ratified the Protocol yet⁴⁷, and the answer I receive, and which I find sensible, is that it does not depend on the “*government intention not to ratify, but because of the prolonged transition and other things [...] we don’t have, you know, a law making body*”, as Mr Surya says⁴⁸. “*The political context also is one of the factors*” he goes on “*otherwise in our interactions with high level officials ... they haven’t expressed the reservations*

of the officials, individuals and other legal entities who have failed to observe or implement NHRC recommendations”, “entering into any government offices or any other place without prior notice, and carry out search, “rescue of persons in custody”

⁴⁶ See below Chapter 4.4 for more on Nepal anti-trafficking legislation.

⁴⁷ It must be clarified that Nepal ratified the Convention on 23 December 2011 but not the three additional Protocols (https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en, last accessed: 8/4/2015).

⁴⁸ The political situation in Nepal has been instable at least since 1994 when a Communist government was elected, then dissolved the following year, and a period of frequent changes of PM followed. A sever worsening occurred in 2001 with the Palace killings and the beginning of Maoist violent fights. A civil war started. In 2007 Maoists finally joined the interim government, after a period of absolute monarchy, and in that same year, in December, parliament approves the abolition of monarchy and an interim Constitution. In 2008 Nepal becomes a republic, and the Constituent Assembly kept on failing to meet the deadlines for drawing up the new constitution, and for this it was dissolved in 2012. In November 2013 elections, no party won a majority, and in February 2014, the leader of the Nepali Congress, the largest party, is elected prime minister, after securing parliamentary support. Still though, the new constitution has not been agreed yet. With the terrible earthquake of April 2015, all has been suspended in front of more pressing issues to be solved.

regarding the broader definition and in SAARC level also... if you see the SAARC convention, it is also very narrow, limited to prostitution". And we all confirm and nod.

SAARC is the South Asian Association for Regional Cooperation. It includes the States of Bhutan, India, Pakistan, Afghanistan, Maldives, Bangladesh, Sri Lanka and Nepal⁴⁹. In 2002 State parties signed the *Convention on Preventing and Combating Trafficking in Women and Children for Prostitution*. In Article 1(2) of the document prostitution is equated *tout court* with sexual exploitation "or abuse of persons for commercial purposes", whereas in comma 3 trafficking is defined as "the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking"⁵⁰. Interestingly enough, this definition seems to be completely oblivion of the most contended and contested issues characterizing the feminist battles during the Vienna process and the previous century at least⁵¹.

3.6.1.2 Sex workers' and migrants' increased vulnerability

At this point, since I assume that my interlocutors have a human rights' protection view, I want to directly confront them with the two main sets of critiques moved to the Protocol, namely its underlying anti-migration and anti-prostitution assumptions, which result into an increase of criminalization of both migrants and workers in the entertainment sector. For the second time, they "hide" themselves behind the Commission, saying it has not taken position yet on these matters, since there has been a number of other cogent problems to investigate in the country.

When I try to differently formulate my question, explicitly making reference to a possible intensification of police raids in the entertainment sector, or of a reduction in VISAs concession for expatriation, particularly to women⁵², their replies are fragmented and somehow confusing. Certainly, regarding the first matter, Mr Kamal acknowledges the existence of some fallacies in the national law, in particular in terms of protection of female workers in the entertainment sector

⁴⁹ For more information on SAARC see <http://www.saarc-sec.org/>.

⁵⁰ See <http://www.saarc-sec.org/userfiles/conv-trafficking.pdf> for the full text of the Convention (Last accessed: 20/8/14).

⁵¹ See above Chapter 2.2.4 and 2.2.5.

⁵² See above Chapter 2.4.

when there is not enough evidence that it is a trafficking case. This means, according to Mr Kamal that, for example, when young women are “*just*” promised a good job in the urban areas and only “*subsequently and gradually they are in the entertainment sector and exploited*”, they are not recognized as VoTs, and they might get prosecuted under the Public Offence Act⁵³. In this sense, police raids and arrests have increased and there have been “*a lot of problems: police tortured entertainment sector’s workers, especially women*”, in addition to health problems and prosecution questions, as it has been raised also in the TIP Commission report.

Regarding migration, Mr Surya mentions to me the 2007 Foreign Employment Act⁵⁴ as an important legislative improvement in the field, and he refers to the governmental policy whereby women under 30 years of age are banned to migrate to Saudi Arabia. In fact, Nepali government, pursuing its protectionist approach, is not in the condition of protecting them, since Gulf Countries are not accountable because they have not ratified many relevant UN treaties and human rights protection international instruments⁵⁵.

In addition to this, Mr Surya suggests, domestic workers are especially vulnerable, for they cannot organize themselves in trade unions or in other

⁵³ The Public Offence Act is available at <http://www.lawcommission.gov.np/en/documents/prevaling-laws/prevaling-acts/func-startdown/311/> (Accessed: 7/8/14).

⁵⁴ With the Foreign Employment Act (available at http://www.dofe.gov.np/new/uploads/article/foreign-employment-act_20120420110111.pdf), accessed: 6/7/15) Nepal has enacted a separate legislative measure to ensure that the foreign employment business is safe, systematic, and decent. The FEA, which is accompanied by the Foreign Employment Rules of 2008 and a Foreign Employment Policy of 2012, does not differentiate between the formal and informal sectors, such as domestic work. Domestic work is not covered by Nepal’s Labor Act of 1992. However, the Ministry of Labor and Transport Management (MoLTM) has issued a directive recognizing domestic work as a legitimate form of employment. The directive applies to four Gulf States which are common countries of destination for Nepali housemaids: Kuwait, the United Arab Emirates, Saudi Arabia, and Qatar. At the time of the assessment, the MoLTM was in the process of developing a 5-year National Plan of Action on Safe Migration. Notably, neither the HTTCA nor the FEA define trafficking in persons in relation to foreign employment migration. This has led to a critical lack of conceptual clarity among key justice system stakeholders in Nepal about the legal classification of cases involving exploitation of Nepali migrant workers (American Bar Association and Rule of Law Initiative 2012: 3).

⁵⁵ Within this picture, it is worth mentioning the existence of the Kafala system in the Gulf Cooperation Council (GCC). Kafala means “sponsorship” and is a system emerged in the 1950’s to regulate the relationship between employers and migrant workers, in a moment of booming economy. Under this system, a migrant worker’s immigration status is legally bound to the *kafeel* (sponsor/employee), to whom the worker is utterly dependent. The power that the *kafeel* has on the worker has made compared the system, which is internationally condemned, to a form of slavery (see e.g Reform of the Kafala (sponsorship) System - Policy Brief N° 2 2012). Due to the Kafala system, Nepali workers in the area have been denied to go home visit their families after the terrible earthquake of April 2015. Albeit difficult to draw precise figures, the numbers of Nepali migrants’ workers in the area is calculated around one million (Siegel and Noonan 2015).

organizations to protect their professional category, as this is not recognized in those countries, also because the ILO convention on domestic work has not been ratified⁵⁶. Therefore, albeit the government is aware of the right to mobility advocated by women rights' activists for example, "*when we talk to the authorities*" Mr Surya contends, unofficially "*they say that 'if we don't do this it means a licence of trafficking in the name of mobility'*", specifying that there have been various cases of "*girls going alone and coming with a bury*". And Mr Kamal reinforces the point saying that corpses of undocumented migrant arrive to Kathmandu airport every day.

In sum, while they complexify the picture both of sex workers and migrants, the answers of my interviewees to my question are positive: sex-workers' and migrants' increased vulnerability due to the Trafficking Protocol.

3.6.2 ONU Mulheres and the indigenous women

The first thing that strikes my attention when I enter UNWomen office in Brasilia is Paula Pallares' age. Miss Pallares is a very young Spanish woman, PhD in Anthropology, who is been working in the area of Political Leadership and Participation as a project assistant. Although trafficking is dealt with by the sector of the Elimination of Violence against Women, as the majority of trafficked women are young, and since Miss Pallares' sector is implementing a project dedicated to women participation and networking, her sector is *de facto* taking care of HT issue, only partly sharing it with the Elimination of Violence against Women one⁵⁷.

3.6.2.1 The naturalization of some practices as vulnerability

In particular, she explains, it is a binational project, occurring at the Brazil-Paraguay borderland, amongst indigenous women to empower them and build their capacity and awareness on their rights at large, including their ability to individuate and to react to cases of rights' violation in their community, such as trafficking.

⁵⁶ Mr Surya here refers to ILO Domestic Workers 189 Convention of 2011, entered into force in 2013 only (for the full text of the convention see http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189. Accessed: 21/8/14). Not even Nepal has ratified this Convention yet, but probably what Mr Suyra meant is that it is considering doing so, also in consideration of the advancement made by the directive of the Ministry of Labor and Transport Management (see above note 51).

⁵⁷ Recorded interview, 23/7/12, Brasilia (BR).

“Because we perceived that one of the difficulties is also to identify trafficking cases, identify what trafficking is”, she states. The main problem is that *“there are some practices which are almost naturalized”*, they are accepted cultural practices, she specifies, bringing as an example girls trafficking for domestic servitude. For this reason, it might happen that many women cannot see themselves as exploited, and realize it only *ex post*, after they have been reached by the programme and after sharing their experience with their peers. The point is not that they are not aware of their realities, *“it is that they do not conceptualize it as... as a violation of their own rights”*.

Furthermore, as noted also in the previous Chapter, trafficking is a process and the fact of becoming a victim *“sometimes is clear, other times is not so clear [...] the limit is rather subtle [...] and sometimes there’s the fact that it is difficult to recognize that, because you find yourself in a condition of vulnerability of being undocumented, of not knowing whom to talk to [...] and also the fact of doing something illegal has a weight I imagine”*, Miss Pallares observes, making a point similar to Ms Mai Thuy’s from ILO.

More generally *ONUMulheres* participated to the elaboration of both the first and the second NPA⁵⁸, and currently is advocating the topic of women trafficking, especially of indigenous women, for forced labour, since this is not so present and clear in public policies, discussions, and reports, where international and internal trafficking for sexual exploitation only is dominating. There is not a specific stable programme or office dealing with trafficking, Miss Pallares says, it is more about different actions in different projects, not like in South East Asia. On one side, I am negatively surprised: I imagined that precisely in a context where trafficking was mostly focused on international routes, women and sex, the presence of the UN agency for “gender equality and the empowerment of women” would be particularly strong. On the other side, I am positively impressed by the fact that UNWomen in Brazil is promoting overlooked aspects of the phenomenon, in particular the one of female exploitation in other sectors than the sex industry.

⁵⁸ See below on Brazilian anti-trafficking policy (Chapter 4.2).

3.6.2.2 *Rights' violation, curiosity and power inequalities*

To my inquiry regarding the category of trafficking as defined in the Palermo Protocol, and its main critiques, Miss Pallares replies that UNWomen is very much in line with ILO position and work, that is “*to conceive trafficked people as rights bearing people, who have the right to migrate as well*”. And she continues formulating a thought-provoking conception of vulnerability: “*a person is trafficked when she/he comes from a context of violation of his/her rights [...] the person wants to migrate for whatever reason and there he/she is more vulnerable to trafficking as much as her/his rights are already vulnerable*”. It is from this assumption that *ONUMulheres* works on “the identification of rights’ violation” and to strengthen “people who can be susceptible of being trafficked”, without operating in the prosecution sector. In a very complex scenario of trafficking, structural causality, a context of inequality, including gender inequality, is at the basis of the phenomenon, Miss Pallares argues. On another side, there is the demand factor, which is the classic migration pulling factor, even if, she notices, people do not always migrate for economic reasons, or necessarily to get out of a negative context. The reasons to go away are many and very complex, and they include, for instance, curiosity.

In a context of inequality, more than of poverty, as the Brazilian one, “*people don’t have new lease on life and... accept or pretend to improve this situation and thus they can get more vulnerable to be trafficked*”. “*What is it that you mean with vulnerability*” I then ask, and she reaffirms her points: “*I think it has a lot to do with the context of inequality... of power inequality...to act, rights’ inequality itself ... [...] it is not a question of essentiality – women are more vulnerable – this has to do with a situation of inequality and discrimination ... of access to possibilities, of access*”.

Further clarifying her idea of inequality, she refers to the different aspects of inequality and discrimination – race, economic, gender – which can well intersect. This kind of view immediately reminds me and brings me back to the feminist theory of the existence of multiple lines of oppression acting upon marginal subjects (Smith 2000) and to the one of multipositioned subjectivities (de Lauretis

1999; Moore 1994), discussed at the beginning of this work when tackling the issue of subjectivity and how it is conceived and used here⁵⁹.

3.6.2.3 A note on consent

When I go back to the trafficking category itself, Miss Pallares tells me it is a confusing category, and that people find it often hard to distinguish what is trafficking and what is smuggling, because “*in reality*” the two things intersect, without counting some language challenges regarding the translation of the terms in Spanish and Portuguese⁶⁰. Other confusing aspects for trafficking to be clearly defined are, for her, the necessity or not that some borders must get crossed and the whole issue of where the limits of acceptance and consent lay. I raise the point that, with respect to the issue of consent, there seems to be a discrepancy between Palermo and the Brazilian penal code articles. Yet, she simply replies that where exploitation occurs, the responsibility lays on the side of the criminals, since nobody can consent to be exploited. “*And I think that the document of the United Nations must be read in this sense: not to criminalize a victim, neither for questions regarding her/his situation as a migrant nor for the actions taken within trafficking*”, Miss Pallares declares. But she also concludes saying that the victims cannot be seen as totally innocent.

3.6.3 UNICEF Vietnam

On the contrary, the issue of innocence is commonly out of discussion when tackling trafficking of minors⁶¹, and minors in general. In line with this vision, the picture that Ms Nguyen Thi Ha, Child Protection Specialist from UNICEF, draws regarding minors VoTs is of extremely powerless subjects⁶². Strangely enough,

⁵⁹See above Chapter 1, paragraph 1.

⁶⁰In Castilian, trafficking is translated with *trata*, whereas trafficking is closer in meaning to human smuggling, being translated as *tráfico ilícito de migrantes*. In Portuguese *tráfico de pessoas* or *tráfico humano* is kept, while for migrant smuggling it is used *contrabando* or *tráfico ilícito* as well. In French we also have *traite de personnes* and *trafic de migrants*. In Italian both terms are accepted, *traffico* and *tratta*, where this last one is more proper and the first is a literal borrowing from English language. For migrant smuggling we use *contrabbando* also. The Convention is officially translated in Arabic, Chinese and Russian, and I'd believe that some problems of translation are posed in those cases as well.

⁶¹For a concise yet useful picture of the phenomenon, including some figures, international legislation and forms of child abuse see for example http://www.antislavery.org/english/slavery_today/child_labour.aspx (Last accessed: 27/8/14).

⁶²Recorded interview, 20/9/11, Hanoi (VN). In my research, I didn't want to take into account the age factor of the returnees I encountered. This means that I was aware of the fact that some of the

UNICEF Vietnam office is not located in the UN gated compound close to Hanoi train station, but in another building of different offices not too far. Probably because UNICEF was one of the first international UN related agencies to be active in Vietnam since its reunification in 1975, obtaining that the country became the first in Asia and the second in the world to ratify the *UN Convention on the Rights of the Child* in 1990⁶³.

3.6.3.1 Child adoption and child trafficking: the missing link?

Ms Ha has been working in the Child Protection section since 2002. Child trafficking belongs to the area of Child Protection “from violence, exploitation and abuse”, along with child labour, child marriage, and child recruitment by armed forces⁶⁴. In Vietnam, Ms Ha explains to me, this programme addresses the most vulnerable groups of children: “*children victims of human trafficking, children victims of commercial sexual exploitation, children in conflict with the law, children with disabilities, children without parental care, children affected by HIV... and human trafficking is one component of the program*”⁶⁵.

The program is further subdivided in two main strategic lines: one devoted to the improvement of the welfare system at the community level, to develop a grass root children protection system, with a strong attention for social work and case management; the other strategic line is focused on juvenile justice, where the emphasis is on law enforcement and improvement. As for the other agencies, UNICEF cooperates with various governmental authorities, from top to bottom levels, that is from the most relevant ministries, such as the Ministry of Justice and the Ministry of Labour Invalids and Social Affairs (MOLISA), down to the bureaucratic pyramid to People Committees, Vietnam Women Union (VWU) and to the corresponding authorities at the provincial and district level, such as the Department of Labour Invalids and Social Affairs. The agency also supports some

young women I conducted research with were underage, either when I met them or when they were trafficked before, but I did not want to tackle the children issue within and outside HT/modern slavery discourse, which would have also entailed a specific different literature, leading me away from my objectives. The same partially applies to the gender issue (see the above 1.3).

⁶³ See <http://www.unicef.org/vietnam/overview.html> (Last accessed: 27/8/14). For the full version of the convention see http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf (Last accessed: 28/8/14).

⁶⁴ See: http://www.unicef.org/protection/57929_57977.html (Last accessed: 27/8/14).

⁶⁵ For more detailed information on UNICEF action in Vietnam, see the country website at <http://www.unicef.org/vietnam/protection.html> (Last accessed: 27/8/14).

Social Protection Centres, where returned victims are immediately received once back⁶⁶.

Yet UNICEF main task consists in assisting the government in policies and law making and revision, functioning as a technical consultant. Moreover, the agency, she continues, also collaborates with various Embassies for child adoption, being Vietnam “*one of the biggest source countries for child adoption*”. Clearly, child adoption and child trafficking can bear a strong relationship (see e.g. Smolin 2006), and I immediately connect Ms Ha statement to the affirmation of Mr Norton, the then Head of Migration Crime Team of the British Embassy. Funny enough I had talked to Mr Norton few hours before and he was declaring that Vietnam was a top source country for children trafficking⁶⁷. Nonetheless, incredible as this may sound, Ms Ha does not seem to be aware of this issue⁶⁸ and when I go back to it, she replies that so far there have not been any researches on the link between trafficking and adoption.

Generally speaking, it must be said that the percentage of child slavery is believed to be remarkable, albeit reliable figures are again missing⁶⁹. Ms Ha also observes that there are no independent researches in HT in VN and that is very hard to evaluate whether HT is increasing or decreasing, “*it is a debate, somebody said that it's increasing, but no evidence that it is increasing, they see that the only increase is in the number of prosecutions [...] but if you look at the total number of people being trafficked, it is not increasing*”.

Not only this statement reconfirms the lack of evidence-based and universally recognized data, but also the general tendency to boost the phenomenon, especially when it is appealing to emotive public reaction of compassion, as with children the purity of the victim is, as said, absolute⁷⁰. In the domain of child trafficking the depoliticizing effect of the rigid dichotomic categories victim vs.

⁶⁶ For more on Social Protection Centres see Chapter 4.3.6.

⁶⁷ Recorded interview, 20/9/11, Hanoi (VN).

⁶⁸ In must be noticed that I'm not able to find any reference to the connections between the two phenomena neither in UNICEF website, nor in UN.GIFT one.

⁶⁹ The following can be read in UNICEF website: “While recent research has yielded information on the nature of child trafficking, little is known about its magnitude. The International Labor Organization’s 2002 estimation of 1.2 million children being trafficked each year remains the reference” (see http://www.unicef.org/protection/57929_58005.html. Last accessed: 27/8/14). The full ILO report can be downloaded from http://www.unicef.org/protection/57929_58005.html (Last accessed: 27/8/14).

⁷⁰ For example, if we look at the last ILO report on Child Labour, the number of children in hazardous work conditions declined of by 30 million from 2008 to 2012 (Diallo et al. 2013: viii).

perpetrator, innocent vs. guilty, good vs. evil is even more exacerbated than in women trafficking. Besides this, Ms Hai's affirmation also reinforces the general law enforcement stand inherent to HT discourse⁷¹.

3.6.3.2 HT as minors' trafficking and the leit motiv of the sexual exploitation

The main reason why I have included a short report of my conversation with Ms Ha, at the end of this overview of encounters with IGOs officials, is to show how the language used to talk about adult victims does not differ too much from the one used to describe child slavery. This fact is telling with respect to the infantilizing look exercised upon VoTs, who are essentially thought of as female coming from developing countries⁷². After all, women and children are associated in the title of the Protocol itself.

For example, Ms Ha describes the victims as extremely poor, and uneducated, lacking skills and in search for a job, without highlighting any specific traits for children trafficking, even when expressively asked. Their dreams and expectations are again summarized by the over-heard "they want a better life". Nonetheless, children are said, for several easy-to-be-grasped motives, to be more simple to be trafficked, at all three stages of trafficking. This means that they are more easily recruited, either because sold by their own family, kidnapped or deceived - as Ms Ha says: "*children are trafficked because they are children, they are easy to be tricked... they are invited to the big cities to find a job, a better income to support family, or maybe they are invited as tourist and then they are sold into prostitution*". They are more easily transported and clandestinely transferred.

Finally, and this is probably the most relevant factor, they are more easily exploitable, because they are cheaper and less demanding. Put it simple, children are deemed to be more vulnerable. As even stated in UN.GIFT official website⁷³. When I ask Ms Ha on her conception of vulnerability, she replies that children vulnerable groups include orphans, children of divorced parents, sexually exploited children, children of drug and alcohol addicts, of very poor families, street children,

⁷¹ See Chapter 2.

⁷² See Chapter 2.

⁷³ <http://www.ungift.org/knowledgehub/en/about/trafficking-of-children.html> (Last accessed: 27/8/14).

children of ethnic minorities who are also often those “*lacking the information to protect themselves from trafficking*”, because of the language barrier and greater illiteracy.

There are, eventually, other two analogies between the broader HT discourse and the trafficking of minors. The first one consists in the unsubstantiated conviction that children, as well as women, are mainly trafficked for sexual exploitation. In the case of Ms Ha, this underlying assumption, backed up by a whole specific contemporary and past ideology, as seen⁷⁴, came out in a curious way: even if, at least twice during our conversation, she affirmed the lack and the need of reliable research on trafficking, and in particular on children trafficking, yet also happened that she came out with short unreflects statements on the fact that the highest percentage, if not the totality, of children is trafficked for sexual exploitation. Interestingly enough, the greatest attention is paid to sexually exploited young girls also in UN.GIFT website⁷⁵, for instance, and also Mr Norton, from the British Embassy in Hanoi, reports the same information.

The second analogy regards the issue of trafficking categories. It seems to me that for child trafficking potential definitional confusion is even more real, and can become particularly blatant if we think that definitions must become operative within interagency projects, namely in this case the UN.GIFT hub. In particular, I refer to the fact that within the list of UNICEF children protection issues, child labour, child marriage, and child soldiers are separated from, and not apparently included in, child trafficking, as, on the contrary, in UN.GIFT website⁷⁶. Thus I believe that we are faced again with the doubt of whether trafficking should be considered as a means – that is the transfer of people with the aim of exploiting them in different manners, and these ways are so to say independent slavery like crimes – or as a complex all-comprehensive crime *per se*.

Furthermore, the relationship between smuggling and trafficking becomes even more complicated in the case of minors, as well as the entire set of migration policies and procedures, in particular regarding the permanence in a foreign country and the repatriation process. Regarding the first matter, I am thinking, for example, about how difficult it is to imagine and have cases of young children who are

⁷⁴ See Chapter 2.

⁷⁵ See: <http://www.ungift.org/knowledgehub/en/about/trafficking-of-children.html> (Last accessed: 29/8/14).

⁷⁶ http://www.unicef.org/protection/57929_57977.html (Last accessed: 29/8/14).

simply smuggled, that is who either have not been sold in their country of origin, by their families or other, or are not predestined to some sort of exploitative occupation at destination.

With respect to the second matter, I am referring to the fact that, reasonably in every country of the world, undocumented children immigrants are neither treated as illegal criminals nor rejected and forcibly repatriated. This means, as also Mr Norton observes, that they are more uncomfortable subjects, especially when recognized as VoTs, because they become a burden for both receiving and origin country once back.

3.7 Epilogue

In this Chapter, I considered the international level of the IGOs, namely of the UN agencies involved in the fight against HT. I based the narration on the interviews I conducted in some of these agencies' offices in the three countries of my fieldwork. Reporting *literaliter* the words of some practitioners and officials, I tackled relevant issues of the HT discourse, to assess how this latter has been incorporated at this level of analysis by specific organs and officers. In some cases, the HT discourse seems to straightforwardly reverberate inside the IGOs considered. In other cases, some interesting interpretations reveal a critical stand and complexify the picture, particularly in relation to the issue of vulnerability.

On the whole, from these chats, it emerges that the international definition of HT is neither necessarily followed by the single governments⁷⁷, nor, and this is even more relevant, there is a unanimous interpretation and understanding of it. Figures and statistics on the phenomenon are unreliable and imprecise, both due to a lack of evidence-based research (and partly the impossibility of it, see e.g. Molland 2013; Laczko and Gramegna 2003; Tyldum and Brunovskis 2005; Tyldum 2010), and because of the definitional confusion, for example, on whether trafficking is a means to forced labour and whether sexual exploitation is a form of forced labour, or whether the whole issue should be tackled as a subset of migration

⁷⁷ In Brazil there's not a specific law against HT, and consequently not even a definition of the phenomenon (see below 4.2). In Nepal the legislation is lacking and out of date (see 4.4). Finally, in Vietnam, the new law doesn't provide a definition and there seems to be a persistent gap between the legislation and the common believes and practices (4.3).

policy. The criminalizing effect of the Protocol on sex work and migrant work is not always acknowledged. Furthermore, mythical beliefs are persistent and traditional practices are rooted, specifically in seeing trafficking purely as something affecting women and minors with the aim of sexual exploitation. The tendency to talk and act as if trafficking was a matter of young women sex trafficking is robust.

Subsequently, there is the complex matter of the profile of the VoTs and of the issue of vulnerability that I tried to disentangle. Given that generalizations are always dangerous and difficult to draw, the majority of my interlocutors seem to ultimately agree in seeing poverty, and perceived poverty, in addition to lack of education, geographical remoteness and job unskillfulness, as a root cause for people to desire a better life, and end up being trafficked. This is the case even if the nexus poverty-vulnerability-migration is largely unsubstantiated (Danailova-Trainor and Laczko 2010; Marshall and Thatun 2012; Sverre Molland 2012a; SIREN 2007; UNODC 2008).

Poverty and ignorance are structural features at the basis of social vulnerability: indicating them as concauses of trafficking is a truism. Yet, this is not the point. In these pages, I tried also to highlight more critical and elaborated perspectives. In this way, vulnerability has become a complex condition, where various factors weight: the social and cultural components, the element of power, and the question of inequality.

However, in my perception, the depiction of potentially or actually trafficked people is often done not only using oversimplified generalizations, but also adopting disempowering words. It is rare to hear, or even only to have the sensation that, interviewees, at this institutional level, are aware of the further structural political causes behind trafficking, such as national and international policies which are oblivion of the severe socio-economic problems distressing the majority of the population, of the collateral effects of installing branches of multinational corporations and of completing big infrastructural projects, for instance. It seems that social vulnerability is something out there, a matter of fact, a natural sad aspect of every society. The standpoint is fatalistic and depoliticized. None of the officials I talked to engaged in a critical assessment of her/his country's or international migration policies, whereby, for example, illegal migration is

easier, under many aspects, than documented one, or of why migrants' rights abroad are so poorly defended.

In addition to this, what also surprises me is the unproblematic attribution to the VoTs of some personality traits and of some personal abilities and not of others. The image of the VoTs standing out from the answers of these practitioners is, in the majority of the cases, of very naïve people, somehow detached from reality or disconnected, unprepared to face the real world - as if “their world” were not in this world -, lacking life soft skills⁷⁸ and awareness neither of being vulnerable nor of being victims of some sort of abuse, but at most “just of bad luck⁷⁹”.

The leitmotif sentence “everybody is looking for a better life” – which I heard hundreds of times during fieldwork, far beyond the encounters presented in this Chapter – is unsatisfying, yet challenging because also ubiquitous. It is only with this sentence that my interlocutors were superficially taking the VoTs' point of view. Yet, I see it almost unacceptable as an explanation of the desire to migrate: it is very reductive even only in evoking the irreducible complexity of the migration decision-making process, which is a mix of “internal” and “external” factors, contradictions, aspirations, push and pull inputs, embedded in a complex network of socio-economic, cultural, and psychological factors, as Mr Trees alone mentioned. Even Mr Anh opinion, which is certainly more accurate, and realistic in considering a set of elements creating pressure on the individual, seems unbalanced in the sense that people are still seen as living in a sort of passivity, where the initiative of the traffickers or exogenous causes can trigger and bring to the realization of a migration endeavour.

In sum, both the subjective aspect and the political one result disregarded, as well as the interplay between the two. A context-specific analysis was never offered, albeit in all official documents, vulnerability is said to be very much a condition arising in specific subjects in particular situations. The spherical concept of vulnerability as “a condition resulting from how individuals negatively experience the complex interaction of social, cultural, economic, political and environmental factors that create the context for their communities (UNODC 2008:

⁷⁸ For more around the notion of soft skills and how it is tackled within victims' reintegration program, see Chapter 5.2.

⁷⁹ The notion of “bad/good luck”, which might indeed sound childish from a Western or Westernized point of view, as Mr Anh's one, all the contrary is an emic way various returnees use to make sense of and express their experience of trafficking locating it into a broader socio-cultural framework (see Lazzarino 2014).

69)⁸⁰ and that fail to ensure equal access and protection to all its members, does not seem to be acknowledged and embodied by those persons who should be, conversely, the first promoters of it.

In the next Chapter, I shift my focus on the level of the State and partially of the humanitarian apparatus, providing an analysis of the legislative systems and of the practices of assistance to the trafficking returnees, with the ultimate aim of assessing what kind of victim subject emerges at this level of analysis. I will argue that the profile of a traumatized and needy returnee of the legal documents is contrasted by an uncomfortable citizen who must be taken care of by a humanitarian apparatus with dubious competences.

⁸⁰ See above 3.1.3.

4. MANAGING THE VICTIM SUBJECT STATES' LEGISLATIONS AND NGOS ACTIONS IN RETURNEES' ASSISTANCE

4.1 The level of the States

In this Chapter I consider States' responses to the international provision and their anti-trafficking systems, which involve the crucial cooperation of the humanitarian. The level of the States is a fundamental intermediate passage along the chain that we can imagine extending from the global level to the individual level. From the previous pages, it should be clear that the governments of the single State parties do not operate alone, either during the process of internalization of the Protocol or in making it operational throughout their territory. From capacity building and technical assistance in policy making and legislative reforms at a ministerial level, to the design, funding and implementation of uncountable projects on the territory accompanying local authorities and organs, single governments work in cooperation with both IGOs and NGOs.

The resulting anti-trafficking norms and practices must be ultimately integrated into, and therefore reflect, the already existing specific internal structure, functioning and peculiarities of each country. It goes without saying that, at the moment of having to adapt to the international protocol, governments already have their own laws, penal codes, policies and programmes addressing crimes, violations and social issues that can be put in relation with the multifaceted and decomposable

crime of trafficking. In fact, as seen, precisely for its complexity, trafficking crosses a variety of domains, such as prostitution, slavery, migration, children and women issues, and human rights. Clearly, this confronts States with the no easy task of having to make various amendments, to coordinate existing provisions and organs, or to draft an altogether new law.

One of the aims of the following pages is to give a partial and synthetic overview of each State's anti-trafficking apparatus which constituted the framework determining my research. As the main focus of my research has been on the reintegration process of the returnees, I will dedicate a special attention to it. I find this analysis necessary not only for the overall structure of this work which constructs HT discourse as a multi-layered phenomenon, but also to provide tangible larger contexts to the ethnography in direct contact with trafficking returnees. The need to meaningfully contextualize and develop a thicker understanding of the cases of the returnees is also one of the main reasons why during my investigation I encountered and talked to numerous government officials, from the ministries to the very local authorities, in addition to, as it is obvious, various NGOs employees.

Another relevant objective, as commented above¹, entails the attempt to show to what extent HT ideologies and critical issues - i.e. hyper attention to women and girls, the essential focus on prostitution, the anti-migration securitarian stance, the over victimizing approach resulting from depoliticizing, priggish and abstract binary oppositions, the categorical muddle resulting in the absence of univocal reliable data - can be seen as translated into specific legal provisions and amendments, institutions, managing procedures, kind of authorities in charge, funds allocation, and so on.

Moreover, all this converges into and must be read against the backdrop of the broader intent to show what kind of victim subject emerges from this level of analysis of the States' and of some of their humanitarian institutions, policies and practices. From the analysis of their legislations, partly renovated and enriched, and of their practices, in most cases inadequate and lacking, the subject of the returnee is an uncomfortable traumatized young woman with a series of standardized needs, which, ultimately, the governmental apparatus does not take care of, if not on paper,

¹ See above subparagraph 3.1.

leaving ex-VoTs' recovery and reintegration in the hands of non-governmental bodies.

4.1.1 The challenges to the Protocol implementation

Some transversal weaknesses in the Protocol internalization and implementation have emerged and can be preliminary presented, in addition to the physiological difficulties of legislative adaptation just referred to. First, as it might be remembered, State parties of the Protocol are not committed to any specific obligations regarding victims' protection². This means that the provision, being a law enforcement instrument and not a human rights' protection one, leaves it up to each State the organization of the reception, the recovery and the reintegration apparatus for victims and returnees.

I presume that this might be the reason why, to the question on which was the weakest area of the anti-trafficking fight, the great majority of my interlocutors replied that protection was the poorest, a good number mentioned prevention action, and very few cite prosecution. In particular, identification was declared to be one the most critical aspect, but also the repatriation process and the assistance to recovery and reintegration were declared as insufficient. The first problem highlighted in this sense have been the low capacity and preparation of the authorities in charge at the border, and specifically it has been observed how such lack of competences becomes particularly visible in male officials' prejudicial and discriminatory attitudes towards female subjects. Mostly at the moment of the identification interview as VoT, where it occurs and/or it is provided for by law, the need for a psychologist or at least a social worker, preferably woman - due to the fact that some returnees might feel especially ashamed or have gone through a highly traumatizing experience - has been underlined. Often border police fall short of knowledge, skills and appropriate sensitivity not only to recognize a victim (when he/she is not officially repatriated as such and handed over by the immigration police of the country of rescue), but mostly to properly receive, approach and interrogate him/her³.

² See Chapter 2, *passim*.

³ It is for this reason that a good number of manuals addressed to border police and similar authorities are locally released.

A further critical aspect which was often stressed regards the lack of competence of the social workers and more generally of the staff devoted to assisting a returnee either inside a shelter structure or outside. It is not unusual, as I could extensively attest during my fieldwork, that both NGOs and governmental operators receive no specific training and that they act on the basis of common sense, generally reproducing relationships on the models of kinship ties, particularly as godmother and godfather⁴.

Another flaw observed consists in the lack of funds and actual structures of reception. From what I could see, the lack of funds was particularly lamentable with respect to decent vocational training courses and job placements of the “clients”, as NGOs beneficiaries are now sometimes being politically correctly called. Indeed, as governments are not strictly committed to the full implementation of the protection phase, the large majority of it is taken charge by non-governmental bodies or by cooperation agencies affiliated to a foreign embassy. In the Protocol itself, in the second part dedicated to the protection of TIP victims, in particular in Art. 6, 3, it is explicitly stated that State parties “*shall consider implementing measures*” (italics mine) for the full recovery – psychological, physical and social – of the victims, also cooperating with “non-governmental organizations, other relevant organizations and other elements of civil society”.

The lack of horizontal coordination among different ministries is another major transversal problem very often pointed out. As we have seen, for its being a multifactorial phenomenon, trafficking crosscuts various domains which belong to different institutional organs. The ministries involved usually are those of justice, of labour, of foreign relations, and of social affairs, along with some other entities, at the ministerial level or not, such as the police, border police, human rights and mostly women rights institutions. If we also consider that these organs might have diverging approaches to trafficking, it is unsurprising that some difficulties of coordination exist. In addition to this, a lack of vertical coordination has also often been stressed, in the sense that the passages from high level institutions to local grassroots authorities cannot be taken for granted at all, while on the contrary they can be often problematic, slow or even interrupted. Although this is in a way universally true, above all in countries with large territories to administer, in the

⁴ This and related issues will be further tackled in Chapter 5.3 and 5.4.

field of HT the consequences of an absent or poor preparation of officials at the frontline can be particularly risky, for in this field ignorance can leave room to prejudicial and discriminatory behaviours, as noticed above, specifically towards sexually exploited women.

Furthermore, it goes almost without saying that, from the legislative and juridical levels to the levels of the very local officers and people's mentality, the association between human trafficking, women and girls, sex and sex work is worldwide widespread and persistent. This partial understanding, often resulting into narrow, if not discriminating, interventions, has been pointed out by numerous interlocutors, as also shown in the previous Chapter, operating in the international, governmental and humanitarian fields.

Finally, corruption has been frequently indicated as a serious pervasive plague, in particular, among border police and other authorities working in frontiers' posts and gates in international airports or border cities. Yet, bribery is also sadly very common both in the entertainment sector and in the sex industry more specifically, as well as in other working areas where forced labour, debt bondage and other slavery like practices occur, such as typically in the agriculture and construction sectors.

Keeping the above transversal points and specified objectives in mind, I will focus on each one of the State contexts where I conducted fieldwork.

4.2 Homecoming to Brazil

Brazil ratified the Palermo Protocol in January 2004⁵ and it has been steadily classified in tier 2 in the TIP report since 2007⁶. After more than 10 years from the ratification “the Brazilian government has still not adapted its existing criminal legislation to international requirements” (Castilho 2015:1).

⁵ Decree n° 5.017, 12/3/2004. Available at http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2004/decreto/d5017.htm (Accessed: 13/9/2014).

⁶ TIP Report 2014: 106-109. Available at <http://www.state.gov/documents/organization/226845.pdf> (Accessed: 13/9/2014).

4.2.1 Article 231: trafficking and prostitution

In the country, TIP is fully criminalized, in accordance with all the elements of the international definition, in the case of trafficking for sexual exploitation only, and not for other kinds of trafficking, such as in particular for slave labour and organs removal. For both these latter kinds of exploitation, the Brazilian legislation punishes the final results, that is reducing someone to a condition analogous to slavery (Art. 149 of the Penal Code) for example, but does not punish the actions of recruiting, transporting or harbouring a person with this end. In other words, it is not possible to associate, at a juridical level, enslavement and HT as a crime⁷.

The only complete articles in this sense are Articles 231 and 231-A, dealing with trafficking for sexual exploitation, at an international and internal levels respectively. These two articles were object of important amendments in 2005 and 2009.

The first alteration (Law 11.106) changed, among other elements (i.e. an increase of the penalty), the name of the crime from “women trafficking” into “trafficking in person”. This certainly was an important step forward to eradicate gender stereotypes whereby women are always and necessary in a position of passivity, and men cannot be sexually exploited by definition. It was not only an adaptation to the international provision extending the scope of the crime, but also a partially stepping away from the rigid dichotomy “women victims vs. men perpetrator”.

Subsequently, in 2009, the Law n° 12.015, further extended the crime by adding to prostituting the expression “or other forms of sexual exploitation”. This means that sexual exploitation started to be explicitly associated to prostituting, albeit the status of prostitution as a form of sexual exploitation *per se* or not is left ambiguous. Nonetheless other forms of sexual exploitations are contemplated, in line with the Palermo Protocol.

Having said this, Castilho (2015: 4-5) observes an interesting and crucial discrepancy between the Protocol and the Brazilian law, specifically around the issue of consent. The latter, as noticed in Chapter 2, belongs to those ambiguous concepts of the Palermo Protocol, along with, for instance, APOV (Chapter 3). The

⁷ On the contrary, Articles 206 and 207 of the Penal Code talk of enticement of workers for migration abroad and for moving them to another locality within the national territory, but make no reference to slave labour or to other forms of exploitation, the focus totally being on the migration issue. That is, in this case, the final actions of exploitation, as part of the crime of HT, are missing.

author, who is also the Vice-Prosecutor General of the Republic, underlines that “as a crime, human trafficking in Brazilian law is characterised by the irrelevance of the consent of the passive subject”, according to Article 231. Whereas in the Trafficking Protocol, consent is not relevant only for minors, and voluntary prostitutions are not necessarily victims (ibid.; UNODC 2014)⁸. She effectively summarizes the point:

The Trafficking Protocol points to prohibited ‘purposes’, including the ‘exploitation of the prostitution of another person or other forms of sexual exploitation.’ However, the articles in the Brazilian Penal Code criminalise the ‘exercise of prostitution or another form of sexual exploitation.’ There is a big difference here. The Brazilian Penal Code equates the autonomous exercise of prostitution to sexual exploitation and makes it an illicit activity, even if the person who is exercising the act cannot be denounced as a trafficker. With these two semantic changes, Brazilian legislation, without the extensive discussion that preceded creation of the Trafficking Protocol, strengthened the abolitionist approach to prostitution and with it the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the stance of organisations such as the Coalition Against Trafficking in Women (CATW) (Castilho 2015: 5).

The result is a restriction of international migration for sex workers, Castilho argues. Nonetheless, when I met Professor Ela Wiecko V. de Castilho in her large office in Brasilia, in the ministerial, quarter not far from the Eixo Monumental, she sounded less radical in this respect. When I asked her whether, following the Protocol internalization, there had been an increase criminalization of migration and prostitution, her reply was negative, saying that it was though a common belief⁹. Analogously, her opinion seemed less critical with respect to the abolitionist-like Art. 231. “*I believe there are women who want [exercise sex work], but it is very complicated... I believe that at a practical level it is better to work*

⁸ This interpretation was clarified in the quoted UNODC document of 2014 (UNODC 2014). We know, however, from Chapter 2, that the issue of consent was not only very much debated, but was also *de facto* left open enough to tolerate different interpretations of it. I recall here the Protocol: subparagraph (b) of Article 3 states that “the consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used”. This apparently unproblematic sentence encloses one-century-long historical battle around prostitution sketched in 2.2.4.2. See also 2.2.5.

⁹ Recorded interview, 16/7/12, Brasilia (DF, BR)

with the presumption of vulnerability: one can consent to have his/her dignity harmed?”. She was underlining the need for a legal protection of women and their body in a machist culture, even if not necessarily *per se* vulnerable. “*What should the law do in front of someone who, even if not so vulnerable, wants to sell a kidney?”*. This not so unrealistic example well synthetizes the core of the abolitionists vs radical feminists debate.

Broadly speaking, the fact that the first and sole current legislative modification of the national legislation, in order to be more in line with the international instrument, regards the realm of prostitution and sexual exploitation is revealing of the arrogance of the anti-prostitution abolitionist ideology and lobby that dominate HT discourse, as discussed in the previous Chapter¹⁰. However, Castilho (2015:6) specifies, while the Code suggest an abolitionist position, the National policy does not.

4.2.2 The anti-trafficking apparatus on paper: a policies’ overview

4.2.2.1 2006 National Policy to counter TIP

In 2006, the National Policy to Counter Trafficking in Persons was approved, along with the institution of an Inter-ministerial Working Group with the objective of elaborating proposals for a National Plan to fight TIP¹¹. The National

¹⁰ See above Chapter 2 for a critical discussion of the dominant approach to the role women and to prostitution and sex-workers, and of the implications of a victim position within HT discourse. All the Laws and Decrees quoted in this paragraph are available on-line. This situation is under a process of revision. In particular, starting from April 2014, the draft bill 7370/14 of the Senate has been analysed in the House (Available at: http://www.camara.gov.br/proposicoesWeb/prop_mostrarintegra;jsessionid=3F83BCA64D918778B02FD9E90C4703C1.proposicoesWeb1?codteor=1242133&filename=PL+7370/2014. Accessed: 19/9/14). This bill was drafted as part of the results achieved by the Parliamentary Inquiry Commission on HT of the Senate, instituted in 2011 and ended in December 2012. It is a proposal to expand the characterization of the crime of TIP, to create a new article (149-A), and to define TIP as “the enticement, recruitment, transferral, purchase or harbouring, with the use of serious threatening, violence, coercion, fraud or abuse, of someone for organs removal, slavery like labour, servitude, illegal adoption and sexual exploitation”. The proposal recommends other amendments, even in the field of VoTs assistance, regarding for example the concession of a residence permit to a VoT if she/he cooperates in the criminal investigations, yet independently from whether her/his migratory status is regular or irregular (new Art. 18-A). Art. 231 and 231-A would be revoked. Also the Parliamentary Inquiry Commission of the House, at the end of its work in May 2014, released a draft version of a bill (6934/13) proposing amendments for all the main articles of the Penal Code related in a way or another to the crime of trafficking (Arts. 206, 207, 231 and 231-A) http://www.camara.gov.br/proposicoesWeb/prop_mostrarintegra?codteor=1208864&filename=PL+6934/2013 (Accessed: 19/9/2014). Significantly, Art. 231 would essentially become equal to the definition of the crime provided in the Protocol and HT would be classified as a heinous crime, with a consequent pain’s increase

¹¹ Decree n° 5.948, 26/10/2006. Available at http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2006/Decreto/D5948.htm (Accessed: 13/9/2014).

Policy had the main purpose of establishing “principles, guidelines and actions of prevention and repression of TIP and of assistance to the victims” (Art.1). The definition of HT used is identical to that one in the Trafficking Protocol.

Among the principles, there are listed the absolute non-discrimination of the person, the promotion and protection of human rights and the respect of international human rights treaties. Some general relevant guidelines (Chapter 2, Section 2) concern the cooperation with other governments and with international and national NGOs; the harmonization of the existing legislation and provisions; the assistance, protection and social reintegration of the victims, and the structuring of the national network to fight HT, “involving all the governmental organs and organizations of civil society”. In Section 3, the specific guidelines are divided into prevention, prosecution and protection (Art. 7).

For this last one, the dispositions regarding assistance also include juridical, social, consular and health protection to “direct and indirect victims”, along with social, community and family reintegration and sheltering, with particular attention to the specific needs of the person (such as gender, “social or ethnic origin”, and profession). The safeguard of the intimacy and identity of the victims is also specified.

Finally, Chapter 3 deals with the implementation of the policy, dividing the various actions according to the areas of justice, education, health, social assistance, human rights, protection and promotion of women’s rights and so on. Regarding the area of Social Assistance, it is stated that victims should receive an integral assistance inside the Single System of Health and of Social Assistance¹², whereas regarding the area of Protection and Promotion of Woman Rights, the Reference and Assistance Centres for Woman in a Situation of Violence (*Centros de Referência e Atendimento à Mulher em Situação de Violência*) are indicated as the structures where care services for trafficked women should be fostered¹³.

¹² The Single System of Social Assistance (*Sistema Único de Assistência Social – SUAS*) is the Brazilian public system which organizes the socioassistencial services, in a decentralized and participative manner. The System is coordinated by the Ministry of Social Development and Fight to Famine (*Ministério do Desenvolvimento Social e Combate à Fome – MDS*) and it is divided in two kinds of social protection, one basic and the other special. Among the cases included in the Special Social Protection, they are included the victims of HT (<http://www.mds.gov.br/assistenciasocial/suas> Accessed: 14/9/14).

¹³ See below and Chapter 5.2.1 and 5.3.1 for more on these governmental structures dedicated to women.

4.2.2.2 A rede: *the anti-trafficking network*

The first National Plan of Action was approved in January 2008, and lasted for two years. It was elaborated by an Inter-ministerial Working Group in accordance with the Palermo Protocol, the National Policy, treatments and bilateral initiatives inside Mercosul and the Organization of American States (OAS), and other National Plans (such as the one for the Eradication of Slave Work of 2003 and for Women Policies of 2005).

The Plan is divided into three strategic lines: prevention, attention to the victims¹⁴ and repression. Following the objective of the second main strategic line (priority 5), 16 Offices to Fight Trafficking in Persons (*Núcleos de Enfrentamento ao Tráfico de Pessoas - NETPs*) have been set up as the main action for creating a Network to Fight TIP, the so called “*rede de enfrentamento ao tráfico*”. The one in the State of Goiás I did research with was included in these first 16 offices.

In August 2009, the ordinance n°31 of the National Secretary of Justice¹⁵ regulated the activities of the NETPs, whose principal function is to “articulate and plan” all the anti-trafficking actions at a State level. In particular, Art. 2° IV, regarding victims’ treatment, states that each NETP must “articulate, structure, enlarge and consolidate, starting from the existing services, programmes and projects, a national network of reference and treatment for the victims of trafficking in persons”¹⁶. This implies the integration, strengthening and mobilization of the services and nets of assistance, also at the municipal level. It is then attributed to the NETPs the task of helping a victim to go back to her/his hometown, if requested. Actions of capacity building, awareness raising and staff training are expected.

¹⁴ It is relevant to notice that for victims eligible of non-discriminatory assistance it’s intended not only Brazilian citizens, but also foreign people trafficked to Brazil, since this is considered a country of origin, transit and destination. In addition, the National Immigration Council in December 2010 edited the normative n° 93 disposing for the concession of permanent visa or residence in Brazil to foreigners considered victims of trafficking in persons (http://portal.mte.gov.br/data/files/FF8080812D5CA2D3012D60D125BF0640/Resolu%C3%A7%C3%A3o%20Normativa%20n%C2%BA%2093,%20de%2021_12_2010.pdf Accessed: 14/9/14).

¹⁵ The ordinance can be downloaded from the website of the Ministry of Justice, as well as all the legislative provisions related to TIP: <http://portal.mj.gov.br/main.asp?View={A86C8978-B017-4109-BA62-AF25235D1897}> (Last accessed: 18/9/14).

¹⁶ This paragraph was emended by the Ordinance n° 41 of November 2009 with addition of the verb “enlarge” (See: <http://portal.mj.gov.br/main.asp?View={A86C8978-B017-4109-BA62-AF25235D1897}>). Accessed 18/9/14).



Figure 1 The Reference Centre for Women “Cora Coralina” of the city of Goiânia (GO).

The State aid services’ net which the Offices must rely on is constituted by the Centres of Specialized Reference of Social Assistance administered by the Ministry of Social Development and the Specialized Reference Centres for Women. Under the I NPA, 126 new Centres of Specialized Reference of Social Assistance and 39 Specialized Reference Centres for Women were also established, along with the strengthening of the ones already existing, and 2 shelters only for women victims of violence and trafficking (without threat of death) were opened in the cities of Goiânia and São Paulo (Secretaria Nacional de Justiça 2010). Finally, 12 Frontline Offices of Humanized Assistance to Migrants have been opened at some key international borders locations and airports¹⁷.

¹⁷ Currently the NETPs are 16 out of 26 States plus the Federal District (<http://portal.mj.gov.br/main.asp?View={395C2E18-4401-4CAA-9961-059B959D1EE3}&BrowserType=IE&LangID=pt-br¶ms=itemID%3D{E037AA25-C6A3-4718-BADA-8F55A388E31D}%3B&UIPartUID={2868BA3C-1C72-4347-BE11-A26F70F4CB26}>) Last accessed: 15/9/14). Their function is regulated by the Ordinance n°31 of 2009. The CREAS, staying for *Centros de Referência Especializado de Assistência Social*, are the public units offering special and ongoing services for families and individuals in a situation of threaten or violation of their rights. The main focus of the service should be the family and community relations, and the actual lived experience of the subject (<http://www.mds.gov.br/assistenciasocial/protecaoespecial/creas>. Last accessed: 15/9/14). The Frontline Offices (*Postos Avançados de Atendimento Humanizado ao Migrante*) “are located in the most relevant places of entrance and exit of Brazil, to receive deported and non-admitted people”. At the Offices, an interdisciplinary team applies “a humanized methodology of assistance”, also with the objective of identifying possible VoTs and referring them to the appropriate local assistance

All these structural interventions were supposed to be accompanied by a broad capacity building and special training of the different kind of staff working in these centres, from policemen to social workers, psychologists and health professional, and by the development of a methodology of assistance to VoTs.

4.2.2.3 *The II NPA: towards strengthening and integrating the network*

In February 2013 the legislative decree n° 7.901 instituted the Tripartite Coordination of the National Policy to Fight Human Trafficking (made up by the Ministry of Justice, the Secretary of Policies for Women, and the Secretary of Human Rights) in charge of managing the second NPA 2013-2016. The objectives of the II NPA are specified, as well as the fact that its implementation must involve all governmental spheres (from the federal to the municipal level) in cooperation with the civil society and the international organs. The decree also instituted the National Committee to Fight TIP (*Comitê Nacional de Enfrentamento ao Tráfico de Pessoas – CONATRAP*)¹⁸.

The NPA was elaborated after a second cycle - led by another Inter-ministerial Working Group - of national dialogues, analyses, meetings and conventions among civil society, ministries, organs of the Network to Fight Trafficking in Persons and a Parliamentary Enquiry Commission of the Senate¹⁹. Five broad operational lines were established. The area of recovery and reintegration for victims of trafficking and their families, Brazilians and foreigners

network. The Offices also carry awareness raising campaigns. Their functioning is also regulated by Ordinance n° 31 of 8/2009 (see <http://portal.mj.gov.br/main.asp?View={395C2E18-4401-4CAA-9961-059B959D1EE3}&Team=¶ms=itemID={77C0EF9F-847E-4BDD-BB09-50FAF86BF7C4};&UIPartUID={2868BA3C-1C72-4347-BE11-A26F70F4CB26}>) Last accessed: 15/9/14). See below for more on the frontline office in Sao Paulo.

¹⁸ The full text of the decree is available at http://www.planalto.gov.br/ccivil_03/_Ato2011-2014/2013/Decreto/D7901.htm (Accessed: 17/9/14).

¹⁹ For a detailed report of the elaboration process of the II NP see the document titled “*Relato Processo II PNETP*” at the webpage: <http://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCgQFjAA&url=http%3A%2F%2Fportal.mj.gov.br%2Fservices%2FDocumentManagement%2FFileDownload.EZTSvc.asp%3FDocumentID%3D%257BC0F1BDFA-C114-4BAB-A13E-591C36891BFC%257D%26ServiceInstUID%3D%257B166ABD3B-D529-491E-B23857F4FB577D50%257D&ei=MFcZVPfLA7Kh7AarpYBw&usg=AFQjCNHjZv6lyeWvvyGvYc-fxeEJSjREQg&bvm=bv.75558745,d.ZGU>. Accessed 17/9/14. For the final report of the Parliamentary Enquiry Commission on Trafficking in Persons of the Senate (*Comissão Parlamentar de Inquérito – CPI*) see <http://www.senado.gov.br/atividade/materia/getPDF.asp?t=121034&tp=1>. Accessed 17/9/14.

alike, cuts through the first three lines²⁰, but it can be said to be concentrated in the second one titled “Integration and strengthening of public policies, assistance networks, organizations offering services necessary to face trafficking in persons”. This line is rather complex and articulated, and does not take radical distance from the previous plan. It rather operates a clear and detailed systematization of means, actions and responsible actors.

In general, the actions regarding the NETPs, the Frontline Offices, and the broader Network of Assistance, which relies also on the above mentioned institutions of social and women assistance, call for a strengthening of an integrated activation towards an institutionalization of the Offices and the creation, funding and implementation of national systems for an integrated assistance, a common methodology and a constant monitoring. The objectives are, among others, to create a national protocol of treatment, to provide funding for the victims who want to come back to their communities, to implement the public services inside the CREAS and the SUAS, to sensitize town halls and local nets of assistance and reception, along with the creation of twenty Centres of Special Reference for Woman Attendance, qualified for caring and protecting the victims (activity 2D).

4.2.2.4 Missing funds, specialization, data: critiques from the TIP reports

Despite these evident policies’ efforts and improvements, it is interesting to notice that, for example, TIP report 2013 highlighted the inadequacy of governmental funding for specialized assistance and services for victims, like *ad hoc* shelters, despite the support to 16 anti-trafficking Offices and 12 Offices. It is stated that the Ministry of Social Development provides generalized counseling, medical assistance and sheltering to women through its national network, yet it is not sufficient. NGOs observe a lack of preparation and funds, and that they often have to provide additional missing services. The absence of reports with data and figures regarding women and men assisted and the kinds of services provided is also lamented²¹.

²⁰ For example, inside the first line, regarding the improvement of the normative framework, it is stressed the importance to redefine the competences of the NETP and of the Frontline Offices. The full text of the II NPA can be downloaded from: <http://portal.mj.gov.br/data/Pages/MJE8833249ITEMIDB5014675B7634282891A784E0688387APTBRNN.htm> Accessed 17/9/14.

²¹ <http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215408.htm> (Accessed: 16/9/14).

Similarly, in the most recent TIP report 2014, it is observed that the federal government did not fund specialized centres, shelters or services, that the existing ones are underfunded and inadequate, and that the government was unable to report the total numbers of victims assisted, also due to different definitions used by various government entities. Furthermore, the only figures available, dating back to the year 2012, did not even take into consideration victims of labour trafficking, other than sex work (of course). It is also observed that the Offices and Offices function during business hours only and that 20% of the Centres of social assistance assisted female returnees, but there were no specialized services for male and transgender victims. Finally, it is also reported that a high percentage of rescued slave labourers have been re-trafficked, “due to a lack of substantive assistance and services”²².

4.2.3 The State of Goiás

My fieldwork experience, albeit essentially confined to the State of Goiás, can largely confirm these observations, even considering that the NETP of Goiás, and in general the State anti-trafficking apparatus, is among the oldest, best consolidated and organized in the country²³. Furthermore, according to the IOM, inside the Assisted Voluntary Return & Reintegration programme (AVR&R) in Portugal, Goiás, along with Minas Gerais and São Paulo, is the state where the Brazilians are mostly returning to²⁴, this means also trafficking returnees

4.2.3.1 Visibility and/or incidence?

The reasons why Goiás has established itself as one of the Brazilian states with the highest incidence of trafficking in persons and of returned victims have never been systematically researched. Yet, even in the fragmentary and messy nature of data, statistics, and percentages, such reputation seems to strongly persist. Most probably, an element of reality, given the state’s tradition of migration, has merged with an early visibility of the state in terms of HT hotspot.

²² TIP – Trafficking in Persons Annual Report 2014. Brazil country profile is at the pages 106-109 of the report (available at <http://www.state.gov/documents/organization/226845.pdf> Accessed: 17/9/14).

²³ See Lazzarino 2013a for more details on the NETP in Goiás and the anti-trafficking history in the State.

²⁴ Datum taken from the video “Stories of Reintegration in Brazil – IOM 2012” (<http://videos.sapo.pt/D1KOoZbVdvWWQidIrgCQ> - Accessed 28/10/13).

In addition to a higher responsiveness and efficiency of the local authorities, the State's visibility is also due to two important researches²⁵. In both analyses the Goiás turns out to be a relevant crossroad in an international flux of trafficking of women, coming from smaller urban centres, such as Anapolis, and, ending up in Spain, Switzerland and Portugal, and also in Italy and the Netherlands, via the airport of Goiania (Leal, Leal 2002).

In both researches, the number of police investigations and judicial trials documented in Goiás, and Goiania specifically, is the highest. This datum, confirmed also by Mr Daniel Rezende Salgado, Prosecutor of the Republic, does not necessarily imply a higher proportionality in relation to other states. In other terms, it is a datum more related to visibility than incidence. "But do you think trafficking occurs more here or not?" I ask him. He wisely pauses for few seconds and replies "it is a rather difficult question [...], it is a very invisible problem [...] I cannot come and say to you *Here, there's more trafficking*, what I can say is that here, we've done a job that subtracted the problem from invisibility"²⁶.

Given this, Goiás started to be particularly visible and active in facing HT. As the first coordinator of the NETP, Mr Saulo de Castro Bezerra of the District public prosecutor in Goiania told me²⁷, in 2003 an office to fight HT was established in the frame of an agreement and a financial support with the UN. This first national experiment turned out to be very "frustrating" due to a lack of commitment, clarity of purposes and structure. "The issue was not treated seriously

²⁵ One research is the so called PESTRAF, acronym of the Brazilian title: Pesquisa sobre Tráfico de Mulheres, Crianças e Adolescentes para fins de Exploração Comercial (Leal and Leal 2003, available from: <http://resourcecentre.savethechildren.se/sites/default/files/documents/7265.pdf> Accessed: 21/10/13). The second is Colares 2004. This second research Goiás was investigated as one of the four states where the first Diagnosis on Trafficking of Human Beings was conducted from 2000 to 2003, inside the partnership between the Ministry of Justice and the United Nations Office on Drugs and Crime – UNODC (Colares, 2004). Such choice is explained with the fact that Goiás appeared to be one of the areas "most frequently involved in cases of trafficking", even for the reason that it is near to the states of the Northern Region, involved in the phenomenon of internal trafficking, and to the Federal District and surroundings, scenarios of severe poverty and social problems. Interestingly enough, other two more recent researches on HT conducted under the direction of two academics of the University of Goiania and of Brasilia respectively, focused on the State of Goiás. One is rather qualitative, investigating the experience of 9 women who left the country from Goiania (Leal, Teresi, and Duarte 2013). The second one, which wants also be a practical manual for awareness raising, is constituted by cycle of researches in the State, and coordinated by a research group of students and professors of the two local universities. It aims at mapping the movement of women leaving the country for doing sex work abroad, and the first publications refers to prevention (Ferreira 2015). The number of women migrating from the city of Anapolis is the highest, according to the investigation. Anapolis is where I conducted a good part of my fieldwork (see below 5.2.1 and 5.3.1)

²⁶ Recorded interview, 31/8/12, Goiânia (GO). See also Gonçalves, Rezio, and Pires 2013:51.

²⁷ Recorded interview, 7/8/12, Goiânia (GO).

[...] and then the office was closed” after less than two years. At the end of 2006, with the National Policy extremely fresh, during “the peak of the discussion”, the then-Public Prosecutor went to Brasília to seek for an agreement with the National Secretary of Justice/Ministry of Justice and other organizations keen to cooperate, and, after that, he set up the NETP, which still could not have a very clear idea of its task, since there were no models to follow. It was then that Mr Bezerra was called to coordinate the Centre and tried to give it a totally democratic format, adequate to Goiás, and started to consult with all governmental and non-governmental organizations, from religious to transsexual associations, working with human rights’ defence.



Figure 2 The Reference Centre for Equality in Goiânia, where the offices of the NEPT are.

4.2.3.2 *Historical machismo*

Going to the socio-historical hypotheses, there is no agreement of why the state could be an actual hot crossroad of trafficking and, therefore, of returns; the reasons provided by the local officials I encountered varied considerably. When I ask Mr Bezerra why UNODC and the National Secretary of Justice decided to invest to set up the first office to fight HT in Goiás in 2003, in other words, why the state already had a reputation regarding the matter and whether it was fact-based, he

replies: “In the Centre, we wanted to find an answer to it, also to remove that stigma [...] because some extremely machist answers say that it is because in Goiás there are the most beautiful women of Brazil”²⁸.

Also Ms Maria Rita Madeiros Fontes, Manager of Special Projects and Internalization of Actions of SEMIRA, tells me (lamenting that there are no scientific enquiries supporting her affirmations): “*our main social problem is essentially linked to this issue of feminine repression [...] here in our state the repression of women is very big, machismo is very big [...]. There exists a myth according to which the Goiana woman is trafficked due to her beauty, her charming physical appearance...in my experience, I think it’s the opposite: it’s repression that provokes women attempt to get out of this state of repression, of this state of subjection and look for [...] another kind of freedom that she idealizes, but that in reality...it is for this that she is so susceptible to recruitment, to the recruiter, because the recruiter promises things to her that she doesn’t have here*”²⁹.

Ms Fontes goes on explaining that this condition of women in Goiás could be explained with the specific history of this part of Brazil, populated by *bandeirantes* between XVII and XVIII centuries in search of gold and other minerals who rooted a rural agro-business oriented mentality of female obedience to men (see also Palacin and Sant’Anna Moraes 1989). She affirms that she is not witnessing much change, but rather a perpetuation of a machist culture, on behalf of women themselves, and “flagrant” lack of opportunities for women.

The relevant scarcity of opportunities for women in Goiás, along with a feminized poverty, is a rather transversal reason for explaining the supposedly higher incidence of HT in the state. Another one, between guessing and evidence, with the basis on some figures given by few European NGOs and an IOM research (Reyntjens, 2009: 38-39)³⁰, is that the majority of Brazilians there are *Goianienses*. Nonetheless, given the evident strategic central geographical position of the state, which can favour the link between internal and international mobility, it is reasonable to suppose that many women declare to come from Goiás simply

²⁸ I confirm that I had received that answer from high ranked women as well, he nods declaring that sexist education in the state hits both men and women.

²⁹ Recorded interview, 22/8/12, Goiânia (GO).

³⁰ In the research the European states involved are Ireland, Belgium and Portugal.

because they depart from here, while they have already migrated from other Brazilian states, as Mr Bezerra, among others, noticed³¹.

Finally, I would like to relate the opinion of the judge Rinaldo Aparecido Barros of the Court of Justice in Goiania, a very active figure committed to the matter of trafficking in the state since 2009, when he “started to verify that actually the problem was much bigger than it was initially imagined, and that Goias, for many years, had been leading the national ranking in numbers of victims regarding trafficking in persons for sexual exploitation”³². When I ask him regarding the legitimacy of Goias special position in relation to HT, he replies: “there is an explication which I consider plausible: that Goias has a culture of migration, since the ‘70s, [...] it is a tradition, a costume [...] and, I think since the ‘90s until now, there has been an increase in departures for prostitution”. But again, his affirmation cannot be supported by any solid scientific investigations, even if it is certainly reasonable to suppose, as in any migration flux, the creation of networks, routes and chains of mobility.

In the general scarcity of systematized data and haziness concerning the actual entity of HT in the state, the conclusion we can draw is that on a juncture of socio-historical factors, largely unexplored, but that locate women in a position of disadvantage, along with a tradition of migration on which HT has implanted, local authorities and organizations have been particularly active and efficient.

The reason why I considered appropriate to indulge in outlining a picture of Goias in relation to HT is because it is because this is the bigger framework from where the women I encountered come and escape from, as well as the one they come back to, concerning both the socio-economic and personal difficulties they

³¹ Recorded interview, 7/8/12, Goiânia (GO). Mr. Bezerra also added that in the state it is registered a quicker passport emission, but I could not verify this information elsewhere. Nonetheless, the well-known *Researches in Trafficking in Persons* 2 and 3 (Secretaria Nacional de Justiça 2006, 2007) provide some figures regarding the higher incidence of *Goianiense* migrants. They were conducted inside the international airport of Guarulhos (São Paulo) in the Humanized Assistance Office to Migrants, at that time managed by the NGOs ASBRAD (see below), to detect the presence of returned victims of HT among deported and not-admitted migrants from Europe. In both investigations, in relation to the state of origin, the majority of the interviewees came from Goias (2006:40; 2007:32-33). Similarly, in other two publications based on the same kind of research titled “Systematization of the experience of the Office Functioning” (National Secretary of Justice 2009:65 and 70) and “Facing Trafficking in Persons - Report of the 1st National Plan (National Secretary of Justice 2010:210 and 216) conducted in the same restricted area where ASBRAD operated inside Guarulhos airport, the majority of the returnees as well as the majority of the possible victims of HT came from Goias.

³² Recorded interview, 27/8/12, Goiania (GO).

still have to face and the support and care they receive by the network of organizations of the NETP.

4.2.3.3 *Experience in fieri and the informal way of the network*

Going indeed back to the weaknesses of the anti-trafficking apparatus opening this section, I can make some observations. Firstly, it seems to me that a general lack of specialized preparation and competences among the professionals designated to assist victims of trafficking can be noticed, under different aspects, juridical, social, psychological, and in terms of job placement and familiar situation, (where these last two are often rather critical aspects). More precisely, what I could notice is that these operators were substantially in a phase of “apprenticeship”, learning features of the phenomenon and how to deal with it at each new case and during the monthly meetings and seminars of the Office.

Moreover, there was an evident effort to create a protocolled practical methodology for an integrated team networking on the totality of the State territory, and also the readiness to involve the NETPs of other States when required. This means that for each case, the aim was to become able to quickly activate all the appropriate authorities and organizations, almost automatically, both for the juridical and the socio-psychological assistance. At that phase, I could indeed see a high level of improvisation and trials, which is also a normal procedure functional to the consolidation of an experience that can be only later turned into a methodology³³.

As Mr Marco Aurélio Sousa, the evangelic pastor executive secretary in Brazil of the international NGOs *Project Rescue* (PR)³⁴, explained to me, the coordination and the references system internal to the network for the management of each case *de facto* function along treks of personal “friendship”. According to Marco Aurélio, this informal way of treating returned victims’ cases works well,

³³ A first systematized methodology of identification, reception and assistance was developed by the NGO ASBRAD (see below). Furthermore, from the website of the Ministry of Justice entirely dedicated to TIP (<http://www.justica.gov.br/sua-protecao/trafico-de-pessoas/redes-de-enfrentamento/metodologia-de-diagnostico-local-de-trafico-de-pessoas>, last accessed 10/8/15), it can be downloaded a Methodology of Local Diagnosis of TIP (*Metodologia de Diagnóstico Local de Tráfico de Pessoas*), where it is systematized and presented a detailed methodology to collect and analyse data in TIP. It is particularly devoted to the members partners of the NETPS.

³⁴ Project Rescue is the NGO I mostly conducted research with during my Brazilian fieldwork. (See Chapter 1.3 and 5.3.1). Recorded conversation, 16/5/12, Goiania (GO – BR).

mainly because it is quicker. Surely this is one of the great advantages of this way of proceeding.



Figure 3 The office specifically dedicated to psychological treatments of the NEPT in Goiania

In fact, I am not arguing that improvisation and informality are negative *per se*, they on the contrary possess the precious value of flexibility. Yet, the negative potential implications of the lack of a tested procedure are evident. Improvisation is fast but does not always and necessarily lead to the best solution, while informality can sometimes allow dodgy things to occur, besides being too much dependent on personal ties – thing which alone makes the entire network too fragile and temporary.

This is also the opinion of the public prosecutor Mr Saulo Bezerra de Castro, the first coordinator of the first *Núcleo* in Goias and in the whole Brazil that opened in 2003, when this was under the Federal Public Ministry of the State³⁵. According to him, institutions should not depend on someone, and this is absolutely determinant in order to make progress in the assistance to victims. Furthermore, this must be associated to the creation of an actually cooperative net, not a theoretical and “perverse one” where each institution only looks forward to dumping each case on the next organization without worrying in providing an integrated service, the public prosecutor maintained.

³⁵ See above and below, note 105. Recorded interview, 7/8/12, Goiania (GO – BR).

In Goiás, the executive board of the *Núcleo*, which in May 2012 changed statute and internal rules, and started to be called Executive Commission³⁶, had one coordinator, with no specific training on HT, a psychologist of reference, specialized in gender issues and transgenderism, three social workers and a juridical assistant³⁷. The State anti-trafficking network part of the *Núcleo* could count on 71 institutions and organizations, according to the list given to me by the then Coordinator in May 2012. Among them there were various governmental organs and State run institutions, including the Reference Centres for Women, the CREAS, regional and municipal Secretaries of Social Development and Policies for Women, the prefectures of the major cities of the State, the various police and juridical bodies' representatives, and some academic research centres. A good number of NGOs were also included, mainly run by religious people. As suggested in the TIP report above mentioned, they played a crucial role in the return/recovery/reintegration process of the VoTs, often compensating important lacks on behalf of the public services, even if operating in close collaboration with them.

4.2.4 The anti-trafficking apparatus in practice: the crucial role of the NGOs

Anti-trafficking legislation and policy of the Brazilian federal republic are rather complex and still in a constant process of change and, I believe, of bettering. As the brief and partial overview that I have above offered should suggest, the

³⁶ The new organ is made by an Executive Commission (*Comissão Executiva de Enfrentamento ao Tráfico de Pessoas – CEETP*), composed by officials of the State Secretary of Women Policies and Promotion of Racial Equality (*Secretaria de Estado de Políticas para Mulheres e Promoção da Igualdade Racial - SEMIRA*), the institution coordinating the NETP since 2010 – before it was managed by the *Ministério Público Federal*, Federal Public Ministry, an autonomous and impartial organ of justice mediating between the citizen and the State, and also the international community. The coordination is also in the hands of a representative of SEMIRA, plus three representatives chosen among the members of the Committee. The Interinstitutional Committee is constituted by the representatives of the numerous State secretaries – of Health, Human Rights, Employment, and so on –, various kind of Police, the State Agency of Tourism, other bodies as well as civil society and national and international NGOs focused on anti-trafficking activities. See the decree of the NETP reconfiguration at: http://www.gabinetecivil.go.gov.br/pagina_decretos.php?id=10081 (Accessed: 22/9/14). At the time of my fieldwork, lasted until the end of October 2012, the new regulation of the NETP was not operative yet: it was precisely during the last meeting I attended in October 2012 that the new regulation was discussed and some new positions were established (Fieldnotes, diary 6). It is for this reason that in my work I will refer to the *Núcleo* and its previous structure.

³⁷ This interdisciplinary team is prescribed by the Ordinance n° 31 of 2009, Art. 6, regulating the function of the NETPs (see above note 94). See figure 3.

number and the kinds of organs involved are various, and consequently both the horizontal and vertical integration and coordination of them are difficult and require time. Furthermore, the picture becomes even more complicate when we add the numerous IGOs and NGOs, which play a crucial role, hopefully in coordination with the government. In practical terms, as far as I could see, the return and repatriation process often occurs via the main intermediation of one or more NGOs, already starting from abroad. We tend to have three scenarios where the NGOs' role is equally crucial.

4.2.4.1 *In the return processes*

In a first case, the victim manages to subtract him/herself from the situation of exploitation and directly goes to seek assistance in an organization he/she has heard of from his/her peers or that has first reached the victim through some sort of communication campaign. Also if the victim turns to the local authorities, these habitually refer her/him to an NGO for care and assistance while they sometimes proceed with the juridical and bureaucratic matters for repatriation. I say sometimes, because, as strange as it might appear, also the repatriation process can be managed by a partnership led by an international NGO or organization, such as IOM. Alternatively, the victim wants, yet not always obtains, a permanent or temporary visa or residence permit, and with the help of an organization in the receiving country slowly integrates in the foreign society.

In a second case, the victim is rescued by the local authorities and, as in this last second option, they often refer her/him to a structure or organization, for temporary care, when they do not directly proceed for repatriation. It can also occur that the raid to "rescue" the victims is solicited and accompanied by an NGO itself, more active in the investigation field. When an NGO is involved by the authorities, the return process is managed by an international non-governmental network, by a one-to-one agreement between an organization abroad and one in the country of origin, or by an international organization with offices in both countries. Of course, cooperation with very local gov and non-gov bodies is crucial³⁸.

³⁸ During my fieldwork, precisely with the purpose of incentivizing the creation of a more grassroots international network, which could also create closer cooperation and mutual knowledge between Brazilian government officials and their counterparts and main relevant NGOs in Europe, and turns actual and effective bilateral agreement, it was organized an *ad hoc* tour to Spain, Italy, Portugal and Switzerland. The trip was indeed made for the coordinators of the most important NETPs. The then

In a third scenario, the cooperation or activation of a non-governmental, or partially governmental, organization starts in the country of origin only, that is once the victim has been repatriated. In this case, the local authorities of the country of origin will refer the case to the appropriate structures and people of the NETP of the State of origin of the person. We can consider non-admitted and expelled migrants victims of trafficking part of this category of cases, as well as those called “self-returned” who only at a later stage, with different times and for different reasons, are contacted by or themselves turn to a local service. The fact that they are VoT returnees does not necessarily have to be the declared motive for the contact; it can be the case that this aspect comes out later, for example, during the meetings with the social worker or psychologist of the local Reference Centre for Women. It can also happen that thanks to a new project implemented by an NGO or to the opening of a new shelter structure - in sum thanks to the arrival of new funds allowing new facilities to be created - a “declared returnee” is re-approached and offered sheltering, and/or vocational training, or other opportunities according to the kind of project implemented³⁹.

4.2.4.2 *In the reintegration processes*

The essential role of humanitarian actors is equally evident once the return process has concluded and when the phase called “recovery and reintegration” in the country of origin begins. The case management is initiated either by the authorities who, directly or through the network of assistance turn to a non-governmental organization, or vice-versa. In both circumstances, from what I could see, the greater role is played by NGOs, foreign agencies, IGOs or other foreign donors.

Especially if the return process is managed by an NGO – as it was in almost all my cases in Goias, where the homecoming happened thanks to the work of the specialized NGO *Project Rescue* – also the assistance for reintegration will be. This

coordinator of the NEPT in Goias came back with a series of business cards of Italian and Spanish NGOs she showed to me (fieldnotes, diary 6).

³⁹ The records of returnees’ cases so far sketched doesn’t certainly cover all the existing possibilities of return, yet it is drawn directly from my fieldwork (see also Chapter 5). From the list, I’ve excluded those returnees who, albeit having a self-perception as VoTs, that is they are well aware of having been deceived and/or exploited during their migration experience, have returned and come back to their lives without having any contact neither with any NGOs nor governmental service (see Chapter 1.2).

is usually primarily in terms of financial help, to support the returnee to follow a vocational training, to find an employment or directly to start a little business on his/her own. Another crucial task of an NGO in this phase is to introduce the returnee to the network, or better to mobilize the anti-trafficking network around him/her. In this way, the ex-victim becomes aware of the services she/he can turn to and the various specialists become aware of the case. Sometimes, the returnee is directly contacted or solicited by the assistance apparatus, other times is the returnee asking for help, most commonly employment or money, other times, more rarely, she/he feels the need of a psychotherapeutic support, or even medical care. This picture is sufficiently realistic for what Brazil is concerned: in this country, the sheltering of trafficking returnees is rather rare and I personally never encountered a case.

4.2.4.3 *No shelters: is the government really activating?*

Another problematic aspect of the Brazilian aid services to returnees I could personally confirm is the inadequacy or lack of shelters' offer.

During the time of my fieldwork, there were no specialized shelters, yet a project to create few such structures was on its way, as Ms Ana Teresa Iamarino explained to me. Ms Iamarino is the young general coordinator of Access to Justice and Fight against Violence of the Sub-secretary for Coping with Violence against Woman of the Secretary of Policies for Women⁴⁰. In her view, regarding victims' protection, it was a moment of transition from civil society and non-governmental organs ruling the whole process to the creation of a strong public network. After having approached, followed and learnt from civil society organizations, methodology and net of contacts, now more and more governmental structures and services were appearing and becoming equipped and prepared for receiving VoTs.

The shelters' project was part of this governmental undertaking of the protections apparatus, where the absence of specialized housing, she thought, was a considerable lack. She explained this deficiency partly, as said, with the fact that a transition was on its way, partly because to set up a shelter was an expensive endeavour, in her view, and the existing ones for women victims of violence could

⁴⁰ The Secretary of Policies for Women is an organ of the Presidency of the Republic created in 2003 by the then President Lula. Its main objective is to promote gender equality and "fight against all forms of prejudice and discrimination inherited from an exclusionary and patriarchal society" (see: <http://www.spm.gov.br/sobre>. Accessed: 14/10/14).

be apt as well, and partly because in Brazil this kind of solution for trafficking returnees was not considered as the best and most successful one, since it was thought it could increase both stigmatization and victimization⁴¹. Until now though, no specialized public shelter has been constructed yet.

4.2.4.4 *A self-sustained shelter in a “fantasy net”*

In Goiás State, I visited a very well established shelter for women, adolescences and children victims of domestic violence, which was also member of the anti-trafficking network and which had received various returnees⁴². The Nine Moons (*Nove Luas*) shelter – name given to the structure after the duration of a normal pregnancy – was the only one in the State; opened in April 2000, it was run by CEVAM, an NGO founded in 1981⁴³.

As Dolly Soares of the head office made it very clear, the majority of the funds and of the donations that keep the organization alive come from the civil society – including clothes and other goods which were sold at the second hand shop precisely created for extra fundraising. “*Who keeps our door open is the civil society, the government is not determinant in our work*”, Ms Soares says, even if CEVAM does receive some (poor and very sporadic) subsidies from, for example, the State Secretary of Policies for Women and Promotion of Racial Inequality (SEMIRA, the same organ administering the *Núcleo* since the year 2010) and from other local and federal entities. This is even more surprising in a State where violent deaths are among the highest in the country, Ms Soares comments. In 6 months there have been over 270 violent deaths, she reports, and this indicates that the State’s response to such a high incidence of violence is not adequate⁴⁴.

Regarding HT, Ms Soares, expressing herself with an unrestrainable and angry talking, is very critical: the anti-trafficking policy is still very incipient and full of difficulties, and the people do not really know where to turn to seek for support. According to her, there is not only a problem of lack of economic

⁴¹ Recorded interview, 28/6/12, Brasília (BR). I’m not arguing that shelter houses are an indispensable element for an apparatus of protection to be considered excellent. I will explore life in shelters and its pro and cons in the following Chapter 5.4 and 5.5 (see also Lazzarino 2014).

⁴² They could not give me an exact number, and at the time of my fieldwork no returnees was residing in the shelter. I was refused to reside in the shelter to conduct in depth research.

⁴³ CEVAM stays for *Centro de Valorização da Mulher Consuelo Nasser*. Consuelo Nasser is a well-known local journalist, lawyer and feminist who founded the centre.

⁴⁴ Recorded conversation, 24/7/12, Goiania (GO – BR). I could verify neither the source nor the reliability of such figure.

resources, but an even more structural one of lack of preparation and competences, and of loss experience, since the coordination of the Office passed to a new unexperienced administration.

To act in network is not an easy task, she recognizes, yet an efficient cooperation must be reached quickly, *“not in 10 days, 1 month, you know, or next year, no: it has to be a quick thing, it is necessary to give quick answers to this question”*. According to her, in practice the *Núcleo* is not prepared and *“this net [anti-trafficking network] actually integrated...we aren’t really...it’s still a fantasy net, it’s in thesis still”*. And she reinforces her point underlining the difficulty for receiving and sheltering a trafficking returnee: *“if you had to receive today a woman ... or someone in this situation, not necessarily a woman...you don’t have where to put her...where?!... and even worse if she were a transvestite...in that case, well, you don’t have where to put her!!”*.

4.2.4.5 *Disregarded categories: men and LGBTT*

In fact, to the general lack of specialized and well financed public shelters and assistance centres, it is also relevant to notice that the services for men and for LGBTT returnees of trafficking are almost inexistent. In Goiania though, two factors were indicating an improvement in this sense: the first one is that the headquarter of the *Núcleo* was (and still is) located in the Reference Centre for Equality, which has the objective to assist *“people victims of any kind of violence, prejudice and discrimination, who are in a situation of vulnerability, being them women, black and gypsy people, other ethnic groups, LGBTT population and victims of Trafficking in Persons”*⁴⁵ (see figure 2). This indicates a clear intention to be sensitive to the issue.

According to the statistics of attendance of the NETP for the years 2011 and 2012 – the only ones where the demand of support is divided by category of people requiring it – the number of LGBTT people more than doubled from one year to the next. These statistics though miss to specify the reason why LGBTT or ethnic minority population sought the Reference Centre, in particular if among them there were cases of trafficking. The same can be said for the rather confusing category called *“gender”*, which I suppose refers to women issues. In other words, the kind

⁴⁵ <http://www.semira.go.gov.br/post/ver/147024/centro-de-r2eferencia> (Accessed: 30/9/14).

of assistance sought at the *Núcleo* (social work, juridical, psychological) and the kind of people seeking it are not meaningfully combined to have a precise idea of the assistance delivered to ex-VoTs.

The second positive factor, which most probably explains the great number of LGBTTT turning to the Centre in 2012 is that, as mentioned above, the psychologist of reference of the *Núcleo* was very close to LGBTTT population and their issues. Herself a transsexual, Ms Beth Fernandes, is also the president of the Association of Transvestites, Transsexuals and Transgender People (*Astral*) of Goiania.

Albeit the *Núcleo* of Goiás showed to be open to the gender issue, services for men and LGBTTT were absent. The only case of (homosexual) man assisted by the *Núcleo* – case that I also got to know rather well - was considered a rare exception⁴⁶.

4.2.5 The Humanized Assistance Office to Migrants

“We don’t have a net! With the necessary extensiveness, necessary knowledge, with qualified and capacitated staff, to receive and attend persons in situation of trafficking” Dalila Figueiredo says emphatically, echoing many points made by Dolly Soares – while showing the same angry dissatisfaction for the apparatus of assistance to the victims – and many deficiencies highlighted in the TIP report mentioned above. Ms Figueiredo is a self-declared activist for life choice, not just someone working in the frontline⁴⁷. She is the founder of the NGO ASBRAD, which developed the first methodology of reception and assistance to potential victims of trafficking among women and “trans” who were deported or not admitted.

⁴⁶ I’m referring to the case of Marco. Marco is one of those informant I could not include in this work, even if I could conducted close research with him (see above Chapter 1). Marco was not native of Goiás, he was born in Recife. The organization PR, along with the NETP, found him a little apartment to live in alone once he recovered enough. He was indeed considered extremely traumatized, on the top of a pre-existing situation of mental disabilities. Before, he was hosted in a centre of psychosocial assistance, CAPSI (Centro de Atenção Psicossocial that he was still attending every week for group therapy). He was also found a little job in a POP Centre for street people (Centro de Referência Especializado para População em Situação de Rua) where he was helping in the kitchen. I know that last year he went back to Recife, albeit he didn’t really had a family there anymore

⁴⁷ Recorded conversation, 5/7/2012, Guarulhos (SP-BR).

4.2.5.1 *The Office in the hands of the ASBRAD*

ASBRAD approach is based onto a long experience on the field acquired from the management of the Frontline Office of Humanized Assistance to Migrants at the international airport of Guarulhos in the State of Sao Paulo.

In the first place, the methodology of the humanized assistance is based on the principle that the VoT identification and assistance must be strictly considered within a Human Rights framework, with particular attention for the sexual and reproductive rights of women and transsexual people. At a practical level, it is developed as follows. The assisting team, who wears a particular T-shirt to be different from other authorities, is made of 5 people (lawyer, social worker, psychologist, journalist, and sociologist). It operates inside the restricted area of the international arrivals where the deported and non-admitted Brazilian citizens are accompanied to be identified by the Federal Police. No questionnaire is utilized for the first approach, just informal chatting. Nothing happens without the migrant's consent. If there are doubts that the person is a VoT, s/he will be re-approached after the papers' check, inside the airport. In this second phase, the dialogue goes more in depth, to build a relationship of trust. Finally, if the person is confirmed as VoT, s/he will be indicated where to find help. Each team member compiles a fieldwork diary⁴⁸.

Dalila effectively synthesized the detailed methodology underlining three aspects of what humanized means: respect the silence of the person; build a relationship of trust; build a project that is her/his project.

The Office was born out of the experience of voluntary assistance to VoTs started 15 years before by the NGO, when nobody knew exactly what trafficking was. Dalila says ironically laughing: *“the only fact that a woman we were assisting*

⁴⁸ Their methodology is systematized in a publication of 2008 (Secretaria Nacional de Justiça/Ministério da Justiça, Escritório das Nações Unidas contra Drogas e Crime (UNODC), and Associação Brasileira de Defesa da Mulher, da Infância e da Juventude (Asbrad) 2008). ASBRAD, the Brazilian Association of Woman, Infancy and Youth Defense [*Associação Brasileira de Defesa da Mulher, da Infância e da Juventude*], is considered a pioneer institution of reference in the field, was consulted for the elaboration of the anti-trafficking policies in the country, and was called to manage the pilot project of the first Frontline Office in one of the most important hub in Latin America. ASBRAD staff, under the technical coordination of the anthropologist Adriana Piscitelli, also conducted the activity of assistance and research in the Office at the basis of other two important publications, already mentioned, regarding the identification and reception of victims, along with the conduction of interviews (Secretaria Nacional de Justiça 2006; Secretaria Nacional de Justiça 2007). See ASBRAD website <http://www.asbrad.com.br/Html/Quemsomos.html> (Last accessed: 7/10/2014). For more on one of the biggest Catholic organization of international development see <https://www.cordaid.org/en/> (Last accessed: 7/10/2014).

was a prostitute and had to travel to Europe, it was enough to consider her a victim of trafficking". Then the office became more systematized thanks to the results of the two researches conducted in 2006 and 2007, and started to fully function at the end of 2006, when the financial support of *Cordaid*, a Dutch humanitarian organization, allowed the implementation of a pilot project precisely with the objective of elaborating the methodology of assistance to VoTs centred on the notion of the migrant as a self-determined and rights' bearer subject away from a victim subject (ASBRAD 2008).

4.2.5.2 *The Office in the hands of the Municipality*

ASBRAD managed the Office up to 2010 when it started a one year period of transition to devolve the service to the Secretary of Social Assistance of Guarulhos municipality. The organization could not manage with such a demanding and big endeavour, and it was ASBRAD itself which fought and obtained that the Office became integrated in the anti-trafficking public policy: *"it's a necessary policy, yet expensive, why? Because it has to work 24 hours per day, it must have trained staff for this aim, [...] it is necessary a temporary shelter, and independently from this, we are in need of a house of the migrant for men and women also"*. Unfortunately though, since the transition, the situation does not seem to have significantly improved.

The first big difference is that the Office is no more located inside the restricted area of the airport which is still considered a frontier zone, but there is just an office outside in Terminal 1 (see figure 4). This change is very relevant since it is fundamental to approach returnees before they come out into the arrivals' public area. This is not only because they can simply walk off, but also because they might have some family members or friends, or in the worst of the cases the traffickers themselves, waiting for them, and they might feel ashamed or scared to seek for help.



Figure 4 Posto Avançado de Atendimento Humanizado aos Migrantes (the Frontline Office of Humanized Assistance to Migrants) at the second floor of terminal 1 of Guarulhos Airport.

Secondly, the importance of having the Office inside the restricted area meant that a competent staff was there at the moment of the first approach and interrogation by the police. In this way, the Office could monitor police treatment, which is not necessarily always so humane, while also offering live capacity building to policemen. Secondly, the Office shifted to office hours, and this was an absurdity, not only for the obvious reason that an emergency does not follow office times, but also because, Dalila explained to me, the majority of the flights coming from Europe land late at night or very early in the morning⁴⁹.

⁴⁹ At the time of my fieldwork the situation was like this (see figure 5), yet, at least since July 2014, according to the information available on-line, the Office is now open 24 hours again. When I made a phone call in the middle of the night to check, there was actually someone picking up the phone (http://www.guarulhos.sp.gov.br/index.php?option=com_content&view=article&id=16079&Itemid=1760. Accessed: 8/10/14).



Figure 5 “HT for sexual exploitation is a crime”: the text on the window of the Office. This shows how in the Office there is no privacy and how it actually looks more as an info point.

Thirdly, again according to Dalila, there was a great and constant work of capacity building of border and federal police to be done still. The continual turnover of police officers and of other relevant staff made necessary at least three capacity building sessions per year in the airport in order to put the officers “*at least in the conditions to understand trafficking, which is already a problem*”, she affirms. In addition to this, she continues, you must teach them the methodology of humanized assistance, other than choosing staff with specific competences, such as the knowledge of at least two languages, since Brazil is a destination, transit and source country of trafficking, as Dalila reminds me.

In the fourth place, she also denounces the lack of a shelter, explaining to me that there was only a hotel, originally born to receive street people and open only from 5 pm to 7 am. Apparently though, as I had been communicated by the officers of the Department of Social Protection (Ministry of Social Development) I had interviewed in Brasilia, and as she also could confirm with a good level of optimism, the proposal to install a shelter structure – which ASBRAD had strongly and repeatedly advocated – was to be approved. Dalila’s only great perplexity was on who could manage the shelter, how and with which funds – funds must be copious – also considering the fact that international donors are not investing in Brazilian NGOs anymore, as she underlined. Evidently, up to now, these difficulties

could not be solved, since, as far as I could verify, such service has not been opened yet in the municipality of Guarulhos⁵⁰.

And finally, incredible as it may seem, the methodology developed by the NGO, and officially endorsed by the federal government, was not being adopted and the Office was not receiving any funds, with the result of having become little more than “*an info point for travellers*”, in Dalila’s words. At the same time, the anti-trafficking net, local authorities included, was *de facto* looking for and counting on ASBRAD, as I could witness during my conversation with Ms Figueiredo. I was indeed amazed by the intensity of requests, aspects of cases to be quickly solved, phone calls, staff coming and going, beneficiaries waiting, all occurring under my eyes during those two hours I spent in Dalila’s office⁵¹. I could never see anything like this in an office, either gov or non-gov. In addition to justifying the fact that she was feeling tired and “alone”, this scenario confirmed what she told me: that her NGO was still an indispensable, reliable and efficient rearguard offering capacity building courses, organizing the reference system, leading prevention campaigns, and conducting the entire case management (even by e-mail), in a scenario where the “*lack of interlocution among services, among ministries, secretaries, NGOs, councils, shelters, ... among everything... is an evil of Brazil, not only of Guarulhos*”.

Overall, I found ASBRAD’s hectic and noisy activity significantly in contrast with the mute piece of paper stuck on the door of the closed Frontline

⁵⁰ To be precise, in Guarulhos there are 5 shelters, yet for minors only, where there might be cases of trafficking, if the staff has been trained enough to recognize them, Dalila specifies. Regarding her critique on the scarcity of structures of reception and the need to amplify and strengthen the public CREAS system, I cannot verify whether it has actually been improved from 2012 up to now. According to the information available on-line, currently there are three CREAS and two hotels (one for women and one for men), in addition to a third structure of active social approach, which is difficult to understand what kind of structure it is. Regarding the decrease of foreign funds lamented by Dalila, also in Vietnam and partly in Nepal I could verify that, at least in the realm of human trafficking, investments and therefore projects were clearly declining. I explain this, other than with the general global crisis, with the fact that ten years after the Palermo Protocol, a high level of ratifications and a good situation of internalization of the international provision into various State legislations, the humanitarian could start retreating from the field. It must be said that it is also a matter of trends: human trafficking is not so much popular anymore.

⁵¹ I read on my fieldnotes diary (# 5): “5/7/12 The small waiting room is crowded with 4 women and 2 men waiting. They all look sad. Everything, furniture and everything, is very modest, a little run-down. I’m struck by a poster vs. violence. From the reception room I can see a corridor leading I don’t know where and two rooms, one of the lawyers and the other psychosocial care. They lead me to the second floor. 3 rooms: Dalila’s office, psychotherapy room and mediation. There is a child. The room where I am has no plaque. There are various images of Christ on the crucifix and of child Jesus. During the interview Dalila does one thousand things, she answer to the phone, she signs paper that her staff brings to her, she takes important decisions... It is incredible all that is happening under my eyes!!”

Office in Guarulhos International Airport run by the local authorities (figure 6). I found the contrast telling in terms of difference between the efficiency of the NGO and the governmental slow-motion.

We will now see how in Vietnam the roles and the relationship between governmental and non-governmental organ are different.

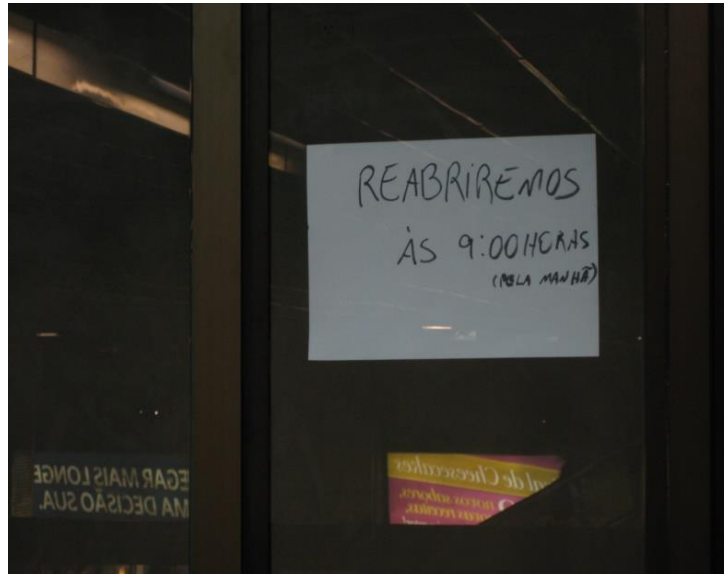


Figure 6 “We will open at 9 o’clock in the morning”. This is the piece of paper stuck on the glass door of the Frontline Office. The picture was taken in the mid of the afternoon.

4.3 Homecoming to Vietnam

4.3.1 Gov and non-gov anti-trafficking apparatus

Vietnam is a far smaller country than the almost continental Brazilian territory, and its internationally recognized anti-trafficking history is almost ten years shorter than the Brazilian one. The Asian country directly ratified the Trafficking Protocol, without previously signing it, in June 2012 only, along with the Convention⁵². These two factors are at the basis of a relatively simpler anti-

⁵² www.unodc.org/unodc/en/treaties/CTOC/signatures.html (Last Accessed: 14/10/14). It is worth noting two things. First, Vietnam didn’t ratify, jointly to the Convention and the Palermo Protocol, the Smuggling Protocol, and it hasn’t yet so far. Secondly, a reservation accompanies the ratification. The reservation to the Protocol is the following: “The Socialist Republic of Viet Nam does not consider itself bound by paragraph 2 of Article 15 of this Protocol.”

trafficking apparatus in the country: relatively simpler only at a formal level, not at an operative one⁵³. Even in a smaller and highly bureaucratic country, the complexity of the phenomenon of HT requires an equally complex apparatus that involves a great variety of ministries, institutions, and organizations at all the territorial levels and with high level of integration. For sure though, since 2004 with the 130 Programme, which established the National Steering Committee to direct the first NPA, the anti-trafficking apparatus and procedures have been systematized⁵⁴. Even if this does not imply that they are perfectly effective.

In Vietnam, the issue of HT did not give rise to new State organs, but it is been taken on by the already existing State capillary net of institutions, as one can expect from a communist regime. All the extra projects, structures, campaigns, and events are funded and technically implemented by IGOs or international NGOs, albeit always in close cooperation with the Vietnamese government, as this is provided by law⁵⁵. Foreign organizations and agencies in the country can, strictly

http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12a&chapter=18&lang=en#EndDec (Accessed: 15/10/2014). Paragraph 2 of Article 15 states: “Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court. <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf> (Accessed: 15/10/2014). It falls out of my competences to provide a reliable interpretation of such clause, and none of the person I could talk to during fieldwork was able to provide me with a grounded explanation.

⁵³ The general feeling is of a simpler anti-trafficking scenario, even because it seems to me that there is less ado around the issue: fewer researches, fewer conferences and seminars, fewer reports and publications, fewer events, less audio-visual material, fewer “specialized” officers and offices, fewer experts. It might be that this greater simplicity also depends on a subjective impression or ability to collect as much material as I’ve been able to in Brazil, due to the far smaller possibility of accessing governmental officers, barely impossible most of the times, due to the extreme poverty of material available on line, especially when compared to the Brazilian redundancy, and also partly due to a language barrier, which might have prevented me from accessing some sources.

⁵⁴ The National Steering Committee 130 was established in 2004 to direct the implementation of the NPA on Preventing and Combating Trafficking in Women and Children. It is chaired by the Prime Minister, coordinated by the Minister of Public Security and comprises 15 members, who are vice ministers and senior leaders of ministries, agencies and mass organizations. Programme 130 is the Vietnamese government’s cross-cutting response to human trafficking, which grew from the United Nations Mekong Region Projects Initiative which centrally co-ordinates anti-trafficking efforts in the GMS. This process is facilitated by the United Nations Inter-Agency Projects (UNIAP, see below) on Human Trafficking through the Co-Ordination of the Mekong Initiative on Trafficking (COMMIT, see below).

⁵⁵ For a synthetic overview of the NGOs’ regulation in the country see for example Sidel 2010. In general, in the late 80’s the activities of foreign NGOs were very restricted. After, the number of NGOs started to considerably grow, in concomitance with Doi Moi policy of socialist-oriented market economy. The first legal framework regulating foreign NGOs consists in Decision 339/TTg, which established the Committee for Foreign Non-Governmental Organization Affairs, and in

speaking, uniquely provide technical and financial assistance to governmental organs and local NGOs.

For example, as mentioned in the previous chapter⁵⁶, IOM is particularly relevant in the country, working in partnership with the government as well as with various local NGOs. In addition then, more specifically, IOM follows and supports the country's diplomatic missions for the homecoming of VoTs from further away than the neighbouring Cambodia, China and Lao PDR. Whereas, from these last countries, victims are sent back via governmental channels at joint land borders (see also UNIAP, World Vision, Nexus Institute 2012)⁵⁷. In general, from my experience in northern Vietnam, are governmental bodies taking care of victims' repatriation, having state officials at the frontline of the return process, differently from what happens in Brazil in the majority of cases, and in Nepal in almost the totality of the cases, given the weak State presence of the moment⁵⁸.

To be clear, this does not mean that international NGOs are fewer in the country. On the contrary, they are far more widespread than in Brazil – where local NGOs are instead prevalent – yet they operate only as financial and technical supporters. Aid programmes jointly designed and implemented by governmental authorities, by local and international NGOs, by multilateral UN agencies (namely, as seen, IOM, ILO or UN-Women), by other international stakeholders, along with the first researches on the matter (Le Thi 2000), started to flourish after the year 2000. I locate the peak of the involvement of the humanitarian machine in the trafficking business in the second half of 2010s (see also David 2009), whereas now a decline is registered. Many of the most active NGOs and agencies that I met with

Decision 340/TTg of 1996, which provided the legal environment for foreign NGOs to operate. According to this regulation, foreign NGOs can carry out non-profit development and charitable activities, after obtaining a series of permissions from the Government. The Executive Member of the Committee for Foreign Non-Governmental Organization Affairs is the President of Vietnam Union of Friendship Organizations (VUFO), which bears the principal responsibility for aid mobilization and for relations with foreign NGOs. The People's Aid Coordinating Committee (PACCOM) is the specialized and functional body of VUFO. Registered at VUFO there are roughly 150 international NGOs (www.ngocentre.org.vn), but there are probably much more. According to Nicolas Lainez (private written conversation with the author, 3/8/2015) many organizations operate in an in-between grey zone between legality and illegality, that is often legally at the district/provincial level, but without comply with the national norms. See more on this below (4.3.5).

⁵⁶ See above Chapter 3.3.1.

⁵⁷ "Officially, the repatriation of victims of trafficking to Vietnam is overseen by the Immigration Department of the Ministry of Public Security (the so-called "A72" branch), which had an official MoU with the International Organization for Migration (IOM) for the organisation of victims' return to Vietnam" (Marshall, Morrison, and Nguyen 2013)

⁵⁸ See below next paragraph, especially 4.4.3.

in Northern Vietnam (i.e. Asia Foundation, Act!onaid, Save the Children, World Vision, Oxfam Quebec, IOL, and IOM itself) were, in autumn 2011, reducing their funds' investments in Human Trafficking projects, and few of them were still having an open anti-trafficking project in the summer of 2013. I interpret this trend with the fact that, before the 2010s, the ratification of the international provision and the design of the new national law were still uncertain and far to come, hence the country was receiving greater foreign assistance to undertake the right way to accomplish the international standards of adequacy in the fight against HT.

4.3.2 The criminalizing approach of the first NPA 2004-2010

Few months before the ratification of the Protocol, on 1st January 2012, the Vietnamese Law on Prevention and Suppression against Human Trafficking entered into Force⁵⁹. This means that at the time of my first long fieldwork in 2011 it had to be approved yet, and that the common understanding which was circulating still identified HT with women and children trafficking only, based on Articles 119 and 120 of the Penal Code 1999, which respectively deal with trafficking in women and “trading in, fraudulently exchanging or appropriating children”⁶⁰. This was the case even if, in 2009, Art. 119 was amended substituting “trafficking in women” with “trafficking in humans” and supplemented by the “organs removal” clause. Indeed, in Vietnam the first NPA 2004-2010 was approved as a measure to combat trafficking solely of women and children for commercial sexual exploitation, forced marriage and illegal adoption.

In this first provision⁶¹, women and minors' trafficking seems to be clearly framed within a criminalizing perspective according to which trafficking is more

⁵⁹ A translated version of the Law can be found at <http://www.molisa.gov.vn/en/Pages/Detail-document.aspx?vID=502> (Last accessed: 20/10/14).

⁶⁰ Vietnamese Penal Code in English can be read at http://moj.gov.vn/vbqq/en/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=610 (Last accessed: 20/10/14). Based on Thi Tue Phuong 2008: 7, the very first legal document regulating trafficking was indeed the 1985 Penal Code, where Arts. 115 and 149 defined trafficking and trading in women and children but only as domestic crimes. Other articles of the code are considered relevant for the prosecution of the crime of trafficking, and these are: Art. 4, regarding the protection of the marriage and family regime, Art. 23 punishing prostitution and related acts, Art. 21 punishing the violations of the regulation Vietnamese labourers in foreign countries. Other more general yet used articles refer to committing crimes in an organized manner, for example, and to bribery and complicity (Arts. 20, 48, 279).

⁶¹ A version of the Decision No. 130/2004/QĐ-TTg approving the NPA 2004-2010 can be found at <http://vbpl.vn/TW/Pages/vbqqen-toanvan.aspx?ItemID=7816> (Last accessed: 6/12/14).

conceived as a crime against public morality than against the individual, as this sentence might suggest: “Trafficking in children and women has been becoming an urgent and pressing problem, badly affecting the society, customs, tradition, social morals and Government laws, destroying family happiness, increasing the risks of HIV/AIDS transmission and resulting in potential impacts on national and social security” (Part 1, 1). Among the objective causes of the phenomenon “unhealthy cultural flow and social evils including prostitution and drugs” are mentioned (Part 1,2), and it is also clearly stated that the prevention and combating of trafficking “are always set in line with the prevention and combating of criminals and social evils in general” (Part 2, 2.1).

We are not new to the “language of ‘social evils’” (Vijayarasa 2010). The episode of Sanjeela’s textbook, where girls trafficking is classified as a social evil, opened Chapter 2. In line with the HT ideology, with the Nepalese textbook and with the prompt modification of Art. 231 in the Brazilian penal code, the social evils’ framework in Vietnam echoes a perspective whereby the crime of HT is framed more within the logic of an offense against public morality and customs, than as a crime against the person whose human rights are violated. I argue that the “social evils frame” confirms a criminalizing approach where a whole complex phenomenon is reduced to a good ones (innocent poor naïve girls, legal migrants) vs bad ones (whores, traffickers, illegal migrant) dichotomy. At the same time indeed, a moralizing anti-prostitution stand is at work, along with a concern for irregular migration. As I will further argue below, in Vietnam, albeit in a process of change, this framework seems particularly preponderant, beyond the first NPA⁶².

The focus of 2004-2010 NPA is on preventing and combating HT, with the overall objective of reducing more than 50% of the phenomenon: raising the understanding and awareness, reinforcing the legislation, improving law enforcement, and providing assistance are among the actions listed to reach this objective. The main components of the plan regard: advocacy, education and awareness raising campaigns, and the provision of “support and counseling to the families of victims and vulnerable women and children” (Component 1). Here, the key agency is indicated as being the Vietnam Women Union.

⁶² In particular see note 81.

“Combating trafficking in children and women” is the title of the second component, which basically corresponds to the aspect of prosecution, and it particular refers to cross-border trafficking. Here the Ministries of Public Security and of Defence, also referred to as Border Guard Command, are the responsible organs. The Border Guard Command plays a crucial role also in VoTs’ identification and reception process, which along with support to the victims, managed by the Ministry of Labour, Invalids and Social Affairs (MOLISA), constitutes the third component. The fourth component is about the development and strengthening of a legal framework, having the Ministry of Justice as its leading institution. In the third and last part of the NPA, all the various ministries and institutions are assigned specific responsibilities, and the Border Guard Command, MOLISA and the Women Union are confirmed as the three institutions of reference for receiving, supporting, assisting and promoting community re-integration of the returnees.

Contrary to what Madam Xuan, an influential authority of the Laws and Policies Department of Vietnam Women Union, told me⁶³, Do and Ma Dang (2013) argue that the outcome of the plan was rather unsatisfactory, in terms of both prevention and assistance. Making reference to a report – I myself could not get hold of – the two authors refer that the majority of the cases, at the end of five years implementation of the plan, were detected only after their occurrence, since there was still some passivity among law enforcement agencies. They also argue that, albeit linked to cross-border criminal chains, international cooperation was not prioritized: again in contrast to the information given to me by Madam Xuan, who cited the strengthening of regional and bilateral agreements as an important achievement of the plan. Finally, and most importantly for my argument, it resulted that only one-third of the rescued victims received assistance, “including funds to set up their lives” (Do and Ma Dang 2013: 179)⁶⁴. This also seems to contradict the perfect picture the VWU leader depicted to me, emphasising the existence of an apparent perfect system of identification, reception and assistance to reintegration of trafficking returnees.

⁶³ Unrecorded conversation, 24/8/11, Hanoi (VN). For an introduction to the role of VWU within anti-trafficking initiatives see below.

⁶⁴ It is kind of mysterious to me how this figure could be deduced, as reliable data on returnees are almost totally lacking.

4.3.3 The second NPA: a step back from the reintegration issue?

A second NPA 2011-2015⁶⁵ accompanied the new law and saw an investment of roughly USD 3.5 million for victim assistance and support centres (Trees, Pham, and Tran Ban 2012). This amount is not so relevant considering that the total budget for the National Plan was of USD 13.5 (Brown 2011). Yet, in this new instrument, victim assistance is put among the overall objectives, and, accordingly, amongst the specific objectives, Objective 3 talks of strengthening “the effectiveness of verification, receipt and protection of and assistance for returned trafficking victims”.

The plan is divided into five projects, and Project 3, for the implementation of Objective 3, concerns victim verification and protection. Target 2 of this component is that in 2015, 100% of identified victims receive adequate support and that by 2015 “key provinces and cities shall assure physical facilities for receiving victims and provide assistance”. Furthermore, Sub-project 2 of this component specifically regards returnees’ assistance, where the stress is on the assurance of physical facilities and the setting up of “victim assistance establishments and social relief establishments”.

It is interesting to notice that in a previous draft victim reintegration into community appeared in both general and specific objective, and was also prioritized in the specific targets, whereas it does not appear in the final version. For example, in the previous version it appears that by 2015 60% of the identified victims “reintegrate successfully and stably”, and Sub-project 2 specifically addressed victims reintegration. I do not have substantial evidence for elaborating a good hypothesis for this, which looks like a stepping back from a too ambitious objective and opting simply for assistance which is less jeopardizing in terms of success of the NPA⁶⁶.

4.3.4 2012 Anti-trafficking National Law

4.3.4.1 A lacking definition of Human Trafficking

In 2010 and 2011, a definition of trafficking was also lacking. Interestingly enough though, the 2012 law does not explicitly provide a definition of the

⁶⁵ Decision 1427/QD-TTg approved the program of action to prevent and combat the human trafficking crime during 2011- 2015 (<http://www.molisa.gov.vn/en/Pages/Detail-document.aspx?vID=530>, last accessed: 6/3/15).

⁶⁶ A hard copy of this draft is in the hand of the author and not available in internet.

phenomenon either, whereas in a previous version it appeared. In Art. 3 dealing with the Prohibited Acts, paragraph 1 refers to Arts. 119 and 120 of the Penal Code (see above). Paragraphs 2 and 3 refer to the transfer, receipt, recruitment, transportation and harbouring “of persons for sexual exploitation, forced labour, the removal of organs or for other inhuman purposes”.

What is striking, in my opinion, is the absence of any reference to all the means that can be used in trafficking, such as coercion, fraud and so on, and, as a consequence, also to the consent of the victim person (see also Hoang 2015)⁶⁷. The same applies to Arts. 119 and 120. Nonetheless, in Art. 2 regarding the use of terms, sexual exploitation is defined as the coercion of persons for prostitution, for example, and forced labour as the use of force or threat of use of force to coerce persons to work against their will (par. 1 and 3). Yet, evidently this is not thorough, and, in my view, one of the main consequences of these silences in the national provision is that in the country, in full opposition to the Brazilian context, the debate around the issue of consent is barely inexistent, also in relation to the illegal status of prostitution in the country (Art. 23 of the Penal Code).

Furthermore, Hoang (2015) refers to the fact that according to Kneebone and Debeljak (2012) under the Vietnamese law the focus is more on “trade, profit and illegality, which is closer to the narrative of slavery and of prostitution than the broader idea of end-purpose exploitation which is arguably the gist of the Trafficking Protocol definition” (Hoang, 2015:3).

4.3.4.2 *Returnees’ assistance in the Law*

The law is organized in seven Chapters. The first one tackles general provisions like, as just mentioned, the prohibited acts, the principles of prevention and suppression against HT, and State’s policy. Chapter II deals with prevention, and it is the most detailed one comprising 12 Articles, Chapter III is about prosecution, Chapter IV regards the “receipt, verification and protection of victims” and Chapter V the support for victims, Chapter VI establishes the “responsibilities

⁶⁷ Hoang (2015:3) notices that exclusion of the means “removes a layer of protection and could result in children being excluded from the protection mechanisms because they are not identified as trafficked persons”.

of the government, ministries, agencies and local governments”, and finally the last two talks about international cooperation and implementation provision.

With respect to the area of return, receipt and assistance, the new law goes very much into details. Section 1 of Chapter IV, dealing with receipt and verification of victims, is essentially divided into two parts, one regarding domestically trafficked victims, the other one returnees from abroad, both self-returned and rescued. The basic institution of reference is the commune-level People’s Committee, which is the Vietnamese grassroots organ capillary spread all over the territory, able to reach even the most remote areas⁶⁸.

Protection and support to victims are kept separated. Protection is specifically intended as the provision of safety protection to the victims and to their relatives in case of life and health threat; shelters, secrecy regarding victims’ residence and personal information, as well as other protective measures stipulated by criminal procedure law are listed. Support for victims (Chapter V, Art. 32) establishes a series of services VoTs are entitled to, such as support for essential needs and travelling expenses, medical and psychological support, legal aid, support for educational and vocational training. Art. 39 indicates which State agencies should provide which kind of support. For example, commune-level People’s Committees, Public Security Agencies and Border Military shall care about essential needs; Departments of Labour, War Invalids and Social Affairs (DOLISA) must care of travelling expenses, educational and vocational training, in cooperation with the appropriate ministries; social welfare institutions and “victim supporting institutions” are devoted to the provision of medical support and psychological support, this last one with the aim of having “their psychology stabilized”. Finally, Art. 40 further specifies the duties of the public-run social welfare institutions and the “victim supporting institutions”, and some of these are sheltering, “health care and psychological support to victims according to their sex, age and will” and evaluation of victims’ possibility of integration into communities.

⁶⁸ The People’s Committee is meant to receive the victims themselves, their legal representatives or the cases reported by other agencies or organizations. It has then 3 days to inform the Division of Labour, War Invalids and Social Affairs, which then has to contact the Public Security Agency for the verification of the status of victim. For rescued victims the process is usually inverted, from the Public Security down to the People Committees. Art. 28 establishes paper and documents necessary to prove a person as victim, such as written confirmations made by district-level People’s Security agency and People’s Courts.

4.3.4.3 *Returnees assistance prior to the new law: an example of bureaucratic excellence*

The new law is essentially in line with other two previous documents both specifically dedicated to VoTs' return⁶⁹. One is the *Regulation on receipt and support to community reintegration of the trafficked women and children returned home from overseas* of 2007 and the other one is the inter-ministerial circular establishing the *Guidelines on process and procedures of identification and reception of trafficked women and children from abroad* of 2008⁷⁰. Both these documents are still evidently related to women and children only and are very much detailed in terms of formal procedural functioning.

The 2007 Regulations establish with precision the principles and procedures of receipt, the processing of the information on the victim, the certification of self-returned, the organization and operation of units in charge of receiving and supporting the victims, and the policy to support community reintegration, included psychological support aiming at the psychological stabilization of the subject. The institutions in charge are here again the People's Committees, DOLISAs and the Vietnam Women Union.

The 2008 Guidelines are equally operational and practical, minutely describing all the documents necessary to attest the Vietnamese nationality and the victim status of the person, as well as the long and meticulous processes and procedures of identification, verification and reception, according to five different cases (victims staying in a border country with Vietnam and in a non-border country; victims repatriated through Vietnamese Embassies; victims rescued or

⁶⁹ In my overview, I will skip various documents related to return and reintegration such as: Circular 116/2007/TTLT-BTC-BLDTBXH on policies and compensation for identification, verification, reception and reintegration assistance ; and Circular 113/2010/TTLT-BTC-BLDTBXH, which amended, revised and supplemented Circular 116 on spending guidance and levels for identifying, receiving and supporting women and children trafficked to other countries; Circular 03/LB on procedures of identification, verification and reception of women and children returnees; Circular 05/LDTBXH on the organization and operation of victim support units. Neither will I mention other two circulars issued in 2013: one establishing the tasks of border guard and marine police, and the other one increasing the cash subsidy to trafficking victims.

⁷⁰ The first one is available from IOM website at <http://www.iom.int.vn/ccompton/pdf/Decision17VN.pdf> , the second one from UNIAP website at http://www.no-trafficking.org/reports_docs/legal/vietnam/vn_imc_vicid.pdf (Last accessed: 26/10/14).

returned on their own through a land border gate; self-returned victim not through a formal reception)⁷¹.

One last thing worth noticing with respect to this circular is that, in paragraph 2,a of the General Regulations regarding victim identification, it *literaliter* reproduces the definition of exploitation we have in the Trafficking Protocol as well as the list of means that traffickers can use to recruit victims. I specify this because, as noticed above, in the final version of the anti-trafficking law a clear definition modelled on the international provision was expunged. And this is curious inasmuch as it suggests a policy turn or even a reverse course regarding the grade of adaptation to the UN document.

Overall, this document can give an idea of how Vietnamese bureaucracy is detailed as much as it is muddled. However, such clarity, compared to the absence of an official procedural protocol in the Brazilian apparatus of reception, has its positive aspects, such as a transparent and supposedly equal treatment for all returnees and a protocol that can apparently function independently from single officials or activists. We can say that to a relatively high grade of attention for the methodology of reception in qualitative terms that we have in Brazil⁷², and that is totally absent in Vietnam, it corresponds a hyper-detailed standardization of the returning procedure in the Asian country, which is almost totally lacking in the South-American one.

4.3.4.4 *The Guiding Principles for the Protection of Victims of Trafficking in the Greater Mekong Sub-Region: an example of excellent qualitative approach*

Regarding the qualitative approach to returnees' assistance, I find worth of mention the document titled *Guiding Principles for the Protection of Victims of Trafficking in the Greater Mekong Sub-Region*, which supplements the COMMIT MOU on *Cooperation against Trafficking in the GMS* signed in 2004 by Vietnam also⁷³. This document entirely rotates around the rights of the trafficked person,

⁷¹ In appendix to the Guidelines there are three forms. One is a statement with the data of the victims and a summary of the trafficking experience; the second are the minutes of the delivering and receiving of the trafficked person signed by both parties; the third one is a certification of repatriation.

⁷² See above 4.2.6.

⁷³ In this document, I could find one article (Art. 15) referring, albeit very broadly, to a qualitative aspect of the reintegration process: it talks about the promotion of "greater gender and child

her/his dignity and decision-making power, the restoration of her/his “sense of self worth” (Art. V, 1), her/his best interest and full participation, included “the right to decline interim care and protection assistance” (Art. III, 4)⁷⁴. Countries are encouraged to develop “policies and practices to ensure that all victims of trafficking have access to comprehensive, high quality support services” (Art. I, 2).

Among these high quality services I want to point out the following ones, as particularly lacking in the country legislation as well as, in my opinion, partly in the very practices of reintegration: standardized bilingual intake/interview forms (Art. III, 2), specially trained bilingual staff (III, 3), assessment of the feasibility of family-based reintegration solutions (IV, 4), provision of ongoing reintegration services to achieve sustainable integration (V, 4), time frames and standards for regular monitoring and follow up visits (V, 9). As we shall see below, in my fieldwork, I found these elements as missing, but what I find more striking is that they seem to be absent in a national legislation which is very much detailed under other aspects.

4.3.5 The actual predominance of governmental organs: Women Union and the Department of Social Evils Prevention

Also on the basis of my fieldwork experience, which, I recall, occurred in the Northern part of the country (mainly Hanoi city and Lao Cai city and province) and substantially prior to the entrance into force of the new law⁷⁵, I would like to make some observations.

sensitivity in all areas of work dealing with victims of trafficking”. See: http://www.no-trafficking.org/reports_docs/commit/commit_eng_mou.pdf (Last accessed: 25/2/15). I was not able to find a digital version of the Guiding Principles. It would bring me too far an analysis of the various bilateral agreements signed by Vietnam during the ‘10s, such as the one with Laos PDR (http://www.no-trafficking.org/reports_docs/legal/lao-viet_ht_mou_en.pdf) in 2010 or the ones with Cambodia of 2005 (http://www.no-trafficking.org/reports_docs/legal/vietnam/mou_vn_cb_eliminate_tips.pdf) and Thailand of 2008 (http://www.no-trafficking.org/reports_docs/legal/thai_vn_coop_elim_tip_en.pdf) with respect to reintegration procedures. I find interesting to notice though that these last two still refer to trafficking of women and children only.

⁷⁴ The issue of in-shelters forced detention is an extremely thorny one (see below Chapter 5, note 43).

⁷⁵ As mentioned in Chapter 1.3, in 2013 I focused my empirical research on post-shelter life of few women I had met inside the Hanoi shelter in 2011, without concentrating anymore on State and humanitarian apparatus of assistance to returnees and its evolution. However, even if it was my intention to keep on conducting a minor part of the research in both the two shelters I had previously known, this was impossible in 2013, as the partly renovated leaderships of both structures denies me access.

For reasons linked to the political arrangement of the country, which only opened to market economy from the mid-1980s, and which still is a communist single-party regime, the activity of humanitarian agencies and organizations, albeit flourishing by now, is very much under the control of and in compulsory cooperation with the government. In Vietnam, IGOs, NGOs and civil society organizations cannot operate autonomously⁷⁶. From what I saw, this means that Vietnamese NGOs must receive a permit to operate, whereas international ones must operate in partnership with some governmental organs and essentially act as donors, technical advisors and project coordinators, without independently reaching the beneficiaries. Telling of the subordinate role of non-gov and foreign organization is that, for example, The words “NGO”, “IGO”, “international organization” and “foreign donor” are never mentioned in any of the legal provisions above referred to⁷⁷.

At the beginning of my fieldwork in the country, I started contacting the main humanitarian international organizations active in the field of HT, which were also the most responsive ones, and where almost the totality of my meetings occurred with Vietnamese staff. However, it soon became clear that they were not in the position of facilitating in any way my access to the returnees beneficiaries of their programs. I necessarily had to pass through two State organs: one is the Vietnam Women Union and the other one is the Department of MOLISA at the provincial level called Department of Social Evils Prevention (DSEP)⁷⁸. And in various occasions, within such hierarchical bureaucratic apparatus and with respect to such a delicate topic, the huge documentation - full of official stamps, CVs and translations – that I had to produce and send in original to this or that office was not sufficient. I had to find, and in few occasions I was lucky enough to, a Vietnamese citizen, always a woman, who was rather close and in good relationship with the

⁷⁶ See above 4.3.1 and note 55.

⁷⁷ Even if making a well-grounded comparison would require a long analysis of the two countries' history and political/economic arrangements, which eludes the scope of my work, I limit myself to notice that the restrictions to development aid organs in Vietnam should not induce to think that foreign development aid system is weaker than in Brazil. On the contrary, the presence of foreign donors and NGOs in Vietnam is much higher than in Brazil, where, according to my experience, all the organizations were run by local people and the donors, when foreigner, was just appearing among a list of various Brazilian sponsors.

⁷⁸ In Vietnamese is *Cục phòng, chống tệ nạn xã hội*, where the word *tệ nạn* indicates the evils and vices of the society (*xã hội*).

authorities, when not a government official herself, who decided to help me. This proves that an excess of bureaucracy is not a guarantee of neutrality at all.

This point leads me to a second observation. These two institutions – DSEP and VWU - were the ones I had to preliminary address and ask permission to in order to meet returnees and to enter the shelters where I conducted research, because they were the two institutions *de facto* responsible for the support and reintegration of the VoTs. Now, what is surprising is that DSEP is never mentioned as such in none of the documents above indicated: we only have a general references to DOLISAs; whereas WVU seems to have a relevant position in the 2007 Decision, while in the final law it is only mentioned once (Art. 18) within the Chapter on Prevention.

I can only make some hypotheses on the reasons for such a discrepancy between how things actually work and what the legal instruments call for. The stronger idea that I can propose is that the vagueness in the case of DSEP and the change in the case of VWU might be read as the authorities' intention to move away from the language of “social evils” and from a still persistent straightforward association between HT and female victims.

Supporting my opinion it is the fact that various interlocutors working in different kinds of institutions (e.g. academies, NGOs, government, social workers) not only agreed that the very name of DSEP risked to increase the general stigmatization of the returnees, but also few of them reported that the government was planning to change its name into “Department of Social Issues Prevention”, confirming that the problematic nature of the lettering was officially acknowledged. Regarding the powerful Women Union, it is comprehensible that, as the focus on women and children only was abandoned, at least on paper, it could not result as being such a relevant organ, and the more neutral People's Committee took on that role.

What is finally relevant to underline is that we are not just in front of a matter of stigmatizing terminology, albeit the efficacy of language is out of discussion, as it reflects and influence the public opinion. Yet, there is also an actual problematic situation (Marshall 2006: 25; Vijeyarasa 2010: S90).

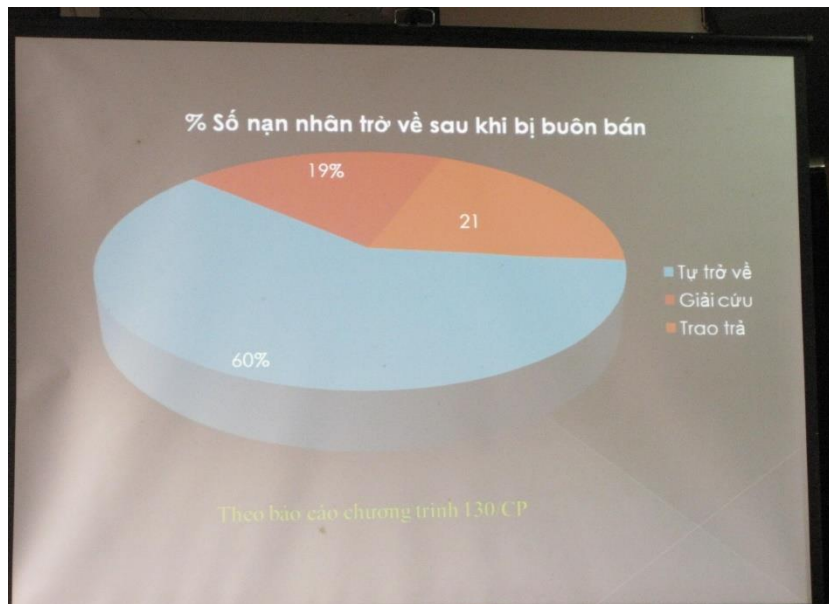


Figure 7 A picture of a slide projected at the workshop in Lao Cai. There are indicated the percentages of the different kinds of return of the VoTs. 60% are self-returned, 19% are rescued, 21% are handed over by the other country's authorities (see below and note 80).

4.3.6 From stigmatizing language to inappropriate structures: the Social Protection Centres

The factual, and not just nominal, problematic aspect of the first measures of assistance for trafficking returnees in the country, managed by the local Departments of Labour Invalids and Social Affairs, is constituted by the Social Protection Centres (SPC - *Trung tâm bảo trợ xã hội*). In the very good majority of cases of return clearly with the exception of unofficially self-returned subjects, returnees spend roughly two weeks in these short-term centres⁷⁹.

Now, what is contested to these structures is that they are pre-existing centres – not created or adapted for VoTs – meant to host a variety of disadvantaged

⁷⁹ The totality of the returnees I could meet and know had been trafficked to China for sexual exploitation or forced marriage, after being tricked by an acquaintance, a relative or a friend. The great majority of them managed to either run away and/or reach local authorities, physically or, (if their Chinese language skills allowed them to do so) by phone. In few cases, and mostly when they were close to the border with Vietnam, they called or sent a text message to one of their family members asking for help. In this way, they were found and rescued by the Chinese police. In other few cases, they were helped by someone in China, either by a woman belonging to the family of the Chinese husband or by someone else. Finally, among cases of unofficially self-returned victims, which are also rather rare, I've never met or heard about someone who self-reported to the local authorities, either the People Committee or the Women Union. What might happen instead, from what I was told, is that because of a civil servant living in the community or through word of mouth the case reaches the authorities' ears and therefore these latter are the ones approaching the returnee, usually paying a visit to her house. They check that everything is fine, including papers, they monitor the needs of the woman, offer her some sort of support and introduce her to the possibilities that she has to recover or to resettle her life. Sometimes she is even re-contacted some time later, even years later, when a project is launched in the area or a shelter is opened and must be filled up.

social categories, such as orphans, abandoned elderly people, drug addicts, disable people, and even war veterans⁸⁰. It is not difficult to imagine that such environment can be at least uneasy, not appropriate, surely disorientating and somehow even intimidating for a young woman coming back from what we can certainly consider a disturbing experience⁸¹.

It is true that, on one side, it is better to have these centres than not, since they after all constitute short-term shelters where returnees can be immediately received and monitored, while identification and investigative procedures occur - in particular the family is tracked, the possible return trip to the commune of origin is organized, and the long bureaucracies to renew the household registration start⁸². On the other side though, assimilating VoTs to those categories of people and putting them together might increase the sense of being at the margins of society, if not part of its waste products. It is evident that, in those contexts, a young female returnee, who, in many cases, has seen her intimacy violated, and surely her trust, freedom and rights trampled on, has little to share with the other residents, who might even embarrass or stigmatize her, more directly or gossiping.

This scenario is aggravated in those cases, now apparently disappeared, where returnees were placed in MOLISA's 05 and 06 Centres. In Marshall's terms: "although often referred to as education and vocational training centres for women, 05 Centres are essentially correctional facilities for women involved in the sex trade with limited freedom of movement" (2006: 21). 06 Centres are devoted to the rehabilitation of drug addicts. The placement of trafficking survivors, as returnees

⁸⁰ In Vietnamese they are called *Trung tâm bảo trợ xã hội* and are also known as the 01 Centres. It must be noted that there are, of course, other cases of return such as deportation as illegal migrants, where victims are identified by the screening process on return. And according to Marshall (2006: 16), these regard victims from China primarily. Moreover, there are also cases of victims repatriated after police raids, in factories or most commonly brothels. Marshall (2006) is an excellent, albeit old by now, for an overview of the return and reintegration processes in the country, as it also based on direct fieldwork research and show a very well-grounded knowledge of how things actually function.

⁸¹ I here call the experience of trafficking as disturbing because I want to keep a neutral attitude toward the kind of consequences that that experience can have on a social actor, in addition to the fact that each case is different from the other both in terms of objective vicissitudes and of lived experience.

⁸² As I could hear various times, and as it is underlined in Marshall's report as well (2006: 24), the issue of the household registration is a thorny one, while also apparently being a top concern for returnees themselves. Indeed, in Vietnam *đăng ký hộ khẩu* is an important document necessary for accessing a series of crucial welfare services. This registration is lost by a family or an individual after six months of "unjustified" absence without having informed the authorities, and it can take very long time to renew it. Child/birth registration of victims' kids born abroad is also a problem (which seems to be partly solved now), since they cannot be registered, they might result stateless and without the possibility of going to school, for example (Marshall 2006: 24). In Nepal, more severe problems with citizenship registration occur (see below 4.4.3.1).

are also frequently called, in these centres has been widely contested and denounced by various international organizations, albeit special provisions have been made regarding their accommodation in a separate part of these facilities (*ibid.*). Clearly indeed, it is not only the internal cohabitation with other women who might have had – not necessarily though, as some migrant sex workers could have equally undergone exploitation – a totally different experience, and might therefore cause embarrassment and discomfort. It is also a matter of carrying the weight of a criminalizing institutional and social look, since prostitution is a crime and prostitutes are discriminated and stigmatized in the country, both in terms of public morality and as disease spreaders, particularly of HIV/AIDS. Generally speaking in fact, human trafficking in Vietnam is stigmatized because it is linked to sex work and to the sale and loss of virginity (Lainez 2011; Sverre Molland 2011). HIV, a possible consequence of (forced) sex work, significantly contributes to the definition and representation of human trafficking as a “social evil” (*tệ nạn xã hội*) (Lainez 2015; Vijeyarasa 2013)⁸³. Such ideas must be set against a background that sees the persistence of a patriarchal ideology where a woman’s virginity at marriage

⁸³ Lainez (2015: 295-307) offers a synthetic historical overview of the Vietnam “war against the “social evils”, where prostitution occupies a primary place, together with pornography, alcohol and drug abuse, smuggling, etc. In his words: “pour lutter contre les « fléaux sociaux », le gouvernement criminalise la prostitution et les délits qui lui sont associés, et stigmatise les prostituées via la propagande et des campagnes de sensibilisation en les taxant de danger moral et sanitaire” (particularly in reference to the AIDS epidemic in the 90s) (Lainez 2015: 296). The author explains that the term “social evil” was originally used in Indochina in reference to venereal disease and came out again after the reunification in 1975, in reference to the degenerate customs of the South. With Doi Moi, the State revitalized the ideology of social evils, in reaction to the dangerous customs that the market economy could have brought about (*ibid.* 299; Robert 2005). Decision 61/2000/QĐ-TTĐ of 2001 provide for the creation of a National Committee to prevent and fight against HIV/AIDS, drug and prostitution, and a thick legal apparatus takes care of the criminalization of prostitution and related crimes. (*ibid.* 300-304). In addition to demonizing the “whore”, the government aims at her rehabilitation, by sending rescued prostitutes to the 05 correctional centres for a total transformation of them into “honest, happy and legitimate workers” (*ibid.* 305; Nguyen-vo 2009). Since 2013 only, sex workers are not forced anymore into rehabilitation centres. With the beginning of the anti-trafficking mobilization and the 130 Decision of 2004, the humanitarian milieu started gaining ground against the politics of Social Evils, opposing “la reconnaissance du statut de victime de la traite à la criminalisation de la prostituée, exploitée ou pas” (*ibid.* 306). Lainez finally offers an effective comparison the governmental centres before and half-private shelter today: “la prise en charge des prostituées dans les centres gouvernementaux hier, et celle des victimes de la traite et de l’exploitation sexuelle dans les centres semi-privés aujourd’hui, diffère à maints égards. Les premiers entendaient remettre des prostituées criminalisées dans le droit chemin grâce à leur réhabilitation, tandis que les seconds conçoivent les victimes comme des êtres souffrants nécessitant soins et attention. Les premiers manquaient de moyens et s’apparentaient à des prisonniers, les seconds disposent de ressources plus importantes et ressemblent à des pensionnés. Les premiers enfermaient les prostituées contre leur volonté, les seconds autorisent les résidentes à partir de leur plein gré [...]. Mais en dépit de ces différences notables, les principes qui animent ces deux systèmes nourrissent une même ambition: réhabiliter les femmes par la prise en charge médicosociale, la formation professionnelle et la réinsertion dans la société par un travail « digne » (*ibid.* 306-307; see also Hoang 2015).

constitutes a virtue and a reason for social respect (Samarasinghe 2008; Walters 2013)⁸⁴.

4.3.7 The case of the Social Protection Centre in Lao Cai

The only SPC I could visit was the one in Lao Cai city. Lao Cai province is amongst the hot-spot provinces for TIP along the border with China. The centre there received extra funds and special technical and financial support from both IOM and UNIAP. It is therefore considered particularly efficient, accommodating returnees from all over the country's central and northern area⁸⁵.

The first time I entered the centre in September 2011 was easy. I was accompanying a delegation of the institute for Reproductive and Family Health, RaFH, a Vietnamese organization based in Hanoi. Three members of RaFH, including its director, Madam Duc, were going to Lao Cai city for a workshop on community prevention of trafficking of women and children⁸⁶. During my previous meeting with Madam Duc, an experienced and sensitive lady, she had indeed stressed the serious lack of effective prevention measures able to minimally reduce trafficking in the country. She also lamented the severe need for training policemen and Border Guard Command officers "to be more friendly", where by this she meant less stigmatizing and more sympathetic⁸⁷.

⁸⁴ It is worth noticing that the social panic related to the spread of diseases brought about by prostitutes is absolutely not new, but on the contrary part of the late 19th century debates around prostitution and of the white slavery panic (see above Chapter 2.2.4).

⁸⁵ For a report on the IOM project which establish the Lao Cai assessment for VoTs inside the SPC I refer to (Trees, Pham, and Tran Ban 2012).

⁸⁶ I remind that by that time the new law had not passed yet. Some information on RaFH can be found at <http://www.rafh-vietnam.org.vn/en/home/default.aspx> (Accessed: 17/11/14). What is interesting to notice is that as the name of the organization suggests, the institute's basic approach is very much concerned with women health and wellbeing in the realms of sexuality and maternity. Indeed, they also run a clinic and Madam Duc's training is as gynaecologist and obstetrician.

⁸⁷ Recorded interviews, 26/08/11, Hanoi (Vietnam).



Figure 8 The poster of the workshop is being brought to the venue of the event. Between the two symbols of the Canadian Development Agency (upper left) and of RaFH (upper right) the text says: “Workshop. Project for the strengthening of a community-based approach to prevent trafficking in women and children”.

4.3.7.1 *A first particular access: desired funds, undesired researchers*

The workshop was held in the People’s Committee building and saw the participation of various Women Union representatives of different communes and districts of the province, police and BGC officials, the vice-president of Lao Cai People’s Committee, and some restaurants’ owners. The workshop, as I fully understood only while I was attending it, was in reality an occasion to present to the local authorities - seeking their cooperation and involvement - a new prevention and protection project funded by the Canadian Development Agency and to be implemented by RaFH⁸⁸.

During the meeting Madam Duc spoke first, broadly introducing the project⁸⁹. The vice president of the People’s Committee then presented the result of a 5 years research conducted in the province. What stroke my attention regarding this research, which - as far as I know - was never made public, was the poor quality of the data and figures, whose source and methodology of collections was

⁸⁸ The project was to last one year and its key broad activities consisted in awareness raising for disadvantaged and high risk people, communication activities, and job and health care services.

⁸⁹ The report of this meeting is based on my notes (Diary 2).

not made explicit⁹⁰. The presentation was also rich of observations which I found rather common sense and that, in my view, in front of an audience of local authorities should have been taken for granted. I am referring to statements specifying that traffickers are often mixed with tourists and merchants, for example, or that it is important to work at the community level to be effective in all the three areas of prosecution, prevention and protection.

As mentioned above, this constituted one of those few lucky occasions where I could bypass Vietnamese draining bureaucracy, thanks to the intermediation of a local figure. Ingenuously, I became aware of Madam Duc's generosity only during the magnificent lunch we had in the best restaurant in Lao Cai (figure 9). Roughly halfway through the meal, different local authorities sitting at different tables started to stand up and approach my table with a bottle of rice wine to make a toast with me. At the beginning, I thought it was a celebrative welcoming, a way of receiving a foreign guest. Then, I imagined there was something more, as Madam Duc had an ironic smile on her face. After saving me from a further toast that could have turned me completely drunk, she eventually explained that the local authorities were behaving in that way because they mistook me for the representative of the Canadian Development Agency, the main donor of the project. For the same reason, I was later allowed to enter the SPC, skipping an interminable waiting, probably various rejections and the production of

⁹⁰ For example, there was a great confusion in terms of the categories of victims, of the years of reference and of the assistance received. On a slide, I could read that 564 children left the province for an unknown destination, 40 women returned from abroad and 43 women were drug addicted. Even if we could draw some relations among the figures, it seemed to me that there were too many unclarified assumptions that could be too loosely (mis)interpreted, i.e. the complex relationship between trafficking and drug abuse, which makes sense under the social evil ideology (see note 73). On another slide, it was reported that since 2007 72 victims were acknowledged, that 60 victims have been received, 17 were cases of forced marriage and one case was referred to the Peace House shelter in Hanoi. Here, it is a bit obscure whether the cases of forced marriage belong to the victims received or acknowledged. Another slide provided a graphic where there was an increase of trafficking cases and trafficking victims between 2004 and 2010. Other two presented two graphics with no date. In the first one there were the percentages of self-returned (60%), rescued 19% and handed over 21% (See figure 7). The second one showed the percentage of the returnees coming back from China (60%), Cambodia (11%), Laos (9%) and other countries (20%). The workshop was then closed by the RaFH staff member responsible for the proposed project, Ms Le Vin Quan. Ms Quan opened her speech reporting that since 2010 there have been 142 trafficked women, apparently contradicting the figures previously showed, and went into the details of the project, which included a part of authorities' training on safe migration, HIV and sexual exploitation, a part of communication with street speakers and flyering, another part concerning the organization of clubs with regular meetings to promote grassroots sharing and peers' support, and a fourth part directed to the support of the SPC in Lao Cai city, with the provision of information, health check and job opportunities. This is the reason why in the afternoon we went to visit the centre.

innumerable official letters, permission requests, and similar documents. It had, of course, been Madam Duc who let the authorities believe I was the donor, to facilitate my research, and everybody else stood up the game.

I mention this typical ethnographic misunderstanding to argue that, although in Vietnam all bureaucratic procedures in general are kafkian, human trafficking is considered a particularly sensitive topic, almost a taboo, where foreigners, when not “money bearers”, should not stick their nose in. The reason for this prudery around the phenomenon, I suggest, must be read according to the old diffused logic that there is a parallel between the nation’s body and its women’s body, in total analogy with 19th century white slavery panic⁹¹. Therefore, violated and victims, yet dirty and shameful, returned women are to be hidden, especially from strangers’ eyes.



Figure 9 Madam Duc sitting in front of the plush lunch with the workshop participants in one of Lao Cai best location.

Moreover, reasonably due to their contested nature with respect to HT, in addition to hosting particular categories of citizens, SPCs are rather difficult to access. With this, I do not mean to exclude the relevance of protection towards the residents of the shelter, which is difficult to access also for security. However, the sensation I had when approaching the gate of *Trung tâm bảo trợ xã hội Lào Cai*

⁹¹ See above Chapter 2.3.1.3.

(see Figure 10) was of entering a very exclusive and extremely private place of the country.

4.3.7.2 *A dramatized victim's profile*

The SPC is in the typical Vietnamese public communist architectural style made of two floors buildings around two large quadrangular courtyards, all in concrete with long columned open-air galleries. We are welcome by the head of the Department for Receiving and Supporting VoTs, Ms Le Thuy Ha, who leads us to the office of the vice-director of the Centre, Mr Dinh Minh Nghia. They concede me a short meeting where we discuss the formal functioning of the centre, during which I do not get to know much more than before.

Victims are received from all over Vietnam, but essentially from Lao Cai province, and can reside up to a maximum of 60 days. They are provided with clothes and food, and with various other services, such as psychological support, life skills, legal and medical assistance. The budget per person per day is of approximately 12000 VND⁹². Soon I try to make the conversation more “qualitative”, asking about the general conditions of the returnees, in particular about their emotional and psychological conditions. Ms Ha starts drawing a rather dramatic picture, reporting only extreme cases of crazy nudism, memory loss, and other psychotic symptoms, and mentioning other equally very difficult cases where the victim had no family members to return to, had to leave a child abroad, or forgot to speak her native language, Vietnamese.

My impression of this conversation was threefold. On one side, Ms Ha seemed to try to impress me, boosting the gravity of the situations they had to face, as if she wanted to further justify the actual need for support in front of a donor. On another side, she was also in a way self-denouncing the lack of preparation both of herself and of the rest of the staff of the centre. On another further side, she was confirming a tendency I noticed in other occasions when talking about the psychological conditions of the returnees and which is more pronounced in Vietnam. This tendency consists in a typical attitude, when addressing taboo or outrageous topics, that includes lingering on more scandalous or macabre aspects,

⁹² Currently less than 50 cents of Euro. Unrecorded conversation, 13/9/11, Lao Cai (Vietnam).

with a flavour somewhere in the middle between gossiping, confessing, confiding and intriguing the interlocutor.

Ms Ha then introduced the three returnees currently residing in the centre, who I thought I was going to meet. They were all very young girls, she told us. Two of them had been trafficked to China through the same criminal chain (discovered by the BGC in collaboration with Chinese police) and rescued on the way. The third one, of Hmong minority, from Ha Giang province, had been kidnapped at the local market of her village and sold for adoption. Ms Ha then clarified that they were waiting to send them back home because there were ongoing procedures and investigations, and the police was rather busy; in the meanwhile the girls' location had to be kept secret for danger of re-trafficking.

4.3.7.3 *Guests out of place?*

We eventually exit the office to visit the centre. The visit was very quickly and I could not really see inside the rooms of the residents nor could I see many residents actually, probably because the kids were at school. Yet, the entire place looked rather empty. We basically stayed in the middle of one of the courtyards, next to a couple of benches and a tree, and Ms Ha pointed us the orphans' wing, the water pump and the canteen, and the room of the returnees, while vaguely indicating that the elderly lived in the buildings in the other courtyard. No mention was made of the drug addicts (the other category of people for whom the SPC was thought).

By chance, the only open door was the one of the victims' room from where a girl came out holding a ball. She looked very young, spreading a sense of bewilderment. When she saw us she had a moment of hesitation and shyly drew a smile and sat on the bench presumably waiting for her mate, who was indeed coming out from the same room, to play. Ms Ha addressed her with few words, which I cannot remember as I was too concentrated in observing the girl, trying to interpret her emotional state and her general well-being. I sat for a moment next to her on the bench, asked her name and age, and realized that her Vietnamese was poorer than mine, as her mother tongue was Hmong.

The atmosphere was permeated by a sense of embarrassment. Or at least, this was my perception, as I found myself in the awkward situation of wanting to start a conversation with the girl, urged by an unexpected mix of curiosity and

desire to collect relevant information for my research - as she was the first returnee I could eventually meet after few months waiting. At the same time I felt the pressure that I was not allowed to talk to her, also due to that sensation, familiar to all ethnographers in specific moments of their fieldworks, of being a sort of out-of-place voyeur. Nonetheless, I was at the same time sure that the young Hmong girl, besides an uneasiness caused by our presence, was sharing with me a similar sense of being out of place, albeit for totally different reasons. She appeared very disorientated, as if she was not very sure of why she was there nor for how long and to do what. The impression of her lost gaze, as well as the one of the other girl she then started playing with, stayed with me for few days after the visit to the centre, along with the image of that strange place which seemed really located at the margins, as a sort of empty waiting room for different kinds of invisible people with different destinations: a family life, a healthy life, another life, a normal life.

4.3.7.4 The need for practitioners: interpreters, psychologists, psychiatrists

The second time I visited the SPC two years later, in June 2013. It was again, in a way, by chance, if not by mistake⁹³. Once my interpreter and I got comfortable and started sipping our usual “interview tea”, the Centre’s social worker, the woman I was put in contact with by her colleague of the Hanoi shelter, called Ms Khanh, told us that they were not expecting me. I was surprised: we took the appointment the day before only. Moreover, evidently on behalf of the Director who was there, silent and nodding, she added that we had not presented the right request of permission. I did not hide my puzzlement, and the Director then intervened explaining to me what was wrong in my papers. Indeed, there was an imprecision in the header of my letter of permission. Evidently, the consequence of this welcome was the embarrassing feeling of being barely tolerated. I never had the chance to know who had been ambiguous with whom: whether my interpreter with Ms Khanh, or Ms Khanh with my interpreter or with the Director.

After this difficult incipit, the conversation started, and turned out to be a particularly detailed one, possibly the most exhaustive one around victims’ return I

⁹³ Fieldnotes, diary 7.

could have with governmental officers. Ms Khanh began illustrating⁹⁴ the formal functioning of the Centre. I was repeated things I knew⁹⁵. She then provided us with some figures⁹⁶. Then I started enquiring about the general conditions of the returnees, the impact of the new legislation, her specific tasks, and her viewpoint on the girls I was in contact with.

Few things about my conversation with Ms Khanh - underlined in my diary - stroke my attention, as they overall suggested me an ambiguous attitude towards the returnees, if not an altogether lack of expertise and services. First, talking about the investigative procedures, Ms Ha underlined not only the difficulty regarding the scarce trust the girls had both in general and specifically towards them and the police, but also the fact that a considerable part of them belonged to an ethnic minority and therefore were not fluent in Kinh language (Vietnamese). In those cases, it was very difficult to communicate, she affirmed. Hence, how - I wondered - could they carry successful investigations, as she argued, given they could scarcely communicate with the main witnesses?

Secondly, in Ms Khanh own words: *“it was not easy for us to persuade victims to provide information to the police, because victims mostly have psychological problems, they are also afraid of retaliation from the criminals, they don’t believe in anyone, they do not dare to tell their past stories”*. And she continued: *“So, the first thing we have to do is to make them believe in us, trust us, to make them trust the police officers and the BGC”*. I found this affirmation a bit surprising: firstly, how could they help the victims to trust them when, in a good number of cases, there was a language barrier? Secondly, what would be the relation between having “psychological problems” and being afraid of retaliation? The latter could be sensible and comprehensible, as well as the fact of having little trust in everybody. Finally, if the victims have “psychological problems”, why there was no psychologist in the Centre, and not even at the local hospital – as she eventually admitted?

⁹⁴ Unrecorded conversation, 6/6/2013, Lao Cai (VN).

⁹⁵ The victims could stay from 30 up to 60 days, it hosted other kinds of “victims”, such as elderly people, orphans, victims of domestic violence returnees could find food and shelter, medical assistance, psychological treatment and also professional training courses. After this period, which, she said, was usually shorter than 60 days (around 2 weeks), because the young women wanted to go back to their hometowns and see their families – as in most cases they hadn’t seen for a long period – they can decide whether to go to the shelter in Lao Cai or in Hanoi, or where they could receive some support within an NGO programme, or to go back home. Those who wanted to apply for a job should opt for a shelter (see below 5.4)

⁹⁶ According to their archives, since March 2009, 274 trafficked people passed through the SPC, the majority for sex work exploitation. Among these returnees, only two were male who returned to their hometowns, 15 opted for going to the shelter in Lao Cai, whereas 22 to the one in Hanoi.



Figure 10 The entrance of Lao Cai province SPC
(*Trung tâm bảo trợ xã hội tỉnh Lào Cai*)

Further on, during our conversation, I asked Ms Khanh which were the most important needs of the returnees. She replied that, when coming back from China, they were hurt, both in their physical and psychological wellbeing, but especially in this second one: “*their morale (tinh thần) is terribly vulnerable (tổn thương) and unstable... in particular for the women who were violated*”, she says. And she started, similarly to what Ms Ha did two years before, to depict a rather dramatic scenario, saying that, for example some of them could not control their behaviour – sometimes the staff even had to wash them because they were out of control and not able to take a shower – they were full of contradictions and anger, sometimes got naked, other times became violent. Ms Khanh herself was beaten twice and had to run away in front of a burst of anger of a girl. But “*these were extreme cases*” she specified, whereas “*the majority is normal*”. Nonetheless, they had advocated for a policy specifically addressing extreme cases in need of drugs and psychiatric treatment, yet they did not receive anything.

I was confused. Again: on one side, she seemed to underline the fact that returnees were all psychologically distressed, and in need of support, further describing, without being asked, impressive cases of psychological suffering. Yet appropriate support was lacking, if not totally missing for those most severe cases. On the other side, she was also saying that the majority of the girls was normal.

4.3.7.5 *Voluntary follow-up in an ignored and lacking legislation*

Finally, two additional interrelated aspects made me think about the quality of the work of Ms Khanh, as the social worker of the SPC, and more broadly about the functioning of the Centre. One thing is related to a sort of disinterest for the legislative apparatus. When I asked how the new anti-trafficking law was affecting the work of the Centre and how its tasks were framed by the previous circulars on victims' return and reintegration (since there was no specific mention of such centres in none of those documents⁹⁷), I received no answer. Maybe for convenience, in that moment, the Director, who had been present to the conversation until that moment, left the room. How strange, I thought, that he had been so dutiful with respect to my documents few minutes before, and now he does not want to engage in a conversation regarding HT legislation. Moreover, Ms Khanh seemed to have no clue.

The second aspect is related to Ms Kahn's way of working. The way she presented her work suggested that she was not exactly following any protocol or better said, that she was doing a better job than expected from her. Indeed, specifically regarding the returnees' follow up, she explained that she was not meant to stay in contact with them once they left the Centre. Yet she tried to, because she was a good person and she wanted to take care of them "*emotionally... sharing some emotions, but some live too far away, others change their phone numbers*", specifically when they do not need her anymore, she said: "*They are young, they contact me when they need. If they don't need, they change phone number, I have to ask their mother*".

These words made me reflect. In the first place, how was it possible that no follow up was provided? Or better put: how was it possible that the returnees' follow up, that is the crucial task of following their actual reintegration, was left dependent on the private commitment of a social worker? Surely, the very local authorities, from the People's Committee and the Women Union, were also following the cases at the commune level. The returnees were monitored for a period after leaving the assistance, being the governmental care, a shelter or a NGO

⁹⁷ In the "Regulation on receipt and support to community reintegration of the trafficked women and children returned home from overseas" (Decision no. 17/2007/QĐ-TTg) it seems that the SPCs are broadly referred to as "Units in charge of supporting victims" (Art. 12). See above 4.3.3 and 4.3.4.3.

funded reintegration programme. Yet, what I am contending is that there was not, in the end, a structured “official” network assuring a full protection to the returnees. In Marshall’s words:

Monitoring of victims once they have returned home is universally agreed to be the weakest aspect of Viet Nam’s return, recovery and reintegration work. [...] The establishment of systematic follow-up and monitoring systems for victims must be seen not only as a priority, but as an integral part of a return, recovery and reintegration system”. In this regard, a number of decisions will need to be made, including: the length and frequency of follow-up; who is responsible for this; the criteria for assessing reintegration (Marshall 2006: 26).

It seems, indeed, that what mostly counted was the personal dedication of a staff member, who “privately” decided to engage with the mission of helping returned VoTs⁹⁸. I evidently say this also on the basis of some other conversations I had with other social workers and NGO operators, like Dalila of the Brazilian NGO ASBRAD that I introduced above and even more like Mamata of the Nepalese NGO Nepalese Home that I will introduce below. Even in the hyper-detailed formal procedures for receiving and reintegrating returnees of Vietnam legal provisions, the personal commitment of a social worker was filling the gaps of the legislation by voluntarily doing the follow-up of some returnees, where the law is specifying neither the quality nor the formal conditions – who, for how long, etc. – of ex-victims monitoring.

4.3.8 Consistency with the HT discourse

It took me few months to manage to be received by Madam Le Thi Ha, also simply known as “Madam Ha DSEP”. She was probably the highest rank governmental official I was able to talk to in the country, and who was directly dealing with anti-HT policies. Member of the National Steering Committee 130 which drew the first NPA, also known as Project 130⁹⁹, she belonged to Office 130 in central DSEP in Hanoi city.

⁹⁸ See also Lazzarino (2014) for more on the personal/informal commitment to returnees’ care in the Lao Cai shelter house. I’ve tackled the reintegration issue in Lazzarino 2016 and below 5.4.

⁹⁹ See above footnote 45.

Her office was inside the governmental building of MOLISA, a traditional bureaucratic construction, in the heart of the city old quarter, just by Hoan Kiem lake. She refused to have our conversation recorded, conceding me less than one hour, and, hardly ever looking straight into my eyes. Quite busy on other papers or on her mobile, she seemed not to enjoy my questions, as she ambiguously avoided answering to some of them, following her own thread¹⁰⁰. However, I could eventually extract some interesting points from her regarding the most relevant weaknesses she could see as persisting in the realm of victims' reception after the end of the first NPA 2004-2010.

Among other aspects, she highlighted that there was an important problem of victim identification, partly because, in her opinion, it was essentially based on the returnees' statement, that is it was self-reported. This, in her view, was problematic because due to the excessively long time for identification, support also was getting too late to the victims. As a further relevant critical point she explained that officers, particularly in localities, are multitasking and therefore that there was need for experts with extra training. Finally, she also added that SPCs were problematic and that more specialized shelters were needed.

Interestingly enough, the last TIP report also highlights similar weaknesses¹⁰¹, underlining a particular deficiency in identifying and protecting labour trafficking and domestic victims, yet stating that "victim identification efforts remained poor throughout the country", also due to officials' lack of training.

Not even the scenario of victims' assistance is enthusiastically described. VWU is said to run three shelters in partnership with NGOs and foreign donor funds, four assessment centres are operated by local officials, and SPC are said to occasionally host trafficking returnees, other than providing, as we know, services to various vulnerable groups¹⁰². These centres are described as underfunded and as

¹⁰⁰ Unrecorded interview, 26/9/11, Hanoi (VN).

¹⁰¹ The last TIP 2014 on Vietnam can be found at: <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226848.htm> (Last accessed: 20/3/15).

¹⁰² This datum testifies to the confusion of reliable survey of the assistance structures in the country. For example, according to the report on reintegration done under COMMIT (UNIAP, World Vision, Nexus Institute 2012: 5), long-term shelters are five. According to the data I could collect during my fieldwork, shelters are eight (see article at http://www.no-trafficking.org/story_vn_shelteranniversary.html, last accessed: 21/3/15). In addition, they are not all run by VWU, as for example the one in Lao Cai. What these assessments centres are and how they

lacking “appropriately trained personnel to assist trafficking victims”. Furthermore, it is pointed out that services and shelters specifically for men and children, and for labour trafficking (that is other than sex trafficking, the report means, but keeps it implicit) are inexistent.

From all the so far explored weaknesses, we could make some deductions. Following the argument of Hoang (2015:4), we could infer that Vietnam is not successfully applying the victim-centred approach to returnees’ identification and protection adopted in its anti-trafficking law (Art. 4,2). This is mainly due to the persistence of the gendered perception of trafficking as a matter of female prostitution only, ergo of social evils – ignoring the link between labour migration and trafficking, albeit highly significant – the author maintains. As such, trafficking is seen as an issue of national pride and identity”, also as a result of framing trafficking as a “border control and national security” matter (Hoang, 2015:1).

Significantly, Hoang (2015) argues that the factors indicating Vietnam’s failure to meet a victim-centred approach, which conceives VoTs as right bearers, are: the lack of safe migration programmes; victim identification procedures oblivious of VoTs self-determination and more attentive to the purpose of prosecution; inappropriate structures of recovery, where sometimes returnees are obliged to enter, and social stigma; trafficked persons can be subject to criminal and immigration laws; the participation of victims to judicial proceedings are compulsory.

In this view, the country is perfectly consistent with the HT discourse at large, its abolitionist and securitarian essence, which either criminalize or victimize VoTs. Furthermore, in this framework, the resistance to foreign researchers’ investigation that I wanted to underline acquires a perfect sense.

In the rest of the Chapter, I analyse how Nepal perpetuates the HT discourse as well, but also how the governmental absence in returnees’ assistance leaves all the hands of the humanitarian.

differ from SPCs is not clear. Finally, it also not clear what’s the procedure for passing by a SPC, if they are said to only “at times” house trafficking returnees.

4.4 Homecoming to Nepal

4.4.1 How repatriations occur

It is not easy to take notes while sitting on a van descending the extremely steep and tortuous road from the Kathmandu valley down to Hetauda, at the feet of the highest mountain ridge of the world. After that bit of road, the way suddenly becomes straight and flat, until India. I am talking to Miss Mamata Tamang, the young director of *Nepalese Home* (NH), the NGO I conducted fieldwork in for little more than three months. I am accompanying a repatriation mission of two underage Nepali girls, Salina and Anuma, rescued almost one year before from Sonagachi, in Kolkata, arguably the largest red district in Asia. Even if my notes are barely legible, I have been in Nepal for a short time and I will have little time in front of me, thus I am too eager to ask, to know and to understand, and I carry on talking and writing all I can of Mamata's fast flow of words¹⁰³. Indeed, to my initial question on how India-to-Nepal repatriation works, a long and intense reply follows, albeit the tortuous and bumpy road.

4.4.1.1 Towards better repatriations: the involvement of Nepalese Home

Miss Mamata explains to me that before, roughly until 2006/7, there were Indian NGOs rescuing Nepali girls from brothels. The girls were then brought to the police stations and there the investigations and the legal process started, usually lasting around two years, while the Nepalese embassy was also informed. The girls could not be repatriated before the end of the process and had to reside in government homes. There were few unequipped shelters operated by NGOs'. Mamata visited those homes in Kolkata, Delhi and Mumbai, and she simply describes them as "*prisons*". This is the reason why, after that visit, the NGO decided to get actively involved in the repatriation process, first of all in terms of speeding it up, precisely in order to avoid long stays in those governmental shelters.

With respect to our two cases, she says, it was not difficult to convince the officials at the Ministry. I ask her why, how they managed to convince the authorities, and she tells me that they leverage the fact that the more the girls stay away from their homeland, the more they lose their culture, they miss the festivals,

¹⁰³ Unrecorded conversation, 17/7/13, Kathmandu-Birgunj (NP).

they forget their language and they have no family. Basically, they had to bring about a nationalistic argument, airing the thread of a substantial deculturation. I found this tactic rather telling of the governmental approach to the matter: should we deduce that really a possible deculturation and not the worry for the ex-victims wellbeing is the crucial factor for their repatriation?¹⁰⁴

At the same time, things started to improve also thanks to the fact that *International Justice Mission (IJM)*, *Partners International* and a local Christian NGO, *JKPS*,¹⁰⁵ opened in 2010 two homes in Kolkata, as they were also not satisfied with governmental homes and other NGOs shelters, and started to take care of girls' repatriation to Nepal and Bangladesh. The two girls I was about to meet had indeed been residents of one of these homes, called *Mahima Home*¹⁰⁶.

Another reason that *NH* had for becoming actively involved in the return process of the VoTs – and for undergoing a long bureaucratic fight to gain the official license from the Ministry of Women, Children and Social Welfare (MWCSW) to independently manage repatriation cases – derives from the great dangers resulting from the lack of proper home study assessments, Mamata says. A home study is an investigation of the situation of the victims' family and community of origin in order to verify various aspects: that the family is the actual one, that it did not sell the girl, that its socio-economic situation is not so desperate to lead to a *de facto* re-exploitation, or re-selling of the girl, or that she might want to escape for a better life, or might suffer stigma and discrimination. Some data regarding the community and the village are indeed also included in the assessment.

¹⁰⁴ I won't enter into this issue here. However, I can limit myself to say that, on other occasions, I'd heard that returnees were not so welcome by their home countries. Other than sad this might sound incredible, yet it is also perfectly logic, also considering the securitarian and criminological approach of the Protocol (see above Chapter 2): to repatriate VoTs, and then assist them, is very costly. See also the emblematic case of Shakti Samuha (below 4.4.3.2).

¹⁰⁵ International Justice Mission is an important evangelical organization born in the US and active in nearly 20 communities all around Latin America, South and Southeast Asia, and Africa, in the field of slavery, sex trafficking, and sexual violence, property grabbing, police abuse of power and citizenship rights abuse. The organization's mission is "to extirpate the everyday and pervasive violence affecting the poor". Their activities aim at "rescuing victims, bringing criminals to justice, restoring survivors, strengthening justice systems" (<https://www.ijm.org/who-we-are>, last accessed: 27/3/2015). As also Mamata confirmed with me, IJM staff is renowned for conducting investigations in red districts with hidden cameras to spot underage prostitutes and then proceeds to their liberation by soliciting a police raid and, after, a legal process as well. Partners International is also a Christian organization based in Canada and active in partnership with local Ministries in different parts of the world with projects in the fields of children education, justice, entrepreneurship, and women (see: <http://partnersinternational.ca/>).

¹⁰⁶ Some information on Mahima Care Homes can be found at <http://partnersinternational.ca/global-projects/mahima/>. Two videos are also available at <https://vimeo.com/68181157> and <https://vimeo.com/65013201> (all last accessed: 6/4/2015).

In other words, the overall purpose is to assess the feasibility of a safe reintegration, in particular to make sure that the family is not involved in the girl's trafficking¹⁰⁷. In fact, in this respect, Miss Mamata tells me that sometimes fake families try to get back a girl, or that a family member is paid by the trafficker; in some other cases it is a member of the extended family who is running the brothel: thus there must always be great alert in this sense.

4.4.1.2 *The India-Nepal border: a porous, corrupted and neglected area*

After six hours driving, we arrive at Birgunj, the town at the national border, the day before the picking up operation. After finding a cheap guest house, the four staff members of *NH* plan to go to Raxaul, the Indian twin city on the other side of the frontier, to do some shopping, as goods are cheaper in its local market. Mamata seems to be in constant contact via text messages with the two social workers of *Mahima Home* who are escorting the two minors back to Nepal: the four young women are undertaking their long trip by train from Kolkata, and everything seems to be going fine. We catch three rickshaws heading to the border line. Nobody seems to be worried by the fact I do not have a VISA to enter India¹⁰⁸. I behave consequently, pretending that everything is fine, very curious both to see the frontier and what will happen there.

The last part of the way to the line is an unpaved, dusty and straight road in the middle of rice fields, abandoned pieces of land, unfinished habitations, skinny and bleary-eyed cows, construction sites and rubbish, where I spot, almost incredulous, some half-naked extremely young little boys. The road does not become intensively trafficked up to a point where it is literally impossible to continue if not on foot: a considerable amount of lorries are stuck and block the passage. A policeman with a truncheon walks around and vaguely checks us while we get off our rickshaws and start entering the lorries' maze. The air is

¹⁰⁷ In the home study format Miss Mamata gave me (see Appendix 4) it is for example enquired for each family member whether she/he is aware of the client situation, how is the client's relationship with parents and what are their future plans for their daughter. It is also enquired the family's story for why the girl left home, if she was sending money, and whether they would like for the girl to return home. Finally, it is also asked the social worker conducting the assessment to "describe any differences in the client's and parents' statements". These questions clearly reveal a big preoccupation with the family possible involvement in the girl's trafficking.

¹⁰⁸ To Nepali nationals a VISA is not required to enter India, besides the case they are entering it from China (<http://boi.gov.in/content/visa-requirement>, accessed: 1/4/2015). This is telling in terms of China-India relationships.

unbreathable. Once out we cross a railway, we pass the frontier post, and, among what I realize being an intense crowd of people, we are in India.

After the shopping tour in Raxaul market we head back to Birgunj. Tired and bored, I make my way amidst the slow crowd waiting for the train to pass and the rail crossing to lift. All of a sudden, I hear someone screaming at my back: they were calling me from the frontier post. They wanted to check my VISA, but I did not have one and the border official was furious: he took my passport, put it in the drawer of his desk and started arguing in Hindi with Miss Mamata and the other older male staff member of *NH*, threatening of keeping me there. We had to spend roughly one hour, me getting more and more pessimistic and guilty for not having spoken out this possible inconvenience, and refused to enter the country, while picturing me spending the night in that dusty hut, if not in the local police station. After that longest hour, I understand he wants to make a photocopy of my passport, which by chance I have with me, and I immediately hand to him. Yet, thing I did not understand or suspected, he also wants some money, and I could only realize it once I see the guy of *NH* taking his wallet out of his pocket. Nobody seems to be surprised or make any comments on the occurrence.

Once back to the guesthouse, I highlight three obvious aspects which have struck me and made me more easily imagine that through that same place many many trafficked girls had passed, with no particular trouble, the majority unaware of their immediate future¹⁰⁹. Firstly, the very low level of control: it really seemed to me that, given the apparent high incidence of TIP, with figures indicating that every year up to 10,000 Nepali girls are trafficked to India, it was a sad contradiction¹¹⁰. Secondly, the apparently unproblematic existence of corruption: this is also an element pointed out as very critical in all the reports and analyses of the Nepal-to-India trafficking, and not only¹¹¹. And even worse, in addition to this petty widespread corruption, there is also, as Mamata tells me, the involvement in

¹⁰⁹ Fieldnotes, diary 7.

¹¹⁰ The actual annual magnitude of trafficked girls from Nepal to India is unknown. The number of trafficked girls ranges from 5,000 to 10,000 per annum (Koirala, Banskota, and Khadka 2004), 7,000 per annum, according to a UNICEF report of 2014 (<http://www.ungift.org/knowledgehub/en/stories/September2014/unicef-reports-7-000-nepali-women-and-girls-trafficked-to-india-every-year.html>, accessed 26/7/2015), to 12,000 (KC 2001), up to 20,000 according to the most popular anti-trafficking organization, Maiti Nepal (Joshi 2010, 4).

¹¹¹ E.g. Amnesty International 2011 and American Bar Association and Rule of Law Initiative 2012.

the trafficking business of high rank politicians¹¹². Finally, the equally unproblematic presence of children exploitation and abandonment: also identified as one major root cause of trafficking. The question I could not prevent from knocking to my mind was: what is the government actually doing to fight HT?

4.4.1.3 *A tragicomic repatriation operation*

The day after, the day of the repatriation, I had a further taste of the precariousness of an anti-trafficking operation, where an expert intervention of governmental staff in cooperation with the NGO staff could have made the difference. I would imagine this could be the case in the majority of the occasions. Also at a more general level, a good teamwork of gov and non-gov organs, I believe, would definitely improve the anti-trafficking measures' implementation of the country.

The operation was indeed utterly independently organized and conducted by the two NGOs, *NH* and *Mahima Home*, without the support, not even logistic, of the Nepali State. Notwithstanding the reasonable amount of risk of the procedure, *in primis* for the two young ex-victims, no policeman escorted the four girls from Kolkata, as well as no policeman accompanied us from Birgunj to Kathmandu¹¹³.

According to the manual developed by Frederick (Frederick 2012a), many risks are taken during a repatriation procedure, such as the possibility that a survivor runs away or gets lost, of an harassment by officials, by strangers and escorts themselves, of an interference by the media, and of abuse by the police. Psychological and behavioural issues resulting into “uncontrollable emotional outbreaks, physical violence, running away and suicidal behaviour” are also highlighted as important factors to be taken into account, both linked to a previous condition of psychological instability and to the return as a disturbing and scaring event itself (*ibid.*: 21). For sure, abduction by traffickers is also mentioned as a major threat during transportation, especially if the ex-VoT is known to be cooperating with judiciary authorities. In the case of Anuma and Salina there was

¹¹² In this respect, see also Thomas (2011: 45).

¹¹³ To be fair, we only carried for a while a municipal employee who had participated to the registration of the girls at Birgunj town hall, giving him a lift until his home town. Evidently he could not be considered “a protection”.

an ongoing legal process, yet many of the basic requirements for a safe transportation did not seem to apply¹¹⁴.

In addition to this, nobody at the frontier helped for coordinating the meeting, and neither did anybody at the Chief Administrative District Office. This lack had two consequences. First, the picking up process was a bit tragicomic. In practice, and I do not know exactly for which reason, we missed Salina and Anuma, and their two social workers at the frontier. We drove the van up to the point where it was possible to proceed, before the traffic jam, and we waited for a long time to see them walking out. Mamata with the young female trainee from *NH* even went looking for them by foot, but unsuccessfully. After probably a couple of hours, we got to know that the two helpers and the two returnees had already crossed the border and were somewhere in Birgunj town. Immediately, we all got back on the van, went searching for them, and eventually found them in the main square.

Secondly, the registration process of Salina and Anuma was long and slightly tragicomic too. I was not allowed to enter the office, yet Mamata referred to me that, as expected, the officer showed ignorance and lack of sensitivity both in front of the two girls themselves and, more broadly, regarding the situation, which needed safer and quicker procedures. Another embarrassing element was the presence of a funny fellow who kept on “turning around” us during the entire elapse of time we stayed there waiting. They initially excluded the possibility that he could be a journalist or someone who knew what was happening, since, Mamata told me, they had not forewarned anybody, otherwise many people would have gathered there¹¹⁵. In the end, it came out that he was a journalist indeed, who had mysteriously received the information of the operation.

Broadly speaking, the way the repatriation process occurred gave me a taste of the unreliability of the public authorities. I found it alarming, mostly in consideration of the fact that at stake there was such a delicate matter: the first

¹¹⁴ I must say though that I personally consider highly improbable that something really dangerous perpetrated by the traffickers could occur in a situation like this, where the returnees have already spent roughly a year in a shelter house in India. I mean that if the traffickers, or better, the brothel owners had wanted to get the girls back, they would have done it before, without waiting for the repatriation process.

¹¹⁵ When telling me this, Mamata was also implicitly criticizing other NGOs who apparently sponsor their repatriation action.

impact with their homeland of two underage compatriots, after roughly one year in a brothel and another one in a shelter house abroad.

4.4.2 The Human Trafficking and Transportation (Control) Act of 2007

In December 2011 Nepal ratified the United Nations Convention against Transnational Organized Crime, yet none of its three Protocols, included the one against TIP¹¹⁶. The reason for this should be found primarily in the political instability of the country, which for roughly 20 years has not had a stable government, or definite constitution¹¹⁷. Therefore, it is difficult to talk for Nepal of an actual internalization of the Trafficking Protocol. This is also why the white slavery and anti-prostitution (neo)abolitionist legacies are so blatant, as a more comprehensive definition and understanding of trafficking have not spread yet¹¹⁸. Notwithstanding, the South Asian country has always been ranked Tier 2, the same one of Brazil and Vietnam, with the exception of the year 2005 when it was even placed in Tier 1.

4.4.2.1 The problematic separation between trafficking and movement in the 2007 Act

In 2007 the Interim Constitution updated the *Human Trafficking and Transportation (Control) Act* of 1986¹¹⁹. Given that Article 29 of the Interim Constitution deals with Prohibition of trafficking in human beings, slavery, and

¹¹⁶ Nepal ratified the convention with one reservation: “in accordance with Article 35, paragraph 3, the Government of Nepal declares that it does not consider itself bound by the obligation set forth in Article 35, paragraph 2”. Paragraph 2 of Art. 35 declares that: “Any dispute between two or more States Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court” (https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en, last accessed: 8/4/2015). It is interesting to notice that this is the same reservation of Vietnam (see above note 45). Again, I’m not competent to provide a reliable interpretation for this. Certainly it sounds as a precaution against any intromission of an international body.

¹¹⁷ See above Chapter 3.2.4, note 48.

¹¹⁸ See above Chapter 2, subparagraph 2.2.3 and *passim*.

¹¹⁹ The English version of the Human Trafficking and Transportation (Control) Act, 2064 can be found at <http://www.lawcommission.gov.np/site/sites/default/files/Documents/human-trafficking-and-transportation-control-act.pdf> (Accessed: 12/4/15).

bonded labour, the trafficking and transportation Act is the provision of reference in the fight against HT (Thomas 2011).

The Act is divided into 4 Parts. In Preliminary Part 1 some definitions are provided (Part 1, 2), such as that one of “victim” (“a person who is sold, transported or put into prostitution”) and “exploitation” (“an act of keeping human being as a slave and bonded and this word also includes to remove human organ [...]”). Interestingly enough, it is not specified that a “victim” can be also a person who is kept in slavery and slavery like conditions, forced or bonded labour, while forced prostitution is clearly specified. Conversely, “exploitation” does not include sexual exploitation, keeping it separated from slavery and forced labour, thus being in line with the ambiguity the Palermo Protocol inherited from its double genealogy, and the unsolved debate around prostitution and consent of the different feminist positions¹²⁰.

Moreover, it is also interesting to notice that, as the title itself suggests, the Act keeps trafficking and transportation separated (Part 2, 4), whereas in the international definition, as known, “transportation” belongs to the various acts that, along with the series of means and purposes, determine the crime of trafficking¹²¹. The definition of trafficking here, instead, comprises the selling/purchasing of a person “for any purposes”, the use of “someone into prostitution”, illegal organ extraction and “to go for prostitution”¹²².

“Transportation” is defined as the act of taking “a person out of the country for the purpose of buying and selling” and to take a person using various possible means, which recall those listed in the international provision (such as allurement, abuse of power, threat, etc.), “for the purpose of prostitution and exploitation”. Again here, prostitution and exploitation are kept separated, and trafficking seems to be more associated to prostitution, albeit it is also said a person can be sold “for any purposes”.

Furthermore, the separation of trafficking from movement is rather hard to imagine in reality, as in the act of selling/buying a person it is most likely a movement is included. In the same way, the act of transferring does not have any

¹²⁰ See above, Chapter 2.2.3.

¹²¹ See above, Chapter 2.1.

¹²² I cannot deepen the issue, yet it is interesting to notice that prostitutes’ clients are here also punished. Usually, this issue is linked to the debates around different legislative regimes for the regulation of prostitution and how these last ones are linked to sex trafficking (see e.g. Bailey 2010; Ham 2011; Nicola et al. 2008; O’Brien 2011).

significance *per se*, yet only attached to exploitative ends and through specific modes. However, this separation can be useful for prosecution purposes inasmuch as it allows to possibly break up the trafficking chain, individuating the responsibilities, when these are separable, of who transports and sells and who enslaves. Indeed, generally speaking, the entire act is more an instrument of criminal justice, than of prevention, protection and policies improvement, thus being in line then with the international provision.

Finally, it is difficult to say if it is legitimate to associate the separation between trafficking and movement to the difference between trafficking and smuggling of the two international Protocols, as no implicit or explicit reference to the migrant connivance is made¹²³. On the contrary, transportation is linked to an exploitative purpose, therefore smuggling does not actually subsist. One last observation regards the fact that “transportation” encompasses both domestic and international trafficking, yet in a confusing way. In sum, as also Thomas simply notices (2011: 49), “transportation [...] also covers some elements of trafficking”.

4.4.2.2 *The improvements of the 2007 Act*

Broadly speaking though, the definition provided in the act is a step forward compared with the previous one of 1986, which had a very limited scope, since, for example, neither considered domestic trafficking nor trafficking other than for prostitution. The first trafficking act suffered indeed “from the ‘patriarchal mind set’”, with a “very narrow and conservative” conception of trafficking, failing to internalize the provisions of the many international human rights treaties ratified by the government¹²⁴ (Kathmandu School of Law 2007: 86-88).

The 2007 version of the Act is also a remarkable improvement compared to the definition agreed upon under SAARC, the South Asian Association for Regional Cooperation. Indeed, the *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution* of 2002¹²⁵ only

¹²³ Also see above Chapter 2, subparagraphs 2.2.4 and 2.3.3.3.

¹²⁴ For a partial list of the international treaties and conventions ratified by Nepal see for example Thomas 2011: 52 and in the NPA 2001 International and regional commitment, page 6.

¹²⁵ The full text of the convention is available from <http://www.saarc-sec.org/userfiles/conv-trafficking.pdf> (Accessed: 2/8/2015). In this legislative analysis, I am not considering some bilateral agreements and MOU Nepal signed with various countries, both deliberately for anti-trafficking and regulating migrant workers (see e.g. Nikunja Bhandari 2013 and UNICEF and Innocenti Research Centre 2009:40)

covers trafficking for commercial sexual exploitation, that is for prostitution and with or without the consent of the trafficked person (Art. 1). In other words, this Convention fully reflects an anti-prostitution abolitionist approach, as it does not contemplate voluntary prostitution.

The 2007 Act is also can be also considered an amelioration of the existing domestic legislation, in particular, of the *Muluki Ain* (General Code), which includes some trafficking offences, yet without defining trafficking. Some of these offences are: “taking any person out of the country for sale” (Chapter 11, 1), and “making someone a servant/slave/bonded labourer”¹²⁶.

In general, as in the other two countries above analysed, Brazil and Vietnam, prior to the modifications introduced to become aligned with the international standards, a series of acts and penal code articles were used to criminalize different trafficking aspects (see Kathmandu School of Law 2007: 58-60; Thomas 2011: 47). For example, the *Children Act* of 1991 (Section 16 and 18) punishes involving children in immoral or damaging professions, whereas *Child Labour Act* of 2000 prohibits and penalizes employing children under 14 years¹²⁷. *Foreign Employment Act* of 2007¹²⁸ is a provision with a series of precautions and requirements for labour migrants abroad, whereas the Bonded Labour Act of 2002¹²⁹. Finally, the *National Human Rights Commission Act* of 2012 establishes the functions, duties and powers of the Commission, whose overall objective is to guarantee and ameliorate human rights protection in the country¹³⁰.

4.4.2.3 *The assistance to the returnees in the 2007 Act*

Part 3 of the 2007 Act regards the areas of “rescue, rehabilitation and reconciliation”. It is divided into 3 points. The first one establishes the responsibility of Nepal government for rescuing “any Nepali citizen sold in the foreign land” (Part 3, 12). The second point recites that the government has the duty to “establish necessary rehabilitation centres for physical and mental treatment,

¹²⁶ For an English version of the code: <http://www.lawcommission.gov.np/site/en/content/muluki-ain-general-code-2020> (accessed: 16/4/15).

¹²⁷ The two acts can be found respectively at: www.ksl.edu.np/cpanel/pics/Child_act.doc and http://www.nepaldemocracy.org/documents/national_laws/childlabour_act.htm (accessed: 17/4/15).

¹²⁸ http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=78258 (accessed: 17/4/15).

¹²⁹ <http://www.lawcommission.gov.np/site/en/content/bonded-labour-prohibition-act-2058-2002> (accessed: 2/8/15).

¹³⁰ http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=90654 (accessed: 17/4/15).

social rehabilitation and family reconciliation of the victim” (Part 3, 13, 1). It is then specified that, under a regular governmental monitoring, funding and assistance any organization can obtain permission to set a rehabilitation centre, which again shall manage for the social rehabilitation, family reconciliation, medical treatment, “consultation service and facility” to the victim. The third point (Part 3, 14) precisely tackles the rehabilitation fund, establishing that it must consist of a part provided by the government, another one by national and/or international organizations, and/or individuals, and half of the total amount should come from the various fines applied as punishment to the criminals as established in the following section 15 dealing with punishment and compensation.

This is the first and only official Nepalese legislative piece tackling the issue of recovery and reintegration, and in this sense it filled a relevant gap in terms of victims’ protection, in addition to other clauses related to victims’ protection during the judicial trial, such as the right to legal representation *in primis*, identity protection and police protection while attending court, and so on. Evidently though, it is far from being exhaustive and free from a conservative anti-prostitution approach, as the use of the term ‘rehabilitation’ *per se* demonstrates¹³¹.

4.4.2.4 *The assistance to the returnees in a disregarded NPA*

More comprehensive, under all aspects, was a previous document which apparently simply remained largely unfollowed, as almost nobody ever mentions it and rarely is it referred to in reports and analyses. This document is the *National Plan of Action against Trafficking in Children and Women for Sexual and Labour Exploitation* of the MWCSW fully revised in July 2001¹³². Indeed, albeit restricted to women and children, it reveals a strong human rights’ and women rights’ approach, and a liberal vision, which does not narrowly associate trafficking to

¹³¹ See above Chapter 2.2.4 for a reference on how the term ‘rehabilitation’, a term generally used for offenders and initially present in one of the Palermo Protocol drafts, was subsequently expunged, as too much revealing of the ambiguous conception of the trafficked woman as a victim and as a threat.

¹³² The NPA is available from <http://www.notip.org.cn/UserImages/00002175.PDF> (Accessed: 2/8/2015). Other NPAs have been approved: the most recent one should cover the years 2011-2016, but it is difficult to have a clear idea. For example, according to the last trafficking report of the National Human Rights Commission (see above 3.6.1), there are three relevant NPAs relevant for HT, two regarding children and the third one regarding specifically sexual and labour exploitation. However, for this last one it is never specified when it was compiled and for which years it has to be effective (NHRC 2014:112). According the previous report of 2011, it should be the 2011-2016 one (NHRC 2012).

prostitution. Conversely, it denounces that anti-trafficking initiatives in the country focused too much on sexual exploitation (section 9.6).

Among its eight areas of action (such as “Policy, research and institutional development”, “Awareness creation, advocacy, networking and social mobilisation”, “Health and education”) the area of “Rescue and reintegration” is far more developed, detailed and sensitive than in the 2007 Act. First of all it stresses the growing relevance of internal trafficking from rural to urban areas; then the necessity, during repatriation processes, of the involvement of the governments, police, and NGOs, since “rescuing girls and boys from exploitative situations and reintegrating them into their families and communities require extensive networking and proper co-ordination between a numbers of actors” (NPA 2001: 29).

The document also highlights the importance to distinguish between children and women, since in the case of these last ones the “right to self-autonomy and to make their own decisions [...] needs to be upheld”, even if also “the participation of the child should be more emphasised” (*ibid.*). Furthermore, it is recalled that ex VoTs may need “professional help and support to overcome the trauma, reach a state of physical and mental health and finally be reintegrated into the family and/or community” (*ibid.*). This last point is relevant inasmuch as it seems to suggest that immediate family reintegration is not always the best option for a returnee, albeit no reference is made to the need of a family home study¹³³. Finally, looking at the specific activities, the NPA seems to aim filling some of the crucial existing gaps, for example, when it sets for the establishment of a registration and counselling system for returnees at the entry/exit points, or for the strengthening of cross border patrols and spot check-ups, or for the creation of a referral system of NGOs and social welfare organizations to provide counselling, or for the establishment of a regular monitoring and evaluation system of reintegration process.

4.4.3 Where is the Nepali government?

As the ethnographic event opening this section aims at showing, all these interventions seem to consist in beautiful words remaining on paper only. In fact, the Nepali government does not seem so involved in VoTs protection, both in terms

¹³³ See above 4.4.1.1.

of rescuing and funding, and most probably nor is it in the fight against TIP altogether. This was confirmed by various interlocutors of mine.

4.4.3.1 *Abandoned returnees*

During a more structured interview in the office of *NH*, located in a quiet small street of Hattigauda, a northern suburban area of Kathmandu city, Miss Mamata Tamang reaffirmed and expanded some of the issues that we had touched on the van going to Birgunj. Mamata talks to me with ten years of experience in the field of social work, and five more specifically involving repatriation, assistance and sheltering of trafficking returnees. Initially, the project called *The Apple of God's eyes* was started by a Brazilian evangelic pastor and his wife, who came to Nepal in 2000 on behalf of the international evangelic NGO *World Mobilization*. They opened a shelter house for street children, prostituted and abused children, and children at risk¹³⁴. In 2008 only, after Mamata's trip to India, the first returnee was repatriated from Mumbai. Five years later they were assisting almost 30 ex VoTs.

"There is no protocol, no repatriation law, no bilateral agreement with India... we are trying to do it... For the moment it all happens NGO to NGO" Mamata laments¹³⁵. She continues to bring me evidence of the governmental incapacity: *"for example, inside the office [for the identification of the returnee] they ask 'why did you go?' or, if they come back with a child, 'who is the father?'... there's no awareness, no protocol they [the local governmental officers] ask us how to do repatriation"*. In addition to this severe lack of knowledge, of skills and of sensitivity, Mamata also denounces the fact that the government does not provide any funds and that the lack of protocols mixed to ignorance and prejudices can result into absurd cases. Among these latter, there is a girl - she tells me - who could not remember much about her family, and therefore was not acknowledged as Nepali. There was also another case of a girl who had to stay in India for 15 years because her identification could not be done successfully¹³⁶.

¹³⁴ For more on this see above Chapter 1.3 and below 5.6.2. See also: <http://www.meninasdonepal.com/index.php/en/casa-> for the specific project, <http://www.mobilizacaomundial.org/en/index.php> for the Brazilian international NGO and <http://mcmpovos.com/> to know about *Missão Cristã Mundial* (World Christian Mission), the Christian ministry which ultimately founded, supports and funds both. *Nepalese Home* is the Nepali counterpart officially registered in 2005.

¹³⁵ Recorded interview, 1/8/13, Kathmandu (NP).

¹³⁶ In Nepal, citizenship rules are very discriminating against women, who traditionally need a male relative to endorse their application for citizenship. For this reason, many trafficking returnees can

A similar extreme case was presented to me by Miss Benu Maya Gurung: *“for example, a woman from a remote area denounced to the local authorities that her sister was missing, yet there’s no protocol to proceed for identification and repatriation... there’s no rescue committee and the government doesn’t do much: they send you to an NGO”*¹³⁷. Miss Benu is programme coordinator for AATWIN since 2004. AATWIN is the Alliance Against Trafficking in Women and Children in Nepal, which is a national level alliance of 28 member organizations born in 1997 with a strong human right perspective and woman right approach¹³⁸. These principles are indeed at the basis of the criteria for membership, and on its side, AATWIN is member of GAATW, the Global Alliance Against Trafficking in Women, the worldwide network of organizations promoting a human and woman right approach, in opposition to both the criminalizing standpoint of the Protocol and the conservative neo-abolitionist CATW, the Coalition Against Trafficking in Women¹³⁹.

“The government has poorly supported eight rehabilitation centres in eight districts, establishing some weak relationships with local NGOs. The duration of stay is of six months, but this must be amended and made longer because they suffer of stigma, they are traumatized...they need time to talk. The recovery is mental, physical, financial...” she continued, and *“the risk is of re-victimization is therefore very high”*. The position of Ms Benu – the same of AATWIN and GAATW – considers of maximum importance returnees’ (re)empowerment; in her words: it is not enough to *“give them the fish, they must learn how to catch the fish”*. That is: it is not simply a matter of providing trafficking survivors with food, clothes, medicines, counselling and then return them back to their families and communities; it is also necessary to give them skills and job training so that they become autonomous and able to lead their lives, without having, for example, to fall back into an exploitative entertainment sector.

be stateless for long time, as the family rejected them, and no male relative is available. Consequently, their children cannot have citizenship as well. This is problem all organizations dealing with trafficking returnees have to face, sometimes simply finding a fake male relative to give identity documents to a recipient (e.g. Silva 2010). The organization Shakti Samuha (see below) has strongly advocated against this rule with the Constituent Assembly (see Laurie et al. 2015)

¹³⁷ Recorded interview, 14/8/13, Kathmandu (NP).

¹³⁸ See: www.aatwin.org.np

¹³⁹ See above, Chapter 2.2.4, for a description of these two opposite organizations, GAATW and CATW, their different perspectives and how they lobbied one against the other during the Vienna negotiations.

4.4.3.2 Empowered returnees

Evidently, AATWIN's position is not the same one endorsed by the Nepali government yet, even if almost twenty years have passed since the big police raid in Mumbai in 1996 where around 500 hundreds minors were rescued from the red district. The case was hyper mediatized, the girls were exposed with no restraint, and both the public opinion and the government were reluctant to repatriate them, partly because they were "dirty", partly because they had HIV: in both cases they were dangerous wasted citizens.

It was only thanks to the joint effort of seven organizations that two charter planes were arranged and 128 Nepali girls could come back, after some months in terrible Indian shelters, and in contrast with the Nepali authorities. Some returnees were "accepted" by their families, while others went into the various structures of the NGOs which had organized the repatriation.

Those 15 girls who were assisted by WOREC, Women Rehabilitation Centre¹⁴⁰, an AATWIN member, after attending a 10 days reproductive health training, gained a better understanding of what had happened to them, and formed the original group which 4 years later was eventually recognized as the organization *Shakti Samuha*, arguably the first NGOs worldwide utterly founded by, and whose 169 members are, ex VoTs themselves¹⁴¹.

Today *Shakti Samuha* can count 500 associated girls (who do not always share their case study, thus they are not necessarily trafficking victims), organizes various conference and workshops, specifically on repatriation and recovery, leads two regional level trafficking survivors networks to reach even the most remote districts relying on 17 cooperatives, runs four mid-term shelter homes in the country, and through AATWIN conducts major advocacy campaigns for policies'

¹⁴⁰ WOREC, Women's Rehabilitation Centre, is a leading national NGO, born in 1991, guided by feminist values and with a strong human rights stand. It is active in the fields of HT, violence against women, women sexuality and reproductive health, migration, sustainable livelihood, and so on. <http://www.worecnepal.org/about-us> (last accessed: 23/4/15).

¹⁴¹ My information on the facts leading to Shakti Samuha foundation are based on a group interview conducted with some Shakti Samuha staff member: Ms Lakshmi, in the treasure and budget management, Mr Dilip Koirala, legal and training coordinator, Mr Ganesh, monitoring and evaluation coordinator, and Madam Charimaya Tamang, a renowned founding member. Recorded interview, 16/8/13, Kathmandu (NP). See also <http://shaktisamuha.org.np/about-us/introduction/> (last accessed: 23/4/15).

changing, the creation of bilateral agreements with India, especially, and the ratification of the international provision.

4.4.3.3 *An absent government*

It surprises me that given the existence of a unique and strong organization like this, along with the network AATWIN, in a small country like Nepal, anti-trafficking legislation is still out of date and insensitive with respect to, in particular, ex-VoTs' overall wellbeing and actual recovery, while reflecting a conservative, narrowed, and criminalizing approach. Moreover, law enforcement and implementation are also very poor, as all the people I talked to affirmed, like Ms Benu, or like Ms Yashoda. Ms Yashoda is the anti-trafficking programme manager for *Terres des Hommes* (TDH), a well-known international NGO active in Nepal since 1985, whose focus is on children and which has, since 2009, cooperated with *Shakti Samuha* in repatriation processes and the establishment of a case management system, with financial and technical support¹⁴².

Ms Yashoda tells me that the Nepali anti-trafficking law is the strongest in the SAARC region, yet the real problem is its implementation¹⁴³. She argues that only 30-35% of the rescued girls get actually repatriated and reintegrated, and this is due to a number of reasons, such as the incredible slowness of the legal process and of the entire procedure, the scarce capacity and cooperation of governments and consulates and the absence of a protocol. Sometimes, she added, they also have to face the impossibility to create an assessment and a plan, since the girls often left home very young and cannot remember much of their community of origin, as underlined by Ms Mamata too.

All these flaws, pointed out by different interlocutors, are echoed in the TIP report 2014¹⁴⁴, where we can read, for example, that Nepal “did not demonstrate increased progress in protecting victims” and should establish formal procedures and assures funds to the competent authorities to identify and refer VoTs to protection structures, including male victims. In this sense, it is signalled that most of the funds that the government allocated for protection remained unspent due to bureaucratic problems. In addition, no shelter for male victims is funded by the

¹⁴² <http://www.tdh.ch/en/countries/nepal> (last accessed: 2/8/2015).

¹⁴³ Recorded interview, 18/9/13, Kathmandu (NP).

¹⁴⁴ <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226785.htm>.

government, whereas many facilities are run by NGOs with neither governmental support nor monitoring. This can result in fact that sometimes too restrictive rules are applied for the residents, in the absence of any control.

Finally, more in general, the report recommends that Nepal increases law enforcement against all forms of trafficking, also the domestic one, and against complicit and corrupted officials. It is also recommended that the government further revises the 2007 Human Trafficking and Transportation (Control) Act, or designs a new law with a definition of trafficking in line with the international standards.

4.5 Epilogue

The Palermo Protocol invites signatory States to adopt, in addition to a renewed common definition of an old phenomenon, a series of measures concerning different spheres: political, legal proceedings, prevention, protection and assistance. About repatriation, rehabilitation and reintegration of former victims, by signing the instrument of the international community, individual countries, albeit not obliged, commit themselves to design and implement procedures and services, in cooperation with intergovernmental organizations, local and international NGOs, and the civil society (Part II, art. 6-8).

States' anti-trafficking apparatuses that I analysed, albeit presenting amended and enriched legislations and agreements, with the aim of internalizing and implementing the Protocol and of satisfying the Convention's standards, seem to practically perpetuate the ideology of the HT discourse and of its victim profile.

On the one hand, State legislations seem to want anxiously and thoughtfully receive and recover an often traumatized sexually abused/enslaved female subject. At the same time, they perpetuate, more or less overtly, the moralizing/criminalizing "social evils approach", both in reference to prostitution and undocumented migration.

On the other hand, the governments, the ministries in charge and the various intermediate authorities - up to the very local ones - result to be rather absent, weak, and incompetent in the assistance to uncomfortable returnees, both in my experience, according to non-governmental actors and to various reports (notably

the contested TIP report¹⁴⁵). This absence tends to confirm the fact that the Protocol is essentially a law enforcement instrument, more prone in preventing and persecuting illegalized migration, and in criminalizing the traffickers, than in protecting migrants', victims' and women rights.

Along with an analysis of the anti-trafficking legislation and policies, I drew on some emblematic ethnographic cases to highlight how the three States of my fieldwork are ambivalent and missing, and how NGOs action often results indispensable in filling governmental gaps - particularly in the case of Nepal, less sharply in that of Brazil, only in the rearguard in Vietnam. Indeed, while States continue to play an indispensable role, for example in the conclusion of bilateral or the promulgation of National Plans of Action long-term, and in the modification of the penal codes and legislation, governments and ministries are variously weak, unprepared and rigid in the actual processes of return and recovery of former victims. Without the work of the non-governmental apparatus, which sometimes operates in an informal way, as well as without the personal dedication of some social actors, the work of the aid services would be hard to imagine.

In the next Chapter, I radically change the perspective on the assistance services for reintegration, bringing to the fore the experience of some recipient returnees.

¹⁴⁵ See above Chapter 2.3.3.

5. THE VICTIM SUBJECT

POST-TRAFFICKING SUBJECTION AND HUMANITARIAN CARE

The customary model for understanding this process goes as follows: power imposes itself on us, and, weakened by its force, we come to internalize or accept its terms. What such an account fails to note, however, is that the "we" who accept such terms are fundamentally dependent on those terms for "our" existence. Are there not discursive conditions for the articulation of any "we"? Subjection consists precisely in this fundamental dependency on a discourse we never chose but that, paradoxically, initiates and sustains our agency. "Subjection" signifies the process of becoming subordinated by power as well as the process of becoming a subject.
Butler 1997: 2

5.1 Whom are we talking about? The level of the trafficking returnees

The figure of the VoT so far emerged should have acquired rather definite features by now. Within the HT discourse fully explored in Chapter 2, dominated by the radical feminist neo-abolitionist ideology, in tandem with the international anti-migration securitarian policy, the archetypical VoT is an innocent virgin young girl forcibly enslaved into the sex industry, opposed to the threatening illegalized migrant. At the level of the international UN related agencies (Chapter 3), which constitutes the first realm of implementation of the Trafficking Protocol, the profile of the VoT seems to be – in most cases – consistent with the HT discourse: she is a vulnerable female marginal subject, whose poverty and ignorance made her fatalistically fall into the hands of the sex traffickers. In Chapter 4, I took into consideration the level of the States, which is a crucial intermediate step for converting the international language into a more local dialect. From the analysis of their legislations, partly renovated and enriched, and of their practices, in most cases inadequate and lacking, the subject of the returnee is an uncomfortable

traumatized young woman with a series of standardized needs. Her necessities are ultimately not taken care of by the governmental apparatus, if not on paper, leaving ex-VoTs' recovery and reintegration in the hands of non-governmental bodies.

In the first Chapter of this text, I defined how I conceive trafficked subjects: firstly as “victim subjects”. The term “victim subject” aims at keeping together the moment of being made and the moment of self-making typical of the process of subjection, as it is conceived by Butler (1997). I approach trafficking returnees as multipositioned subjects *in fieri*, founded on the interplay between subalternity and resistance (de Lauretis 1990; Ortner 2005). The identity of the VoT is one among others: that of daughter, worker, wife, mother, widow, and partner. These identity positions combine then with other relevant factors: education, religion, culture, and gender (Pinelli 2013). Reading the experiences of VoTs “through the filter of multipositioned subjectivity” (Pinelli 2013: 168) allows an alternative thick view in contrast with the stereotypes of the HT discourse which reverberates in both the governmental and the non-governmental. The identity of “victim of trafficking” can be seen as one of the various subjections that marginal women can undergo. It is in this sense a further locus of being-made and self-making. It is also an identity that social actors may partly chose as a way to “sustain their agency” as returned migrants, in the attempt to give sense to their failed migratory project (Butler 1997: 2).

In fact, assuming the identity of the victim can be also read as a strategy to redeem the experience of trafficking and turn it somehow fruitful. Receiving a subject position which is definitely disempowering paradoxically reveals the desire to stay anchored to that “fantasy of identity” expressed by the migration project, on behalf of the migrant herself and her family¹ (Moore 2007). Once “officially” recognized as VoT, the returnee is offered to become the beneficiary of a series of aid services for her recovery and reintegration, standardly established by law or within a special project of some NGOs. Some of these services constitute a chance in the returnees' quest for life improvement and social inclusion, evading the possibility of having to go back home with empty hands, plus an often shameful, not only failed, life plan abroad. This would mean a return to *the status quo ante* the

¹ I am evidently excluding from this reasoning those cases where the victim is kidnapped or sold, by her family for example; in other words, when she does not actively engage or consent whatsoever to the migratory endeavour.

young woman pursued changing when she underwent an uncertain and risky migratory project.

In this Chapter, my aim is to complete the picture of this thesis and explore the level of the lived experience of some trafficking returnees. I will try to let emerge their point of view by focusing on their life stories, and on the microphysics of some everyday life patterns, or significant events or words. Mostly, I aspire to show the subtle functioning of subjection, in the double meaning of subject formation and subordination, in relation to their identity of VoT within the HT discourse, as well as in relation to their underprivileged position as victims of structural violence.

If the overall objective of the multi-sited research was to investigate whether an international discourse was able to determine, piercing the cultural peculiarities, certain subjectivities via the intermediate steps of the IGOs, the States, the local authorities, and the non-governmental body, in this last Chapter I will attempt to give an answer to this question. I will show how as beneficiaries the returnees partly internalize and embody the stereotypical VoT's subject position of the HT discourse, and partly not. This ambivalence, I maintain, is transversal and not context-specific. In other words, it can be seen as pertaining to the relationship between the HT discourse and individual subject-making.

To pursue this ambitious scope, I will focus on five cases of young women I had the opportunity of knowing particularly well. For analytical purposes, I divide their cases according to some reading keys. These privileged interpretative concepts for framing the cases correspond to the main features of the stereotypical VoT. They are also key points of both the humanitarian and TIP ideology. In certain cases, they even constitute themes that are theoretically pertinent to my work. These are: the issues of vulnerability, of violence, of infantilization, and of marginality. I will also organize the cases in a crescendo with respect to the intensity of the aid services they received. In this sense, the last case wants to be an emblematic example where subjection occur in a total institution (Goffman 1990) of recovery and reintegration.

The aim, as said, is to try to cast some light on how these social actors negotiate their subject position of VoT and of eccentric subjects, losing and acquiring agency at the same time, while trying to crafting for themselves satisfying life conditions and making sense of their worlds, through "tactics" to confront their

disempowered position (de Certeau 2011). At a further level, I hope that my analysis can problematize the ideological and abstract dichotomous categories of the HT discourse, such as victim/perpetrator, resisting/passive subjects, included/excluded social actors, voluntary/involuntary migration, freedom/coercion, opening up the status of the victim to its ambiguity and complexity and contributing to an understanding of the “infra-political weapons” of resistance (Scott 1992) of excluded and eccentric marginal subjects (de Lauretis 1990).

5.2 Anna: a vulnerable non-victim

The figure of the vulnerable victim is a central trope in human trafficking discourse. Despite a sort of opacity and heterogeneity in conceiving it, vulnerability (the condition or position of) is unanimously considered as one of the key causes of risky migratory endeavours². In this sense, vulnerability is a discursive production functional to the construction of TIP truth.

Vulnerability is not an ontological totalizing condition of the subject, rather a social construction (Bourgois 2008; Castilho 2012; Das 2000; Pinelli 2011b)³. Being vulnerable does not mean to be a victim (Das 2000: 209). On the contrary though, the dominant paradigm of HT wants a victim as always *a priori* vulnerable, in the sense that, vulnerability seems to be the condition and the main cause for any blind fall into the traffickers’ net. In addition, vulnerability also strongly marks the life of the returnees in their process of return/recovery/reintegration.

The story of Anna is significant inasmuch as it challenges the stereotypical profile of the radically vulnerable victim, who was deceived and then heavily exploited in a brothel. Her story shows how vulnerability can be something less melodramatic and more subtle, but also how it can be a place from where to try to keep on pursuing a better life.

5.2.1 The vulnerability domino

“I was working in a pharmaceutical industry...in the packaging sector” Anna tells me⁴. Anna is an almost 30 years old woman, born and grown up in a

² See Chapter 3.1.3.

³ See Chapter 1.1.

⁴ Recorded interview, 25/7/2012, Centro de Referencia da Mulher – Anápolis – Go (BR).

poor and violent *favela*-like neighbourhood outside Anapolis, a little urban centre close to Goiania, the capital of Goias, Central West Brazil⁵ (see pictures 1, 2 and 3). “And did you like it there?” I ask, “I did” she says “But I was earning very little, you know, because you have to take away many things...you have to take away health insurance, food, transportations...and then the salary was coming out very little, and I ended up being very tired and this is why I decide to leave Brazil”.



Figure 1 Goiania, the young State’s capital. Its skyline seen when coming from Anapolis. The arid countryside typical of the *Cerrado* biome of the region is visible.

Anna tells me that her adolescence was good, because she started to study and to attend courses, in computing sciences and logistics, but without managing to find a good job: her dream was, in particular, to go to university, get an education in logistics, find a job in that area and be able to offer a better life to her mother, a model for her “because she was always a battler...she’s always taken care of me all alone”. The impression I had of Anna’s mother was of an extremely simple person, who had had a difficult and tiring life, with a body bearing the signs of it, and probably with some light personality disorders. Anna’s father left her and her mother soon after Anna’s birth and she is an only child.

⁵ For more on the State of Goias in relation to HT see above Chapter 4.2.3.

I go back to why she left Brazil: “*What was that you got tired of?*” and Anna says: “*Because when I was working I was earning very little, you know, and then I was told that over there in Europe job was good...*”, “*Who told you this?*” I ask, “*My cousin, he lived there for 6 months, and then, I went...I worked there as a waitress [during the first 3 months of legal permanence], and afterwards I went to work in prostitution...because I turned illegal and I had to pay the rent, for food...and then I could not find any other job and I took and went to work in a night club*”.

First, the fact that she was abandoned by her father and that for this she had to help her mother put her in the conditions of having to stop her studies and find a simple job as an unskilled worker. This condition of vulnerability was at the basis of her reaction and decision to take the risk of migrating with no certainties. Second, the fact that she found herself in the vulnerable position of an undocumented migrant ultimately led her into prostitution. In this way though, as undocumented sex-worker her vulnerability was doubled. Anna’s story tells of a typical spiral of growing vulnerability, where an action to come out from a difficult situation lead to a worse situation of increased risk and precariousness, where it is very likely that the subject is exploited.

5.2.2 Fantasies and illusions

Anna was never allured/attracted/seduced, never forced, never deceived. Neither to leave Brazil nor to be a sex-worker. Therefore, even if she describes sex-work as very “*difficult*”, “*complicated*”, “*humiliating*” and where there is a lot of “*aggressiveness and wickedness*”, she should not be considered as a victim of HT *stricto sensu*⁶. “*Do you...do you consider yourself as a victim of trafficking or not?*” I ask in the most delicate way I can and Anna, with a self-confidence and a determination she had not shown until that moment, replies: “*I consider myself as a victim of being in need of money to eat and being explored, isn’t it?, this yes*”.

This answer reveals to me a critical capacity and a self-consciousness that, overcoming rigid definitions, can talk about real lived experience in a vibrating way (Piscitelli 2006). Up to this moment, moreover, I have perceived Anna as a woman able to take significant decisions. Although she was earning the minimum salary,

⁶ See the Palermo Protocol, art. 3.

her conditions could not be defined of extreme vulnerability, that is of extreme poverty, ignorance, discrimination, psychological or physical violence. Nonetheless, she dared an “upgrading”: she did not want to adapt to a boring routine of a poor livelihood. She gave her a chance.

During another interview⁷, Anna went more into the details of her migratory experience: “(...) *I myself decided to leave Brazil because my cousin was living there in Spain and he told me that the only thing that you could make money out of was prostitution and selling drugs...over there, there wasn't...life was very difficult over there. And then I took and said that then I was going to give it a try, isn't it? (...) And over there, after three days I was living over there in Spain I started working in a club*⁸ (...) *Afterwards, I worked pregnant, because the boss of the night club required that, as long as I didn't have a belly, I had to work. (...) My cousin had a friend who was working in a club (...) and there he was waiting for me. (...) Ah yes, and also over there in Spain, soon after I arrived, I arranged a permanent job also, in a café, before entering into the club, only that...it didn't work out, I didn't manage...because I didn't have the documents also and... I couldn't work in the café because there were too many people, the job was very hard...and therefore, I took and I told my cousin, I told my mum, I told them on the phone: 'mum, I don't manage to work in a café because over here it's very hard, it's very difficult...therefore I am going to...I am going to be a prostitute, I'm going into a night club'”.*

⁷ Recorded interview, 29/9/2012, Vivian Parque, Anápolis (GO). It wasn't me who conducted this interview; I only did the intermediation between Anna and the interviewers, three master students in journalism from the local university. I assisted and recorded the interview, but I kept totally silent.

⁸ Further on, during the same interview Anna declares that when she arrived in Spain, she stayed over her cousin's house, but her cousin's husband didn't want Anna to stay over because he was scared that Anna would drag his wife into prostitution. Then her cousin sent Anna to another club where Anna didn't want to stay, afterwards she founded a job in the café of a Brazilian woman, and finally she went to another club, in that one that should be the first one where she really started to work.



Figure 2 A typical street situation with children playing in the suburban area of Anapolis where Anna and her kids live.

When a little later Anna is asked about how she managed to find the money for the flight, she says that her cousin had come back from Europe with the help of the Red Cross and with some euros, therefore she started insisting a lot in order to leave and in the end, even if hesitating and worried, he bought the ticket for her. *“The thing that took you to Spain then was...?”*, *“It was curiosity. And also because I was earning very little at that time. And ...we create a fantasy in our mind, don’t we?, that we arrive there, we are going to earn a lot of money, get this and that...but in reality it’s nothing of this”*.

One day, during a very hot and dry afternoon, we are having a drink at Sabrina’s restaurant⁹. Her usual melancholic expression seems more evident than usual. I decide to ask her a little about her feelings with respect to her experience. *“Do you feel guilty Anna?”*, *“Yes, I do...I feel regretful...if it were today I would never want to go to Europe”*. What Anna mostly regrets is of having left Brazil, and not of having being a sex-worker: *“We always have an illusion - don’t we? - of something better and it ends us not being better at all, it ends up being worse”* she tells me crying. And me: *“But why did you want to leave so much, what was that you imagined?”*, *“I imagined that...I don’t know...I imagined that over there I was*

⁹ See below 5.4. Fieldnotes (diary 5).

going to earn a lot of money, that...I was going to be able to buy the things I wanted, this is what I imagined...but it ended up being worse, because nothing can pay back the suffering, there is no money that can". She significantly tells me these words in front of an empty table in a little restaurant not far from her house. She was very embarrassed because she did not have the money to buy a simple lunch, yet she refused to accept my invitation. She just accepted me to buy a drink for her son.

On that occasion, I saw a woman, tall and imposing, with very long straight brown hair, who, with a shy and sweet voice, was biting the nails of her trembling hands. Even if she feels a victim, Anna feels also guilty, ashamed and regretful for having pursued an illusion that failed¹⁰.

The powerful and empowering fantasy of constructing a new life for herself, a new identity (Moore 2007), goes together with the awareness of having partly made a mistake in going after an illusion. Yet, also a wrong path is not useless in terms of self-growth and sense-making of herself.

5.2.3 "Post-traumatic" growth

Anna spent almost five years in Spain: she worked in three different night clubs and she had two sons from two different men. After she had to work until the end of her pregnancy and delivered the second baby, Anna decided she had enough and wanted to leave Spain. She did not want to be a mother-prostitute. She asked for some help to the same cousin who had helped her to get out of Brazil and he asked for help to the local NGO *PR*¹¹, who helped them with the money and with the five months long bureaucratic procedures for repatriation.

After she has been back from Spain for eight months, "*How is your life now?*" I ask, "*Now I feel more...I feel a normal person, before I didn't feel normal, now I feel I'm a mother, I take care of my children*" Anna answers me. She continues adding that before she felt "*like rubbish*", "*like an animal*". On the contrary, "*now, yes, I feel happy*" she says, "*now... I'm looking for a job in order for me to work as a normal person ...and forget everything I went through over there*". "*Do you want to forget?*" I ask, "*I do*", she answers, without adding anything else, keeping silent.

¹⁰ Fieldnotes, diary 5.

¹¹ For on *Projeto Resgate* (Rescue Project) see below 5.4.

And I go on: “*Therefore...now you like yourself?*”, “*I do*”, and me: “*What’s the thing you’re missing most right now?*” and Anna: “*Right now that I’ve come back from Spain I feel more complete*”. Further on, she tells me that with that experience she matured more and that now she thinks a lot before doing things: “*I left here that I was a girl, now I feel like I am woman already... I went through things that few people went through...and then, my life-experience over there made me mature and not be deceive by any man, nowadays I am not deceived*”.



Figure 3 A street close to Anna's house, where *narcotráfico* (drug trade) is widespread, in the suburban area of Anapolis.

With these words, Anna lets me see her side of mother, who decided to give up with a kind of work and life she did not like in order to protect her children. She lets me see her side as a person who looks for a role and a social visibility thanks to a more respected job. She lets me see an evolving subject who grew up and learnt from her mistakes, who has self-esteem, albeit together with shame and regret, and, mostly, who has a reflexivity allowing her to draw an autobiographical sense.

5.2.4 Beyond the trafficking categories

“*Did you know about this thing of trafficking before coming back?*” I investigate, and her: “*I knew, I met many many girls who went there through women*

trafficking”, and I asked again the same question: “*but, do you consider yourself as a victim of trafficking or not?*”, “*I do consider so as well, because it’s almost the same thing...the difference is that they were taken there, isn’t it?, and they had to ... they were forced to work for them [the pimps] to pay back the transit [to Europe] isn’t it? And...it’s only that we, who go with our money... we also have to work and pay them [she refers to the pimps again, the owners of the night clubs] in the same way...there’s the difference that I could get out and go to work in others clubs... and they have to work for them*”. Anna’s self-perception and construction in relation to her condition as a victim and to the meaning of the condition of exploitation seem to force official definitions and opinions disempowering subjects at the margins.

I met Anna for the first time in Anapolis, in the *Centro de Referência da Mulher* (see figure 5), a recently inaugurated public centre of attendance for women belonging to the Social Development Secretary of the city. This first encounter happened thanks to the previous intermediation of the then coordinator of the State NETP and it was practically organized by the psychologist responsible of TIP cases in the Centre, who represented Anapolis municipality inside the *Núcleo*. This is to say that Anna was being officially assisted as a VoT. Nonetheless, as above noticed, according to the Trafficking Protocol, Anna is not a victim of TIP. Apparently, she was never deceived, threatened, forced, nor helped to get out of the country to enter the world of sex-work nor to be a prostitute once in Spain, including when she was pregnant. However, I met with Anna many other times, I went to visit her in her house, I met her mom, her auntie, her two children (see picture 4), and over this time, I was never able to really understand what had been the exact role of her cousin in helping her to leave Brazil and also to come back. In the same way, she never made it clear to me – and I never insisted on that point – if she was fully aware, before migrating, that, soon or later, she was going to work in prostitution or why she had stopped working in a café to enter a night club.



Figure 4 Anna's little backyard. In this small house, made up of three rooms, a bathroom, a little veranda and this backyard, six people were living along with Anna and her two sons: her mother, her aunt with mental disabilities and her cousin. Far in the background, downtown Anapolis is visible.

Anna is not a victim of trafficking following the official definitions, but she is officially assisted as such; she feels guilty and a victim, exploited and regretful; she feels mother, but she cannot stop being a daughter and leave her mother, in order to go to Niquelandia, a town of Goiás State, and build a family with the father of her daughter; she dreams of a man who would be good to her and like her and her two sons, but she lost trust in love and she has her heart hardened; she wants to forget, but she does not manage to overcome the past and tell her full story to her family and to her priest, because she still feel ashamed; she left Brazil for necessity, but also for curiosity; she most probably knew that she was going to work as a prostitute, but she did not want to say it, not even to herself. Keeping together all these oscillations, contrasting drives and desires, Anna now feels like a complete person, a woman who does not let herself be deceived, both by others and by herself. *"I now know how to defend myself...nowadays my mind is done"*, Anna says.



Figure 5 *Centro de Referência da Mulher*: the Referene Centre for Women in Anapolis (GO), where the officially recognized VoTs are assisted. The centre moved offices in 2014.

5.2.5 Victim subjects

I have deepened Anna's history enough to open up her different positionings and the complexity of her subjectivity to her contradictions, ambivalences and ambiguities, to her shame as well as to the strong presence to herself.

Anna is a subject in a position of vulnerability, victim of poverty, of the chronic violence of her neighbourhood, of a State power that subtracts rather than providing and victim of a scarcity in the access to the world of consumption. Anna is both victim and agent of the power structures she is embedded in. Her desires and fantasies are evidently also fabricated and pre-determined by the dominant global ideology of consumption (particularly true in a boom economy like the Brazilian one). If, on one side, I can consider Anna's conditions as ones of structural violence, and therefore of vulnerability – both those ones in Brazil and in Europe as an undocumented immigrant and foreign sex-worker –, on another side I cannot avoid to consider Anna's thoughts and practices to react and get out from those conditions, even if she also partially submitted to them. I think, in the first place, to the planning and realization of the migratory project (where there was certainly a high chance to have to work in prostitution), to the resistance demonstrated abroad and to the choice of coming back. I also refer to the capacity of sense-making, of

creation of a sensible narration *ex post* in relation to her suffered life experience. It is also such sense-making that can keep together ambivalences and interior conflicts and that, *de facto*, allows to see Anna as a in-process, multi-positioned and desiring victim subject.

It seems to me that the case of Anna testifies in relation to the inefficiency and unrealism of dichotomic categories such as victim vs. perpetrator, vulnerable vs. empowered, forced vs. voluntary and the like, which are based upon monolithic and hyper-individualistic conceptions of the social actors. As if subjects did not have contradictions and ambiguities, or capacities to negotiate and strategically use those same categories and the different positionings socially attributed to them in different contexts. And as if they existed in a social void not giving life to life-histories that are always built in collective nets – of relatives and friends – where also the positions of the aggressor and the victim, the vulnerable and the “present” are contextual and relational, displaced and dispersed among different subjects, positions and contexts¹².

5.3 Mui: compromising from the margin

When I started to regularly attend *Ngôi Nhà Bình Yên* (NNBY - Peace House Shelter), Mui was showing to be with me the most friendly and careful resident¹³. During the crochet classes that were given in the shelter every Wednesday morning, she tended to sit next to me, trying to communicate and occasionally help me. I was actually the worst student in class, having forgotten my crochet basic knowledge acquired from my grandmother when I was at the elementary school. Mui was not particularly talented either, she slowly created her little objects, without talking too much, and when it was time to have lunch, she was among the first to stand up and start rearranging, cleaning and laying the tables. During lunches, she was always very attentive in putting the best piece of chicken

¹² Dias, Sprandel 2011; Giordano 2008; Mahadavi 2011; Pinelli 2011, 2010; Piscitelli 2006; Sarti 2011, 2009; Wieviorka 2004. In this respect, it is interesting to notice that, in a relational and de-individualized perspective of violence, which is focused on the subject, the subjects involved recognize themselves while also abolishing each other. In the same way as in the paradoxical foundation of the subject in relation to power (Butler 1997), also within violence the “victim”, while subjecting, is also becoming empowered, thanks to the foundation of an identitarian sense and recognition (Wieviorka 2004).

¹³ For more on *Ngôi Nhà Bình Yên* see Chapter 1.3 and below 5.4.

or pork in my rice bowl. For this confidence that gradually grew between us, and for her temper characterized by a good grade of docility and openness, Mui was the first girl I proposed an interview to, after more than one month of familiarization with my presence in the shelter.

Mui was 20 years old only when I first met her in 2011, but she could look older; she belongs to Hmong ethnic minority¹⁴ and was born the fifth of seven children in a little remote rural village, not reached by the electricity, in Bao Yen district part of Lao Cai province¹⁵ (see figure 6). She was 16 when her parents decided she had to leave school, even if she wanted to continue studying and become a teacher, and get married to a man 12 years older than her and that she had never seen before. *“At first I didn’t like my husband. I was just 16 when we married. He was a friend of my brothers and my parents had decided that we were to marry, even before they asked me, because he was a good man”¹⁶. I had no affection for him at the beginning. I didn’t even know him. However, when we started to live together I came to realize he was a good man, just like my parents had told me. He worked in the field with me and was always hard working. But then he got sick with a kidney disease and he died just 4 months later. He was 28 years old”*. I ask Mui how she felt about this loss, which happened after four years of marriage and after one from the birth of their child: *“It was a terrible time for me. I was very afraid. My husband’s family had to take care of my son and I was worried I wouldn’t be able to be a good mother to him without my husband”¹⁷. Also at that time we got robbed, with some of our dogs and chickens being stolen, as well as the pump for the water at our home. As Tet holiday approached, I had no money and couldn’t buy anything for the celebration”¹⁸.*

¹⁴ Hmong people are a minority spread in the mountainous area in the borderland among Southern China, Vietnam, Laos, Thailand and Myanmar.

¹⁵ Bao Yen is district roughly 60 km south of Lao Cai city on the railway connecting Hanoi to Lao Cai.

¹⁶ While arranged marriages were the rule in the past, nowadays they are declining, particularly in urban areas more influenced by “Western” customs.

¹⁷ Vietnamese culture is traditionally patriarchal, patrilineal and patrilocal with two to four generations living together under the husband’s roof.

¹⁸ *Tet* is the Vietnamese New Year and is celebrated on the first day of the first month on the lunar calendar, usually between January 19 and February 20. *Tet* is most important holiday in the country, largely followed and celebrated. Recorded conversation with interpreter, 20/10/11, Peace House Shelter, Hanoi (VN).



Figure 6 The country side of Lao Cai province, with buffalos in the rice fields and the mountains confining with China.

5.3.1 The traditional script disrupted: desire to change

Yet it was not only this. Mui had never desired to go live and work into a city before, only at the death of her husband she started thinking of going to Lao Cai because things were very critical for her: *“When my husband died we had just built a house and we had borrowed 10 million VND¹⁹ from the bank, so I was left with this debt to pay back. I took a job in a wood factory where I worked 13 hours per day and I was able to pay back 2 million. But after 4 months I got sick, started losing weight and my parents-in-law asked to stop working there. So I went back to work the field”*.

The death of her spouse was so terrible for her that worse than that she can only remember when she was kept for a couple of days in the house of the three Chinese men she was sold to: during those days, she was hardly beaten, she ate no food and she fell very sick. Her cousin’s offer for a very well paid job as a shop assistant in Lao Cai city evidently came in a particular vulnerable moment in Mui’s life. *“Near Tet holiday indeed my cousin came to visit me and gave me 50.000*

¹⁹ 10 million VND corresponded in 2011 to roughly 400 euros.

VND²⁰ for my child. At the time he said nothing about his intention to take me to Lao Cai. I was living with my parents-in-law at that time, though I was beginning to think that I'd like to move in with my cousin in Lao Cai. His life seemed to be more comfortable than that of my family and parents-in-law where we had to work in the field long hours every day and were constantly tired. That visit changed my thinking: since then I always wanted to go with him". Even her temper changed, she told me on another occasion²¹, after that visit: she became irritable, moody and fed up with having to work in the field every day. Her parents-in-law even went to talk to her parents about this and said that she could go to stay with them for a while, but she just wanted to leave.

With these words Mui is "confessing" her desire to change a situation that became uncomfortable for her. In a way, the death of her husband, whom she became used to over the years, other than constituting a painful event, it was disruptive of a secure routine that could have lasted for ever. On the one hand, that event uprooted Mui from the safe traditional position of wife, mother, and daughter-in-law contributing to the household rural economy. Bringing her out of those tracks consistent with the social norm, it turned her into a more marginal subject. Her cousin, who probably was already involved in some illicit cross border activities and had connections with a Chinese counterpart, did not hesitate to see the opportunity of selling an unsatisfied, poor, tired and probably bored young widow²².

On the other hand, for the same reasons, the event interrupted a predetermined life and created the circumstances where it became possible for Mui to imagine and realize something different. It is indeed often the case that, together with conditions of actual poverty and exclusion, a particular event in the life of a VoT makes poverty and exclusion all of a sudden perceived as unbearable or too boring, yet also possible to be modified. In that moment of both increased vulnerability and awareness, the subject finds the courage to leave, believing in a vague promise and undertaking an often risky migration, even if this entails opting for the unknown and a separation from the closest affects.

²⁰ 50.000 VND corresponded in 2011 to less than 2 euros.

²¹ See field notes, diary 2, 8/11/11.

²² The status of widow has been identified as vulnerable to trafficking (Le Bach, Bélanger, and Hong 2007).

5.3.2 Mother's compromises

“He [the trafficker] is my cousin, the son of my father’s sister. He is around 40 years old. I never expected him to traffic me as when he was young my parents helped him a lot: they gave him some land and helped him to work it. He told me that he could get me a position as a shop assistant in Lao Cai where I would get a high salary. I wanted to ask permission to go from my parents and parents-in-law, but he warned me that if I did so the position would be withdrawn. I had to go with him in secret. I agreed. I took nothing with me but a few clothes, and once finished working in the field that afternoon we left”.

In front of this statement I cannot avoid thinking about her son, and I ask her about him. Mui explains to me that her parents-in-law were taking care of her child, as she was still living with them even after her husband had passed away, also because they were Kinh²³ and followed this custom. I do not feel satisfied with this reply, which does not indeed say much about how Mui was feeling with respect to a separation from her son. Mui then tells me that she thought that with the high salary she would earn in Lao Cai she would be able to raise her child better, staying at home with him she could do nothing. *“It’s very hard as a mother in sole care of a child to find time to work and make money, so I didn’t really have any choice but to leave him”.* Moreover, her cousin had told her that she could go back to visit him anytime she wanted, and therefore she was not worried, also considering that her parents-in-law loved her son very much.

Few days later, in China²⁴, when she was in the transit point house, being chosen among three other girls – because she was less thin and sick than the other two – she very much regretted she had trusted her cousin, and left her son. She was bought by a Chinese man who waited a week to bring her to his house because she was in such bad conditions that she could not suffer the transfer.

5.3.3 An uncrossable threshold

Mui tells me that overall she was treated well by her new Chinese parents-in-law. In a typical day, she did not do much, she did not have to work at all. Sometimes her sister-in-law would come to take her out. They bought her many

²³ The Viet, or Kinh, are the majoritarian ethnic group in the country. See above note 17.

²⁴ Do was not able to remember the exact Chinese location where she was brought. She just referred a vague toponym and that it was two days driving from Lao Cai border city.

clothes, shoes and other things. A Vietnamese teacher, also a victim, she refers, came home to teach her Chinese language. Her new husband was “*a very kind man*”²⁵, he asked her to marry him and did not put pressure on her for having a baby immediately, he could wait some time for Mui to be ready and, after the delivery, he would bring her back to Vietnam to visit her son. In the meanwhile though, she had to sleep with him. I ask her about her feelings during those months. “*Although they treated me very well I was still afraid. My Chinese teacher had told me that if I get married but I don’t have the ability to give birth, then they will sell me to another man. And, in the five months with the Chinese man, his parents and his sister took me to hospital twice to check why I don’t have a baby*”.

I could not know whether Mui would have stayed with “the Chinese man” longer, enjoying the wealthier and softer life there, if she had not had the pending imposition of giving a child, possibly a son, to him. Nor did I ever ask her how she was managing avoiding pregnancy. What I can infer from what she finally did is that she set a limit to the domination and management of her body. Sticking to her decision not to let anybody treat her like a reproductive machine, she resolved to flee and go back home to the same difficult situation she was unsatisfied with. At a particular threshold, the apparently compliant and shy young woman showed courage and determination in pursuing a different life project, and she subtracted herself from a further imposition, she took power over herself albeit in a limited room for manoeuvre, which nevertheless regarded one of the most intimate and relevant feature a woman. Precisely that one she was ultimately sold for.

“*After staying in China for three months my husband got a new helper who was also Vietnamese, but had been in China for 3 years. When the helper saw my circumstances and when I told the helper that I didn’t want to stay there any longer, then she gave me the number of the police in China so I asked my Chinese teacher to contact them and then they took me back*”. When the police arrived at the house, her husband did not want to give her back because he had paid for her, Mui tells,

²⁵ On another occasion (see field notes, diary 7), Mui told me that also her Vietnamese husband was a good man: “*in the four years that we were married he never beat me or shouted at me*”. For a description of the relationship between “sold” Vietnamese wives and Chinese men, and how both have the reputation of being far better husbands/wives than their compatriots counterpart I refer to (Grillot 2012a, 2012b). For more on Sino-Vietnamese conjugality and the foreign brides’ business see also Darwin, Wattie, and Yuarsi 2003; Evans, Hutton, and Eng 2000; Grillot 2010, 2015; Le Bach, Bélanger, and Hong 2007; Kim 2010.

but once the police explained to him that he was illegal to buy people, he was scared and did not resist anymore.

5.3.4 The shelter as a second chance

Mui spent 20 days in the Chinese police station, where she was treated well, she refers. Then she drove for two days until the border and in Lao Cai she spent one week in the Social Protection Centre²⁶. She remembers feeling happy and comfortable there, yet she had absolutely nothing to do, besides some medical examinations she does not want to talk about. After spending approximately one week there, Mui's mother and brother went to pick her up and take her home. The same night her parents-in-law and various neighbours went to visit her. Mui suffered no stigma at all. On the contrary: she felt well welcome and supported by the affection of her community. A woman, whose daughter had been trafficked three years before, congratulated with Mui for her clever decision of coming back and together they cried. She only felt shy and ashamed because she was coming back with no money for her son.

Mui spent one month back home, in July 2011, before moving to NNBY in August. During that month in Bao Yen, Mui went back to work in the field with her parents during the day, and in the evening she was going over her parents-in-law's house to take care of her son and give an hand there. Her life essentially returned to the *status quo*, and Mui was not satisfied with it. Ms Khanh, the social worker in the SPC²⁷, had mentioned the existence of NNBY, and Mui decided to go "*because it was a good chance to study*": "*I needed a vocational training and a job*", she affirmed.

According to Ms Huong, the social worker who managed Mui's case inside the shelter, she was very unconfident when she arrived, she had no job experience and no vocation²⁸. However, it seemed to me that Mui, albeit, as said, appeared in fact rather shy and compliant, was, on another side, very determined in pursuing a different and better life for herself. Also considering that she was making a big life

²⁶ See above Chapter 4.3.6 and 4.3.7.

²⁷ For an introduction of Ms Khanh, see above Chapter 4.3.7.5.

²⁸ Recorded conversation, 15/6/13, Hanoi (VN).

change for the second time – the first time being when she fled with her cousin, and then was sold.

In 2011, when I first met Mui as a resident of NNBY, she had done ten days of tailor school as a try, and resolved that that could be a good option for her. Yet, in that moment, she was waiting for the approval from the shelter’s manager, which would allocate the money to pay the fees to enrol her in the tailoring centre. She was planning to stay in the shelter as long as possible, that is 18 months. She looked positive, oriented towards the future, enjoying the life in the shelter because goal driven. She told me she had neither ruminating thoughts nor bad dreams regarding her past experience, and she never felt the need of a psychological support. She was determined and believed she could decide for herself, and, mostly, she thought she would never wrongly trust anybody anymore. Finally, albeit familiar with the phenomenon of HT, as some girls she knew had been trafficked, it took her some time – only after some explanations she received from the authorities – to realize she was a victim and stop feeling somehow guilty. Indeed, she told me, “*in the culture/customs of Vietnamese people everybody who is trafficked to China is considered guilty*”²⁹.

5.3.5 Life change in a “new” marginality

I met Mui little less than two years later, in Lao Cai city, together with Thu, another ex-resident of NNBY and close informant of mine. I reached Mui on the phone to confirm our meeting for the following day. Initially, I invited them for lunch, but she refused, saying she had to prepare the meal for her boyfriend at that time. In this way, she immediately gave me important information about herself. Not only, when we met in the afternoon in a bar, Khanh, her boyfriend, accompanied her, and, since then, they were almost always together at our meetings and trips, so that I had the precious chance of seeing Mui also in the position of partner in a love affair.

Mui had been living, and still is while I am writing, in Lao Cai city for roughly six months. She left NNBY before the time limit of 18 months, because, as

²⁹ For an exploration of the sentiment of guilt, which partly paradoxically accompanies the embodiment of the victim position among trafficking returnees, I refer to Lazzarino 2014. In the same paper, Mui’s statement is also contextualized.

the psychologist of the shelter told me, she had a desire of freedom³⁰. I suspect that part of this freedom consisted in having a relationship, the first one she had really chosen, with a young man she knew since school time. They were planning to get married, but, he told me one day, almost in secret, when we were walking around Thu's house, in the open countryside, it was a problem getting married because Mui had already been. What they were trying to do, for the moment, at least to live close to each other, was to obtain a transfer for Khanh, an elementary school teacher, to Lao Cai, or back to Bao Yen.



Figure 7 One side of the room, an ex-class room, on the school campus where Mui and Thu were residing. On the left corner, the kitchen is just a piece of furniture with a little camp stove and a water galleon.

Regarding her job placement, after concluding her training as a tailor in Ha Noi, Mui moved to Lao Cai city, where she was given a job as a tailor of school uniforms. Along with the employment she was also given a place to stay, in a shared room on the school campus itself: an extremely modest accommodation, with several bunk beds structures, no real bathroom (just an external latrine), and no real kitchen (see figures 7, 8 and 9). She shared the place with Thu, and occasionally other girls. The salary they received was very low: just few cents per

³⁰ Unrecorded conversation, 29/4/13, Ha Noi (VN).

uniform. Yet, she had the project of opening her own shop back in Bao Yen, in her parents-in-law's town.



Figure 8 The school where in Lao Cai city where Mui was working and residing

Mui was still living far from her child. Yet, she was dreaming to set up her own little enterprise close to her son back home and to make enough money to raise him properly. She was also in a precarious relationship, with highly improbable chances of getting socially sanctioned by a marriage. Yet, she was not giving up the mid-term plan of trying to live besides the first man she was actually in love with and that she had chosen. Mui still was in a position of social marginality and vulnerability: she was a widow, a daughter-in-law not residing in her parents-in-law house, she was having a semi-clandestine affair with a man, and she was having a precarious and underpaid job. However, from her point of view, she had managed to take distance from the buffalo and the rice paddy (see figure 6), that is a rural life she was not satisfied with, and from the traditional gender positions of daughter-in-law and (forced) wife. At least when I met her, Mui had her life changed and was reconstructing her local world to be re-inhabited (Das 2000) and give sense to, albeit still from a marginal position and still making sacrifices and compromise.



Figure 9 Mui and Thu, with the faces hidden, in their room, where many beds were squeezed in. The girl on the right is my assistant, the one in the middle is another girl sharing the room.

I contend that, if a certain degree of success is perceived by the ex-residents, in terms of job placement, salary, and liberation from traditional gender positioning, there are some more subtle aspects of post-shelter lives, which keep these young women, like Mui, excluded from a full integration at personal, social, and economic level. These aspects are: the persistence of socio-economic marginality; the threat and the limitations posed of social stigma; the separation from familial affects, with a possible concomitant pressure of familial obligations from afar; the presence of restlessness and uncertainty; the infantilizing and normalizing effect of shelter residence³¹.

If HT can be conceived as a form of mobility undertaken by social actors, from a position of spatial and biographical marginality, in their quest for inclusion into a wealthier world of goods and life styles, the same quest is continued by trafficking returnees who chose to be assisted once back to their homeland. I argue that as a way of coping with the disintegration of that migratory endeavor, accepting to receive aid services for reintegration can be seen as an opportunity not to give up a plan for self-improvement out of a state of perceived marginality. Recovery and reintegration services are thus an opportunity for self-change from the point of view of the beneficiaries. Nonetheless, by casting light on some aspects

³¹ See below the case of Nhung (5.5).

of the post-trafficking life of Mui, I wanted to show how reintegration is a complex condition, also entailing a good degree of “new” marginality.

5.4 Sabrina: a returnee beyond structural violence

If I think of Sabrina, I think of violence. The research and life experience I had with her, when I was living in her house, made me try on my skin how leaving in a 360° violent environment was. Sabrina’s suburban area and neighbourhood were violent. One day the pharmacy was attacked, another day the supermarket was robbed. *Narcotrafico*’s fights with firearms were frequent. Her family was violent: betraying and offending each other, with the mother taking advantage of the daughters whenever she could. Sabrina’s role as a mother was imbued with violence. Even if she loved her children, the objective difficulties of her life made her treat them violently, even simply by letting them alone in front of a TV, at home, on the street: abandoned before, when she was in Europe, and abandoned now, when they were living with her. Her intimacy was violent: the relationship with her partner was sick. If not physically violent anymore, it was surely psychologically violent. Finally, it was incredible the violence Sabrina was doing against herself, against her body *in primis*, and then against her psychological wellbeing.

Her story, in my view, goes beyond, if possible, a situation of structural violence, or bring it to a radical stage. It is a situation where the structural violence of the milieu of socio-economic suffering is translated into all the tangible spheres of her life. Violence typically associated to HT is in her case just a further dowel of a dramatic picture. Yet Sabrina, also through taking on the identity of VoT, was making her way out of the dramatic picture, trying to become a different person.

5.4.1 The identity of the returnee

The first time I meet Sabrina is through her voice filtered by a microphone. Hidden somewhere backstage, inside the Municipal Theatre of Anapolis, she is

giving testimony of her experience as a returned ex-victim of HT during the Regional Seminar on the Fight against Trafficking in Persons held in June 2012³².

The voice of Sabrina synthetically retraces her story, when her sister, her cousin and herself were offered and enticed by a trafficker, in their brothel outside Anapolis, to go to Spain to continue their job as sex-workers, yet with far higher incomes. She talks about the tricks the traffickers used to make them trust them and foretaste the promised luxurious conditions of their future employment and lifestyle in Europe. They bought them clothes, took them to the beauty salon, did not show fear in front of the police in the airports, made them proper passports close to the town hall to show they were doing things legally. She mentions how, once in Spain, she soon noticed the actual indignity of the new job conditions and felt deeply humiliated: severely restricted in her freedom, with a growing debt and unbearable working hours. *“I knew it was for prostitution, but I did not imagine all that”*³³. Sabrina belongs to those particular cases where consent to migrate for prostitution should be considered irrelevant, as she was deceived on the slavery-like conditions she would encounter abroad.

³² The seminar was promoted by the NETP in Goias, the Secretary of Policies for Women and Promotion of Racial Equality (Semira) and the Government of Goias, all around the main urban centres of the state as part of the awareness raising and prevention activities (see Chapter 4.2.3). In Anapolis, the event was organized by the Directorship of Public Politics for Women and the Reference Centre for Women of the Municipal Secretary of Social Development (see figure 10).

³³ Recorded speech, 25/6/2012, Anapolis (GO).



Figure 10 The flier of the event in Anapolis where Sabrina gave her testimony.

All of a sudden during her speech, she stops recalling that sad situation and starts talking instead about how her life completely changed thanks to the organization *Projeto Resgate* (Project Rescue-PR), which helped her to come back home. The way Sabrina depicts her return is in terms of a radical modification and bettering of her life. After going through numerous and unimaginable difficulties, she managed to come back, she definitely abandoned prostitution, she now can pay for her house, and be “*the owner of my own business, thanks God*”. She also underlines “[...] *The work of Projeto Resgate is a real work, because you don’t imagine what human trafficking is, you don’t imagine that traffickers are here, really here [...] pimps are inside the bus station, here in the town hall square, close to the Federal Police office*” (see figure 11).



Figure 11 The Square next to the bus station and very close to the Reference Centre for Women. The building in the picture is occupied by other governmental offices of the Secretary for Social Development. On the right, it is visible the back of a military airplane, as Anapolis is the location of one of the most important air force base of the country. Apparently, in this Square there is a lot of semi-hidden prostitution.

When listening to that tormented faceless voice on that occasion, I could not predict that I was going to know Sabrina very well, up to the point of ending up living in her house, with her two children and her partner. After the seminar, Ms Nelma Pontes, the then coordinator of the NETP, introduced us and I asked Sabrina to give me her phone number.

5.4.2 Assistance on an outpatient basis: *Projeto Resgate* and the financial recovery

Sabrina, like Anna, was assisted to come back to Brazil and to reintegrate by *Projeto Resgate*. PR is one of the 71 institutions (including various prefectures of the State) constituting the State anti-trafficking network³⁴. It is one of the most active members, dealing with repatriation and the support for reintegration of Brazilians from abroad on an outpatient basis. For the follow up of the returnees and their integrated and specialized support, *PR* operates in coordination with the local Reference Centres for Women, the Reference Centres for Specialized Social Assistance, and other non-governmental organs all over the country devoted to

³⁴ According to the list given to me by the then coordinator of the NETP Ms Nelma Pontes, in May 2012 (see Chapter 4.2.3).

social assistance, as established by the law³⁵. In Europe, *PR* works in partnership with the IOM, Belgium Caritas, the Brazilian Consulate and the Salvation Army, managing, in this way, to bring back a growing number of migrants per year.

Mr Marco Aurélio Sousa, a local evangelic pastor, is the friendly executive secretary of *PR*. He does everything himself in the organization: sometimes his family gives him a hand and, before I left the country, he managed to find a young assistance. The many times we met on various occasion he was constantly in a hurry. He himself is the person who goes to the airport to receive and assist the Brazilians - not all of them, as seen, are victims of trafficking, but all of them are in great difficulties - who come back through the support of the organization which is based in Zurich (Switzerland)³⁶. Interestingly enough, Mr Sousa told me that the organization precisely originated, six years back, in 2006, from a growing demand of support to return home from behalf of the many *Goianas* prostitutes working in Europe³⁷.

Other than bureaucratically caring of the return process from various European countries (such as Switzerland, Belgium, Spain, Italy, Portugal, etc.), *PR* takes care of the returnees during their social reintegration in Brazil, essentially providing economic support. The main assistance that returned victims need regards the setting up of a micro-business (often a fast food restaurant, a shop or a beauty

³⁵ See Chapter 4.3.1 and 4.3.2.

³⁶ *PR* new website is <http://www.projektresgate.ch/en/> (last accessed: 14/8/2015).

³⁷ Recorded interview, 16/5/12, Goiania (GO). In this respect, it is worth noting that it is well known the existence in the Goiana town of Uruaçu of a neighbourhood called “*das espanholas*” [of the Spanish women] in reference to the fact that it was built with the remittance of the prostitutes migrated to Spain. According to Mr Sousa, the tradition of emigration presumed by Mr Barros, seems to be registering a decline, especially since 2009 economic crisis, when Europe and the US started to facilitate the return of exceeding workforce. Such North-South trend is highlighted in the last World Migration Report of IOM, where it can be read that in Brazil, 175,766 individuals (65% of international immigrants) came back home in 2010 – roughly twice the number recorded in the 2000 census, and mainly from US, Japan and Portugal (International Organization for Migration 2013: 79-80). According to the Assisted Voluntary Return & Reintegration programme (AVR&R), Brazil is the eighth among the top 10 countries of origin for AVR&R, with 1802 cases in 2012 (IOM 2012), whereas in 2006 and 2007 the requests received by IOM-Portugal were between 300 and 400 (datum taken from the video “Stories of Reintegration in Brazil – IOM 2012” (<http://videos.sapo.pt/D1KOoZbVdvWWQidIrgCQ> - Accessed 28/8/15). For more on international return migration from Brazil I refer to the recent report by Botega, Cavalcanti, and de Oliveira (2015). Overall, The data we have on returnees and assisted are fragmented, poor and barely inexistent. Yet, *PR* has its own archive with figures and typologies of returned migrants. Up to 2010, the organization managed 45 cases, among which 17 are cases of trafficking and exploitation. In 2011 only, the cases were 54, including Brazilians repatriated by IOM, of which 17 were cases of trafficking. Up to October 2012, the cases were 26. I have to thank Mr Sousa for having shared with me *PR* archive documents. Now many of these figures have been put on the NGO (website <http://www.projektresgate.ch/en/project-rescue/return-assistance-with-reintegration/>, last accessed 15/8/15).

salon), education and vocational training courses, job equipment, expenses for the house (either to finish buying and building it, or for the furniture or the rent), health care and psychological assistance. When the returnees have minor children, they are also included in the aid programme especially in regard to the payment of school monthly taxes³⁸. The material resettlement and economic tranquillity of a returnee are crucial aspects of the reintegration process. According to Mr Sousa, an employment is absolutely the main necessity of all returnees, “*because they want to be productive again, they want stability*” and they desperately need money for their family, the bills, the rent, etc.

5.4.3 Psychological reconstruction

Nonetheless, a harder challenge concerns the psychological and relational realms. Returning, after a long experience of exploitation, means dealing with a series of difficulties rotating around the failure of a project. Such project is evidently not only financial, whereas primarily of social and personal identity. For the cases of HT, the return accompanied by a self-recognition as victim, imply a stronger crash, since it means coming to terms with a series of lies and dissimulations directed to oneself, to the family and the community. It usually takes time to recognize, accept the condition of exploitation and rebel against it, and then communicate and make it public. Yet, this is not the case of Sabrina, who immediately realized that she had been deceived and that was being exploited.

On a psychological level, returning means a rearrangement of the identity, a reconstruction of a moral system of values and a relocation of a sense of self inside a new social milieu and life plan. In Anapolis, I met various times with the psychologist Cíntia Maria Ferreira Maia of the Reference Centre for Women. Ms Maia worked in direct contact with some returnees, referred to the Centre also by *PR*. She argues that the trauma suffered by the returnees of trafficking is greater than that of women victims of domestic violence. Indeed, she explains, when they come back they are unable to establish satisfying and positive relationships, sometimes these are even violent, because in a sense they feel guilty and “*that they*

³⁸ See <http://www.projektresgate.ch/en/project-rescue/reintegration/> (last accessed: 15/8/15). Given the great variety of the cases, the amount of USD invested for each case varied considerably from a minimum of 500.00 to a maximum of 8000.00 USD (from *PR* archive's reports).

do not deserve happiness”³⁹. Moreover, they often have to face an addiction to alcohol and drugs they contracted in Europe.

According to the psychologist of the NETP of Goiás in the Reference Centre for Equality in Goiânia, Elisabeth Fernandes, psychological violence is the most relevant in cases of trafficking, because, in her experience, the depression returnees have to face is severe, also due to the addiction to drugs and alcohol. Mental health is the most affected since the entire sexual and physical integrity of the individual has been humiliated, and, on top of this, it occurs once they are back, the subsequent exposure of the failure and *“this failure is also in the body”*⁴⁰.



Figure 12 Social houses of the project welfare project “Minha Casa, Minha Vida” (My House, My life).

Mr Sousa of PR told me that he often went to the airport to receive the returnees *“because I need to create empathy. He [the migrant] comes back scared, shameful, because he failed in Europe”*. He also explained that sometimes migration occurs because a neighbour or a friend invites to emigrate, and if they have success and the returnee does not, she/he feels ashamed and *“many do not want to come back because they feel ashamed, deceived, ...they feel like a failure [...] because “the other one managed and I didn’t”*. Moreover, along with a

³⁹ Recorded interview, 25/7/12, Anapolis (GO-BR).

⁴⁰ Recorded interview, 26/7/12, Goiania (GO-BR).

feeling of shame, there can also be a great sense of incapacity: “*if I was unable to make it in Europe, can it be that I can make it here? [...] and this feeling of failure persists up to the point when he stabilizes*”, Mr Sousa comments.

But when can a trafficking returnee be said to be stable? I ask him how the necessities of the victims are monitored and he explains to me that when they arrive in Brazil, they have already gone through a process of evaluation and possibly recovery inside the NGOs in Europe, “*a sabbatical period*” during which they can think what they want once they are back. According to this first evaluation, *PR* can also manage the case accordingly and prepare an *ad hoc* treatment, activating the appropriate persons inside the local governmental net. Therefore, he continues, when they land, their project is defined: surely some of them change it “*because the reality here is different*”, and the “reality” of Sabrina and of other returnees I met was indeed different.

5.4.4 A violent life

I lived with Sabrina, her two children and her Portuguese partner for little less than two months, in a suburban neighbourhood surrounded by *favelas* and social housing⁴¹ of the town of Anapolis (see figures 12 and 13). During that period I witnessed, day by day, her struggle to redeem herself and to reacquire autonomy as a subject in power of her life, constantly facing the economic difficulties as well as the psychological ones.

Sabrina is approximately 35, by now. Her memories are full of difficulties and violence of every kind. Her father was an alcoholic and abandoned her, her mother and three sisters. Her mother got sick, and since then she was still obese, suffering of diabetes and of heart problems. When Sabrina was 15, she stabbed for 17 times her brother in law, and after that she spent various years on probation, re-education and hiding. Her first great love, a gigolo narcotrafficker of the area, was assassinated by firearm. Still very young, she did various kinds of humble jobs to make a living, including one in a fruit and vegetable market where she was

⁴¹ For respect to Sabrina and her family I keep the exact name of the neighbourhood secret. The term *favela*, as Sabrina herself explained to me, refers to the presence of narcotraffic, rather than to the stereotypical image of semi-permanent crowded housing. The social housing I am referring to is one of those created under the project *Minha Casa Minha Vida* [My House My Life], part of the general attention and improvement of the welfare state and social development of Lula’s government (see figure 12).

constantly subtly abused in a machist environment. At the age of 17 she gave birth to her first children, Elisa. After six months, she separated from the father of her daughter, a man with whom she continued to have an affair, with up-and-downs, for 12 years and had a second child. After the birth of her daughter, at 17, she entered into prostitution. Then she was recruited by a trafficker and she went through the experience as a sex slave in Spain. She then unhappily married an old Spanish man and went through years of difficult living in various European countries to end up in Switzerland in a troubled cohabitation with a Portuguese bricklayer, Pedro (the same man who is living with her now). During the years in Europe, Sabrina was heavily addicted to alcohol and cocaine, with four hospitalizations for overdose. She also had a serious depression and serious eating disorders, which were still acute when I met her.



Figure 13 Victor, Sabrina's younger son wearing the school uniform and the *favela*.

I will always remember the comment of the young journalist, well dressed and in a perfect make up, recently landed from São Paulo, with her team, to make a TV report on HT for sexual exploitation, eagerly in search for interviewees. After briefly meeting with Sabrina to arrange an interview and a visit to her house, she

asks me: “*How old is she?*” I tell her the age, and she says to me trenchant: “*Acabada*”⁴².

I realized that, even when reading in my field-notes that I was very worried for the deterioration of her psychophysical conditions, I never thought of Sabrina as a woman with no hope. Just the opposite. Albeit her everyday life was very hard.

5.4.5 Hard routine

Every morning, Sabrina and Pedro wake up at 7 o'clock to go to work in the restaurant that *PR* helped them to set up, along with a loan from the bank (see figure 14). An unemployed girl friend of Sabrina gives a hand in order to have something to eat, for she separated from her husband and has two kids to feed. They start cooking for lunch, usually in a good mood, with loud music and full of hope for the day. Pedro goes food shopping on a very small bicycle, while the women start setting and laying the tables, and cleaning, until the first client shows up, usually by 11 am. From that moment, Sabrina starts praying for the next client to come. They keep the restaurant open until 3 or 4 o'clock in the afternoon, if they decide to close for dinner, otherwise they keep on working until 11 pm. Clients were always scarce and the day usually ended with Sabrina showing her preoccupations and her bad mood.

By 7 in the morning, Elisa, the eldest daughter of 14 years, is already in school, yet by midday she finishes and she goes to the restaurant as well to help if necessary, watching TV and getting bored. Victor, 12 years old, goes to school only in the afternoon and the first thing he does once up is to turn the TV on, play a videogame or go to play in the street.

The entire family go to church twice a week, a Pentecostal Evangelic congregation, and during the celebrations, Sabrina cries all her tears, looking for the strength to keep on going and stay away from drugs and prostitution (see figure 16)⁴³. Every night, Sabrina comes back home tired, almost in despair because the business is not going well. The restaurant is not even self-sufficient, while the debts for buying the food, paying the rent and the bills are growing. She complains about

⁴² In English “*Uma mulher acabada*” would literally be “A finished woman”, meaning a woman who is old already, done, with no hope, whose life has destroyed her. I am vague with respect to the TV programme on purpose.

⁴³ See below on Evangelic churches note 76.

Pedro, about their fights and disagreements on different topics, and, sometimes, she confessed to me that she would like to go back into prostitution, because, in that way, she could pay off all her debts. Sabrina has been eating and vomiting all day long.



Figure 14 Sabrina cleaning the floor of her restaurant.

5.4.6 A devastating migratory experience

After her first weekend of work in a club, when she was a teenager, Sabrina came back home with almost one thousand Real⁴⁴ and promised to her mother that, from that moment, it would never happen again that light and water were cut off in the house for not paying the bills. She could not keep the promise. After roughly 13 years, she was asking me lend her some Real to pay for the electricity, after we were left in the candle light for two nights.

Sabrina arrived in Europe with her sister and a cousin, because the promises they received by the traffickers were impressive. She was the most suspicious of the three, but she finally went and find herself in a totally isolated brothel, with other 40 imprisoned women, the majority were Brazilians, forced to work up to 12 hours per day and to observe very strict rules, monitored 24 hours, with their passports and

⁴⁴ 1000 Reais correspond now to roughly 260 Euros, at that time it was probably far less, but with a higher local purchasing power.

approximately 70% of their income taken, displaced on Saturday night from the brothel to the discotheque and back, as “*a herd of pigs*”⁴⁵. After one month, she went into another house run by the same couple of pimps, because she started to fight with her sister. She spent one more night there and she ran away.

One night, in her simple house (figure 15), Sabrina showed to me all the pictures she had of her European life, including the one of the little country road covered with snow, in the middle of nothing, she walked in search for a taxi, with only 50 Euros in her pocket. It was the day she escaped. Since then, her life became even more difficult: she kept doing sex work independently, but always under threat, she became slave of cocaine, she got unhappily married for three years with the man who paid her debt with the traffickers, and she left prostitution.



Figure 15 The courtyard of Sabrina’s house.

She then tried to take her family to Europe, but they were deported. She became depressed, separated and then she became a prostitute and drug abuser again in the Basque Country. She then recovered herself and went to Switzerland where she met Pedro, who was married at that time. She started with whom she started to have a strong relationship. Pedro greatly helped her, also in bringing her children to Europe. But, after a while, she again became seriously sick and

⁴⁵ Recorded interview, 25/7/12, Anapolis (GO).

depressed. Sabrina and Pedro started fighting constantly. After the third aggression from his part, more than nine years later she had left Brazil, Sabrina packed her stuff, took her children and went to the police station to request for deportation.

In May 2011, Sabrina and her two kids landed in the airport of Goiania. This time she had nothing. It was not as the previous times when she was returning full of money and everybody was waiting for her at the airport. She had nothing in Brazil, because her mother spent everything that she had been sending for years, probably in gambling. *“There was a moment when my family and my kids loved me because I was in Europe”* she told me, *“because I was sustaining the family, you understand, and a moment arrives when it seems that you don’t have value, because you are not there [abroad], you don’t have money anymore, so you don’t have value anymore. It seems that people do not believe that I will overcome, I will succeed, I will win, I will manage”*⁴⁶.

When I asked Mr Sousa with respect to the immaterial necessities of a returnee, he affirms that family affection is very important, along with a sense of security, *“because a Brazilian is very much family-oriented”*⁴⁷. They want to be close to the family and to the child they had left here and to whom they try to become parents again and not only “sponsors” who send money. And at the airport, this time, there was him waiting, ready to help. And Sabrina recalls that moment with great emotion and as a liberation, even if she had empty ends full of challenges to be faced.

⁴⁶ See note 43.

⁴⁷ In Brazilian Portuguese the idiomatic expression is *“O Brasileiro é muito família”*.



Figure 16 In front of the church attended by Sabrina and her family

5.4.7 Subjection in violence

With the support of the programme and the new faith she developed inside evangelism, Sabrina is the only sister among the four of them, plus her mother, who is trying to change her life. But her conditions are still extremely precarious. On one side, she refuses a psychotherapeutic treatment, on the other, she appeals to the Reference Centre and *PR* essentially for money. Sporadic cash does not bring stability, in the same way as economic tranquillity should go with a socio-psychological one. The social environment of extreme poverty and violence, the presence of the highly problematic family members, the business of the restaurant totally counter-productive for a severe eating disorder, the traumas concerning her intimacy, sexuality and relationship with her partner, among other complexities, make it difficult for Sabrina to resettle, in a broad sense.

I ask Sabrina how she feels now with respect to her life, if she feels she is on the right track and in control of her life. Sabrina answers affirmatively, telling me how she has gained wisdom from her experience and how she has changed. “Which is the thing that mostly changed you, the lesson that altered your identity, your personality?” I continue, and she reaffirms that she has completely changed,

both physically and psychologically, underlining that the fact she is not obliged to lay with men any more gives her strength. The thing she mostly values in herself is her determination against the constant fear to go back into drugs and prostitution, and the fact that, despite she enters in a shop and she has no money to buy the things her children would like - and therefore it would be so easy to go back to the night club - she is resisting. In the same way, she is trying and “*asking God*” every day to learn how to love and have a happy sexuality, since her physical and psychological intimacy have been seriously spoiled.

The success of the restaurant was among the dreams for her future, Sabrina mentioned to me that day, but as it was predictable, by seeing the actual trend of the business day by day, that the restaurant was to close. Sabrina is now working in a factory. As also Ms Nelma Pontes, the coordinator of the NETP at that time, told me, Sabrina needs to solve things inside herself first, her eating disorder, her depression and her withdrawal symptoms and that the restaurant was not the right track. “*She needs to change her life and we will create the conditions for her to seek help in this sense*”⁴⁸. I do not think these conditions have never been created.

In the case of Sabrina, I maintain, symbolic and soft violence (Bourdieu 2001), which is also structural (Farmer et al. 2004; Farmer 1996) and invisible (Žižek 2007), is embedded with and also perpetuates the spectacular and intimate physical and psychological violence. This total violence is a morally loud and naturalized violence, which impregnates subjectivities. It plays a decisive role in the production of suffering, yet escaping any easy identification of a univocal relationship victim-perpetrator, as well a vision of violence as only degrading or annihilating subjects.

For every migrant, but arguably more strongly for a trafficking returnee, the return shall be conceived not only as a mere geographical displacement, as a bureaucratic State border crossing and repatriation procedure, as a statistical phenomenon. It is also approached as an active transformation of the subjectivity of the social actors undertaking it. The agency of the returnee of trafficking is particularly striking when we think that it arouses in contrast of a two potentially

⁴⁸ Unrecorded conversation, 27/8/12, Goiânia (GO).

disempowering positions: the one of “victim of trafficking” and the one of “failed migrant”. The story of Sabrina offers an idea of the everyday greatest struggle for recovery and reintegration. Indeed, in the testimony Sabrina gave during the Regional Seminar on the Fight against Trafficking in Persons in Anapolis, that I reported at the beginning of this section, as well as during the interview she did with me, she depicted the moment of return and her present life as a happy rebirth. Yet, by living with her, her actual local world resulted far more complex and hard. Her case is a lived response to the governmental and humanitarian discourses and practices, well showing how subjection can work in condition of extreme violence.

5.5 Nhung: the infantilizing “shelter effect”

Shelterization is a widespread option for the assistance to and recovery of ex-victims of HT⁴⁹. The establishment of shelters is a very tangible outcome of anti-trafficking measures: relatively easy to set up, but also relatively easy to find sponsors and funds for, shelters are undeniable proof, in front of the international and internal community, that the State and its local authorities are *actually* active in the fight against TIP. Nonetheless, the shelters I knew about, visited and conducted fieldwork in were all run by foreign cooperation agency, international or local NGOs. Shelters are indeed a good humanitarian business, where usually State intervention is limited to the approval of a license.

Anthropological studies, and of other disciplines within the academy, on trafficking returnees’ rehabilitation and medium and long term reintegration, are, to my knowledge, scarce, and even scarcer on reintegration via shelterization (see also Laurie et al. 2015 and Schloenhardt 2011). Qualitative and quantitative research, specifically on the after-shelter life of ex-victims of human trafficking, barely exists⁵⁰. Some studies can be found on shelter’s life in structures for the

⁴⁹ See above Chapter 1.3, Chapter 4.2. and 4.3 for some information on the shelter houses I conducted fieldwork in and for some observations on the situation of the shelters’ structure in Brazil and Vietnam.

⁵⁰ A notable exception is constituted by the study of (A. T. Gallagher and Pearson 2010)(A. T. Gallagher and Pearson 2008). Precisely when finalizing this text, Bearup’s thesis was made accessible constituting a further contribution, and to my knowledge the only comprehensive one, to the topic (Bearup 2015). Another extremely interesting and unique work on reintegration is the one of Laurie et al. 2015 (see Chapter 6).

assistance of women victims of domestic violence (e.g. Madsen et al. 2003). More abundant are IGOs and NGOs manuals and reports, with a particular focus on the psychological needs and disorders of minors victims of sex trafficking⁵¹.

5.5.1 An adolescent's day in *Ngôi Nhà Bình Yên*

In Vietnam, there are five long-term facilities, which are managed by local governmental organizations with the technical and financial support from international NGOs and cooperation agencies (COMMIT 2012, 5)⁵². Healthcare and counseling, legal assistance, vocational training, education, and recreational activities are offered, in accordance with the international standards (IOM 2007, 163–169).

Ngôi Nhà Bình Yên is no exception: its residents “receive safe accommodation; health and psychological care; legal aid and protection; career orientation and training; life skills; work placements and re-integration support to build a new life” (CWD and AECID 2012, 10). The shelter, a pilot model in the capital city, was opened in March 2007 thanks to the support given by the Spanish Agency for International Development Cooperation (AECID) to the Center for Women Development (CWD), which is a branch of the Vietnam Women's Union (VWU)⁵³. The CWD set up and operates the house, with an almost entirely Vietnamese staff.

I regularly visited *Ngôi Nhà Bình Yên* from August to December 2011, and I could see the day-by-day of the life in the shelter and how all the expected services were actually delivered. The house could host up to fifteen residents along with the manager, three social workers, two maids and two guards. Located not far

⁵¹ Among the manuals and reports I consulted, I consider the most relevant the following ones: COMMIT 2012; Fernandes 2013; IJM 2009; IOM 2007; Lisborg 2009; Reimer et al. 2007; Schinina' 2004; Wedge 2013; Zimmerman and Borland 2009.

⁵² According to the data I could collect during my fieldwork, shelters are eight, including short term reception centers (see article at http://www.no-trafficking.org/story_vn_shelteranniversary.html. Accessed July 12, 2015). Conversely, in the last TIP report, shelter structures are indicated as being three and all run by Vietnam Women's Union (The last TIP report on Vietnam is available from <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226848.htm>. Accessed: 12/7/2015). Evidently, there is some confusion of classification. For sure though, in Northern Vietnam, there are currently three shelters: one in LAO Cai city and two in Hanoi. One of the two structures in Hanoi is a recovery center which is exceptionally run independently by an international NGO (for more on Vietnam assistance apparatus see above 4.3.)

⁵³ http://www.cwd.vn/en/index.php?option=com_content&view=article&id=46&Itemid=53 (accessed: 14/7/2015).

from the CWD, at a secret address⁵⁴, the house was a typical Hanoian one on three floors in a characteristic narrow street (see figure 17). The ground floor was a large open space with the kitchen. Other than cooking and eating, the majority of the indoor recreational activities were happening here (see figure 18). On the first floor there were one bedroom, one bathroom and the office of the social workers and the manager, where some other activities, such as group therapy, occurred. On the last floor, there were two more bedrooms and another small bathroom.



Figure 17 The street of Ngôi Nhà Bình Yên.

On a typical day, the residents would wake up around six o'clock, quickly get ready and go downstairs for breakfast. Following regular shifts, some girls help the maid for cooking, cleaning and washing the dishes. Those who are attending vocational training courses go out, reaching their destinations essentially by bicycle or accompanied by one of the guard on a motorbike. According to the structure of each course, some of them would come back for lunch between 11:30 and 12 am, and go back to school afterwards or stay in, others would directly come back for

⁵⁴ In 2012 the shelter changed location; it was moved into a bigger house in a quieter neighborhood in the Western district of Cầu Giấy. I quickly visited the new house, which actually looked more luxurious, in May 2013.

dinner, between 6 and 6:30 in the afternoon. At the time of my research, the courses offered fitted the traditional gender-stereotyped package (Lisborg 2009, 4–5): hairdresser, tailor, waitress, and cook were the careers the majority of the residents was studying for.

Those girls who were in the process of choosing their vocation, or were waiting for the funds to be allocated for the chosen vocation, enjoy some regular indoor activities, such as a crochet classes every Wednesday morning, on Thursday afternoons yoga practices—I myself proposed to introduce when asked to suggest ideas for filling the residents’ free time—, or occasional “exotic” cooking experiences, when there was the opportunity of taking advantage of a foreign visitor. Special recreational activities are meant to involve everybody and thus generally occur on the weekends. During my fieldwork, one time it was organized a visit to the Vietnam Museum of Ethnology, a second time a tour at the Botanical Gardens with kites and photo shooting was cancelled due to the bad weather conditions, and a third time a film screening was offered.

My impression was that, with few exceptions, these activities would better suit people in their early adolescence. The choice of the film was in this sense emblematic. All the movies I proposed were rejected because considered inappropriate or disturbing for the residents, and in the end it was chosen a Pixar animation movie.

With the aim of protecting their clients, the direction was at the same time projecting a rather infantilizing image onto them. The creation of a cocoon-like environment inside the shelter was in sharp contrast with the residents’ life outside it, in the present—when the girls occasionally return home to visit their family—, in the past and in a future perspective. Some of them had been wives, some were also mothers, some others still had a family to send remittances to once out of the shelter, and the majority of them had had violent and difficult experiences to go through, in China and in Vietnam alike. Thus, in general, they were not naïve little girls.

The over-protective infantilizing effect of the structure is also tangible in the residents’ restriction of freedom: most notably in the possibility of going out, seeing friends, using the mobile phone and going back home. Every movement must be agreed with the social worker, who in turn always coordinates with the manager and the director.

Each social worker manages a maximum of five cases. The social worker becomes an all-comprehensive important figure of reference for the returnee. Usually a woman, she ends up knowing everything of the cases she manages and she accompanies the returnees through every step of the recovery and reintegration process even in the “new” after-shelter life. It is indeed not unusual that during the follow-up period the relationship with the social worker becomes the most relevant one, similar to a kinship bond with a close aunt. In this sense, the social worker often becomes more intimate with her client than the psychotherapist.

This was certainly true in the case of Ngôi Nhà Bình Yên at the time of my research when a male French psychologist, assisted by a female Vietnamese interpreter, was taking care of the psychological recovery of the residents and of training the staff. The individual psychotherapeutic sessions were organized on a weekly basis respecting the schedule of the courses and of the other activities. At the beginning, every new arrival at the house has some talks with the psychologist, subsequently only those cases that are considered needy continue the therapy. Group therapies were also provided, yet during the months I was there, they were at an embryonic stage still and not regularly held⁵⁵.

In its first six years, Ngôi Nhà Bình Yên welcomed 260 returnees, of fifteen different ethnic minorities and forty-three different provinces (CWD and AECID 2012, 11). The maximum duration of the stay in the house is of eighteen months and a follow-up of twenty four months is provided. However, when I asked to Ms. Pepa Rubio, the Spanish project technical assistant at that time, whether a project’s impact assessment had been produced, and where I could find data regarding the reintegration outcomes, she shook her head saying: *“no...we don’t have data regarding the outcome of the reintegration...this is a problem indeed. Sometimes they [the ex-residents] want to cut all relations...sometimes they simply change phone number”*⁵⁶. But this was not the case of Nhung, an emblematic ex-resident who was keeping a strong bond with NNBY.

⁵⁵ During the time of my fieldwork, only one group therapy event was organized, and I was very surprised, for instance, when I was even asked to organize one, albeit I didn’t have any qualification for it.

⁵⁶ MS. Pepa Rubio, recorded conversation with author, Center for Women Development, Peace House Shelter Project office (Hanoi), May 24, 2013.



Figure 18 Ngôi Nhà Bình Yên ground floor and common areas for eating and doing various activities. The kitchen corner is behind the wooden cupboard.

5.5.2 Strength and perseverance

I met Nhung at the end of May 2013. It was one year and half after I said goodbye to her in NNBY, where she was residing, in 2011. Our meeting was in front of her house in *Hoang Hoa Tham* street, in Hanoi city, south of the large West Lake. When I arrived there, she was already outside, sitting on her motorbike, ready to go to a café she knew nearby. She looked peaceful and in a good spirit. In front of an avocado juice she started talking about her present.

She was about to move, she told me, because the place she was living in was in too bad conditions, with water up the ankles every time it rained. She was going to share a room with two other girls. One of them was an ex-resident of NNBY as well and also a good informant of mine, Mai. Nhung's new accommodation, where I then spent many evenings and cooked many lunches, was extremely modest, not so much for the location—a vital area in the western part of the city—, while for the building itself, which was dirty, full of rats, and with no lights on the staircase (see figures 19 and 20). Evidently, it was a building rented out to Vietnamese people only, who had migrated to Hanoi from other parts of the country for work.

During her one year long stay in NNBY, Nhung took a vocational training course as hairdresser. Neither her life in the shelter nor at school were easy for her. When I first interviewed her, she told me she was feeling very insecure about

herself, in particular, on that occasion, because she had just had an argument at school where she dared shouting back at her teacher⁵⁷. For this reason she wanted to quit school. But eventually she did not. She endured. She completed her training and started her apprenticeship in a beauty salon, together with Hoa, another NNBY ex-resident. After some time, she felt uncomfortable working there, due to her boss, a mean woman who was treating them rather bad. She found the courage to leave and search for another internship. She found it in a good place she liked, where the boss was nice and her colleagues as well. Every Wednesday evening she was attending an institute where hair dressing trainees could practice on young people who wanted their hair cut for free, and when she felt like she did the same thing outside the so called “Student night market” in the universities’ area of the city (see figure 21). Soon she would start being a proper employee in a third salon, while dreaming to open her own.



Figure 19 Nhung’s accommodation around Nguyen Khanh Toan street, shared with two other girls: one room, with a small bathroom and a simple burner to cook.

Nhung was born in a little village in Muong Khuong district, a mountainous rural area in Lao Cai province at the border with China (see figures 24 and 25). She was 26 in 2011, when entered NNBY. She decided to give herself an opportunity to

⁵⁷ Recorded conversation, 25/10/11, Hanoi (VN). This kind of behaviour is considered very negatively in Vietnam, where hierarchical roles and the control of certain emotions are very valued.

study and find a better job, even if not the one wanted when she was young. When she was 17 her father died of a stomach cancer. Her mother, a primary school teacher, was left with four children to grow, and Nhung, the eldest, decided to quit school and bring some money home: “*My mother told me I could go to school, but I refused, I wanted to help her: we had no money and a debt to pay back*”. For ten years Nhung had been working in a tea field during the week, on the weekends she was helping her mother on another field, and seasonally she was working as a shop assistant in China. Even this employment was hard: she had to cross the border every day and carry heavy stacks of clothes up to the sixth floor of the building, she recalled.

Nhung was not only orphan of father, but also a single woman who separated from her husband. Like Mui⁵⁸, she got married at 17, a short time after leaving school, and a couple of years later she gave birth to her daughter. After few more years, it was her who decided to separate from her husband, and in 2011 she was finalizing the divorce legal process. It is not at all common, especially in rural areas, that a woman undertake a separation from her husband, up to bringing it to a legal divorce. Yet Nhung resolved she did not want to be with a man she was not in love with and in a family she did not get along with, albeit this implied separating also from her daughter. But this is a topic I never wanted to deepen because every time we started talking about her daughter, Nhung’s eyes started to dampen and I preferred to stop.

⁵⁸ See above.



Figure 20 Where Nhung and her roommates stored their stuff, just outside their room.

After knowing these details of her past, revealing an outstanding determination, I was not surprised anymore about the very heavy words Nhung used to describe the man she was forcibly married to in China, even if for “*just eleven days*”, she proudly specified, before managing to have the police come to her house and rescue her⁵⁹. I have never heard a returnee expressing so blatantly and almost aggressively disgust for the man, or men, she had to be with. “*He was too ugly and fat, he used to eat huge pieces of meat, like a pig, and then he was all greasy around his mouth. He never took a shower, never brushed his teeth. He snored at night. I refused to sleep with him unless he washed himself. At the beginning his mother was sleeping between us*”.

⁵⁹ Nhung told me that the very day she got married, when her Chinese husband was out drinking, she managed to take all the identification details of the man, including their exact address, and sent them to her mother. In this way, her mother in Vietnam was able to alert the police, and after eleven days the Chinese authorities reached Nhung’s house and, even if the Chinese family tried to hide her, she was eventually found and taken to the police station



Figure 21 The location outside the evening market where young hairdressing trainees are offering haircuts 100% for free (*cắt tóc miễn phí 100%*)

5.5.3 Stigma and more self-stigma

Albeit the very short experience as a trafficking victim, once back from China, Nhung was very sensitive to the issue of stigma. At the level of lived experience, her self-stigma was high and she felt very ashamed and guilty for what had happened to her. *“I made a big mistake because I too easily relied on other relied on others [...] and also because I was not strong enough to refuse the man”*

After spending 15 days in the SPC of Lao Cai city⁶⁰, she went back home to her mother’s house in Ban Lau, where she spent two months before deciding to enter NNBY, the shelter in Hanoi. During those two months, she told me, she did not dare to go out because she was afraid of the stigma she could suffer in her community. Accordingly, she reputed it was better to quit the love affair she was having before the experience in China, because she felt too ashamed and in a way blank in terms of feelings: *“After returning, I didn’t feel anything. But I had bad feelings for men, because maybe they just want to take advantage of me”*

Furthermore, once in the shelter, at the beginning of her stay, when I first met her, she was very upset. She was uncomfortable in the *Peace House*, which she did not consider peaceful at all, first of all with respect to one of the two security guards: *“He has the attitude as if we are like prostitutes... he even tried to touch*

⁶⁰ For a presentation of Lao Cai Social Protection Centre see above Chapter 4.3.7.

me, and he gave me bad looks. He does not respect his role: he monitors everybody. For example, if you eat a bit more for breakfast, he tells you that “when you go back to your hometown, you don’t have so much to eat”. You are like a prostitute, you don’t have the right to say anything. Nothing is said to your face, but a lot at your back”. In addition to this, Nhung was not able to establish close relationships with the other residents, with whom she was not sharing her story.

According to the psychologist of the shelter at that time, Nhung never had psychological problems to be treated⁶¹. Nevertheless, this does not mean she was not encountering any difficulties at all, as seen. In my opinion, the Chinese misadventure was particularly disruptive for Nhung because she was already in a fragile condition, in terms of social position, as she was both an orphan and a separated wife with a daughter. The mistake she made by putting herself in the situation which led her to be sold made her self-esteem lower significantly, and subsequently easy to become low.

When I first met Nhung, in 2011, she was in a moment when she was feeling powerless, insecure and unhappy of herself. It was my impression that, after having made hard and challenging choices all her life, at least since the death of her father, she developed a strong sense of responsibility and a good self-reliance, aware of partly being a social outsider. For this, I think, she was considerably blaming herself, her self-confidence was wavering and she was hyper-sensitive to stigma. In fact, I did not consider utterly objective her opinion regarding the shelter security guard, and her perception of the life in the shelter was definitely too dark.

5.5.4 After the shelter: infantilization

When I met her again, almost two years later, I had the impression of having in front of me a different person. Nhung “*had made very positive changes*”, as her social worker also noticed⁶², in terms of self-confidence and serenity, in the first place. Yet, after meeting with her various times and becoming more familiar with her life, I noticed a general striking feature: Nhung seemed to be living in a second

⁶¹ Only a great grief for being separated from her daughter As I could also confirm (see above). Unrecorded conversation, 29/4/13, Hanoi (VN).

⁶² Ms. Huong, recorded interview with author, café near Peace House shelter (Hanoi), June 15, 2013.

late adolescence, where NNBY represented her parents' house, that is her reference point to which she was partially dependent on.

I argue this on the basis of various details. Nhung seemed to be thoughtless in terms of adulthood's responsibility. In the first place, I refer to her role as a mother. Like Mui, for example, but differently from other young returnees I met, she was not sending money back home, and she was rarely going to visit her daughter. More broadly, she was acting as if her purposes, in that moment of life, were those typical of an adolescent: to finish her traineeship and start her job experience; to take good care of her look as if she was (re)discovering her femininity (e.g she was wearing different clothes every time I met her); to enjoy going out for dinner or for a drink; and to live with no serious commitment an affair with Khanh. She had met him almost two years before on the train back from Lào Cai, on one of the few occasions she went back home. But, albeit this long period of dating, they rather be independent, as she told me, and *de facto* they were having a teenagers' like relationship, meeting now and then⁶³.

Furthermore, her social life was still rotating around NNBY. She was in constant contact with her social worker, she was regularly going to the house to practice her hairdressing skills on the staff members and the residents, and she was occasionally lending herself to recite the role of the well recovered and reintegrated victim when there were some ceremonies for the donors to be done⁶⁴. She was even using the backpack of the shelter project, even if she had cancelled the text on it where it was absurdly written that the shelter was for HT victims (see figure 22).

⁶³ Fieldnotes, diary 7.

⁶⁴ Fieldnotes, diary 7.



Figure 22 The shelter project's backpack with its logo. Nhung, the faded figure cutting hair (back right), cancelled the text "for victims of human trafficking".

I am aware of the fact that some of these features are also linked to Nhung's biography (i.e. unable to have a happy adolescence, she was now taking her chance to enjoy life), and to some cultural rules (i.e. being a separated wife and an orphan, she had to cut with a series of positionings, normally connected to the adult life of a woman, such as the one of mother, daughter-in-law, and wife). It was partly for this that she had built, and had to, a new life, which was more similar to that of an adolescent.

Nevertheless, I contend, an infantilizing effect is inherent to shelterization. As mentioned above, this is essentially attributable to the kind of life that is conducted inside a shelter, namely due to the presence of rules restricting residents' freedom, in terms of schedule, activities, and connections with the outside (see figure 23). Each girl has to ask permission for doing everything. The use of mobile phones is limited, as well as the possibility of going out and back home for a visit. Inside the house, the schedule is strict and there are shifts for all tasks, from cleaning to cooking. Some of these rules are for safety, others are necessary for regulating all numerous cohabitations. Nonetheless, this regime is intolerable to

some returnees, who just leave the house after a short period of time, or who do not even accept to enter it⁶⁵.

For those girls who live in it for more than a year, there might be different effects. In the case of Nhung, the sense of protection, which every highly regulated context entails, provoked a dependency from the shelter and a shift in her subjectivity towards a “regression” to an adolescent state. A similar effect was visible in Mui, who also seemed to be enjoying a teenager’s lifestyle. Of opposite sign is other ex-residents’ reaction, whose attitude towards NNBV is analogous to that of rebellious adolescents. They are proud of their new independence and at every good occasion say terrible things about their prior “captivity” in the shelter.



Figure 23 Nội quy nhà : the regulations of the shelter house in Lao Cai city, the Compassion House. The first section establishes the procedure for reception, the second one regards the establishment of a timetable, and the third one deals with regulations for studying and living in the shelter. This

⁶⁵ This is also the reason why shelters are often not very crowded, and it happens that the organizations managing them have to find ways to keep the residents in for longer, sometimes up to forcing them. This information is a widespread rumour circulating within the humanitarian world; nonetheless I was never able to verify it, not even with someone directly experiencing it. The analysis of Gallagher and Pearson 2010 is a unique good example where the problem of forced detention of ex-VoT in shelters and other similar structures is tackled.

plaque was posted on the wall of the living room of the house. In the shelter in Hanoi there was not such plaque, yet the regulations were very similar.

Furthermore, an infantilizing influence passes also through the kind of activities proposed to the residents, such as watching a cartoon, cooking, crochet classes, creating little greeting cards⁶⁶. Even if the age range of the beneficiaries varies, generally I found that their free time was occupied with activities more suitable for children than young girls acquainted to another lifestyle. Even if a good part of them might come from rural areas, this does not imply they are naïve teenagers untouched by “modernity”, still both in a permanent childhood and in a time of traditional customs with stereotypical gender roles.

The overall effect of shelterization on some returnees can be compared, at least on the short and medium term, to the creation of fictitious kinship relationships, where the young women occupy the position of daughters, the social workers that of benevolent mothers, the manager that of a father, the director that of grandmother, the guards that of uncles, and so on. After all, this effect is consistent with the declared aim of providing the returnees with an environment similar to that of a family, as I was repeated by different interlocutors working at shelters.

Conversely, the actual kinship bonds, as seen, are reconfigured, if not momentarily broken. Nhung (as well as Mui) had to temporarily leave their role as mothers and daughters, reneged on their duty to help their parents, or parents-in-law, and to take care of their children, even if only financially. In certain cases then, the infantilizing effect of shelterization seems to have a consequence on the returnee’s family in terms of emancipation from it⁶⁷. On the one hand, the shelter is a place generating attachment and dependency. This is also visible in terms of modification of friendship linkages and acquaintances’ network. As it is natural, both Mui and Nhung were living and essentially associating with other ex-residents. On the other hand, with respect to the pre-shelter life, the post-shelter condition

⁶⁶ In certain occasions, though, some of these activities are finalized to the creation of objects to be sold as a form of fund raising. In the case of Ngôi Nhà Bình Yên , this activity was not really developed: there were just few souvenirs in a small glass case in the living room.

⁶⁷ To be fair, in other cases I knew, the ex-residents, in particular when they didn’t get married in Vietnam, still received a great pressure from their families, even if living away from them. They had to send regular money (sometimes the majority of their salaries) and come and go when there were some necessities and obligations. In these cases, it seems that the choice of entering the shelter has been a family investment and not only a personal one, similarly to most migration endeavors.

entails an increased level of freedom from certain social positionings, recalling that of the adolescents’.



Figure 24 The rural area few kilometres away from Nhung’s village in Muong Khuong district (Lao Cai province). Three women are heading back home after working in the field.

5.5.5 On the fringes of self-realization

One day, I went to see Nhung at her workplace. I had my hair washed by her and cut by her manager, because she was a trainee still and could not do cuts. She watched carefully: all trainees were carefully watching. The atmosphere was pleasant, there were all young people learning the profession. On that occasion, I had confirmed the impression that Nhung had found her position into a new local world she partly adapted to and partly crafted for herself, also thanks to the experience at the shelter. She was there because she had been determined in her quest for inclusion into what she perceived as a more prosperous world.

Becoming a hairdresser was not her dream. When she was a young teenager she wanted to become a teacher, but when she entered NNBY it was too late, she told me. Yet, in her new dimension, the result of a compromise, she was satisfied enough, even if she was living on the fringes of that integration she aspired to, in terms of social relations, personal realization and well-being. Her misadventure in China still constituted something she was ashamed of and she had to hide from

society for fear of stigma: it was not, and it cannot be, totally overcome. This also why, for example, she was not making friends at the workplace, but was surrounded by returnees like her. And this is also why, when she was asked who I was after going to her salon, she had to lie, saying I was just a friend of a friend. *“It is not convenient that people know”* she explained to me at the table of a little restaurant we went to, and she lowered her voice, *“because there are many prejudices, even if I went for marriage to China... and I have no friends among the better educated, who know the differences... if they knew, I might lose my job”*⁶⁸.



Figure 25 The bridge on the Red river, separating/connecting Hekou in China (on the left) and Lao Cai in Vietnam (on the right).

Evidently, in Nhung’s medium-term post-shelter life the weight of the trafficking experience was spoiling her reintegration process. The fact they had to hide their past to avoid social stigma and discrimination, and be accepted into their local world is telling with respect to what kind of inclusion they could aspire to. Eventually, albeit an undeniable perceived success, an external look would instead maybe notice Nhung also ended up enlarging the pool of the urban poor. Living on the fringes of that prosperity they desired and wanted to get closer to, she was a second-class migrant citizens crowding the border areas of integration, dwelling precarious and restless existences. Nonetheless, from this position, she was making

⁶⁸ Unrecorded conversation, 13/6/13, Hanoi (VN). Fieldnotes, diary 7.

her way to actively pursue a self-realization, aiming at building for herself a world of wellbeing.

5.6 Nirmala: subject-making in a total institution

When visiting House 2, I always found Nirmala bending her thin spine on the table or on the carpet of the big living room, doing something, usually her homework. When there was no homework to do, she found something else to keep herself occupied with, creating greeting cards or little souvenirs. She often looked very concentrated, shy and usually quiet. Surely, she was of a very committed and hardworking student.

5.6.1 Embodying the perfect victim

Nirmala caught my attention because it was herself who stood out telling her story during a presentation ceremony for a group of Brazilian-Japanese visiting the organization and its houses. This event happened to be also, and most importantly, the welcoming celebration for Salina and Anuma, the two new returnees just repatriated from the border with India in Birgunj town⁶⁹. It was a moment overcharged with emotions when we arrived at house 5 on the van bringing Anuma and Salina to know their “new big family”, as it was repeated several times. Outside the house, there was almost everybody from all the houses standing and clapping hands and singing. I remember I was trying to keep distance, but the effervescence was intense. Anuma and Salina had their eyes wide opened, their mouths shut, and their big crucifixes hanging on their chests.

Once inside, everybody sat, as usual during the ceremonies and meetings, on the floor of the big living room. The place was overcrowded. The show started. Two groups of girls, dressed with traditional clothes, did some traditional dances (see figure 26). Following, Ms Mamata, *Nepalese Home* (NH) director, gave a speech, telling about the repatriation mission just conducted and introducing the

⁶⁹ Regarding the repatriation of Salina and Anuma, see above Chapter 4.4.1.

two new arrivals as well as the Brazilian-Japanese visitors⁷⁰. As in every Friday meeting, when potentially everybody was gathering for worshipping and singing together, talking, sharing information and eating, also on that occasion a lot of praying and religious singing was done. Financial and administrative updates were also provided, as well as a copious meal.

Amidst all that ado, people, singing, dancing, worshipping, eating, different languages mixing, children running and playing, Nirmala short public testimony went almost unnoticed. Not to me. I clearly remember her feeble voice in her poor English telling that she was born in a humble rural village and when she was sixteen her parents sold her to a woman who should have brought her to Kathmandu to work as a maid in a house, but instead she found herself in India. She spent there almost three years before being rescued and eventually repatriated⁷¹. When she arrived in the house of *NH* the first thing she looked at was the height of the enclosure around the house to evaluate if she would be able to jump and run away. She was constantly thinking about fleeing during the first days. Slowly though, she started to be persuaded by the warmth and the physical and psychological comfort she could find in the organization. She converted to Christianity and when I met her, at the age of 21, she was vice leader of her house, on the way to become a leader herself, while also studying to be a social worker.

5.6.2 The rise of a religious total institution

NH is the local Nepali NGO partner of the international Brazilian organization *Mobilização Mundial (MM)*, which started to be active in Nepal with the project *The Apple of God's eyes (Meninas dos Olhos de Deus)* in 2000. More precisely, *MM* had to establish by law a local organization to continue to be active in the country. Thus, in 2005 *Nepalese Home* was founded and the leadership was put in the hands of some of the first girls who were sheltered. Some of these young women are today the leaders of the houses or of specific projects inside the organization.

MM is the humanitarian wing of *Missão Cristã Mundial (World Christian Mission)*, a Brazilian evangelic missionary Church officially established in 1996,

⁷⁰ For an introduction of Ms Mamata Tamang see above Chapter 4.4.

⁷¹ Her story echoed the (stereo)typical set of vicissitudes of the Nepali VoT *par excellence* (see above Chapter 2.1 and 2.4).

when its statute was created by pastor José Rodrigues, along with other 7 pastors who joined him. Their headquarters are currently in Trindade, in Goiás State, not far from the capital city Goiania⁷². One of the four pillars of World Christian Mission is to evangelize the people who have not been reached yet by the word of Jesus, especially the Buddhists, the Muslims and the Hindus. The Church operates through acts of justice, such as fighting human trafficking and other forms of violence, exploitation and slavery, with a particular focus on poor street orphans at risk.



Figure 26 Nirmala and I in House 5 after the traditional dance show organized for welcoming the two new returnees, Salina and Anuma, and the Brazilian-Japanese supporters. This was the sole occasion in which I could use my camera inside one of the houses, and I was able to listen to the story of a VoT. Nirmala is wearing traditional dress of her ethnic group and caste. On the background, on the wall, pictures of special events and of present and past residents: in every house there is this kind of decoration. On the right, another girl with a traditional dress.

⁷² I visited World Mobilization headquarters during my fieldwork in the area, conducting an interview with one of the leading pastor (16/5/12). The organization was member of the State Offices to Fight Trafficking in Persons (*Núcleos de Enfrentamento ao Tráfico de Pessoas*) and I ended up knowing its young representative, as we met at every meeting of the *Núcleo* and at every anti-trafficking event in the State and in the Federal District (see above 1.3, and 4.2.1 and 4.2.2 for more on the *Núcleos*).

The idea of starting a mission in Nepal arose during one of the trips to India of pastor José Rodrigues, when he saw the corpse of a little Nepali girl wrapped in a sheet on the sidewalk. She was there to be thrown away in the rubbish: being a sex slave – the pastor later found out – she did not deserve any funeral rites. In that area, there were hundreds of minors and young girls like that one, and a good percentage of them was Nepali, José Rodrigues discovered. Few years later, in 2000, the first missionary of the Ministry, pastor Silvio Silva, along with his wife, pastora Rose, were sent to Kathmandu to open the first shelter to receive abandoned street children, prostituted and abused children, and children at risk⁷³.

The organization is prospering and growing, being funded essentially by other Brazilian and Northern Americans evangelic ministries, communities and, mostly, individual devotees. In 15 years the houses have become 6: 4 for girls and 2 for boys, all located between Hattigauda and Budhanilkantha areas, north-east the city centre, for a total of over 200 hundreds children sheltered⁷⁴ (see picture 27).

Compared to other organizations and shelter houses I visited in Kathmandu (and I particularly thing of Raksha Nepal, a local organization offering shelter to sexually exploited women, girls and their children⁷⁵), *NH* structures are luxurious. The Brazilian staff also grew, with at least three other stable couples of pastors cooperating, at the moment of my research. Other side projects were created and flourishing. In the first place the school.

A huge school was opened in 2009, currently serving 300 kids up to grade 10, of both the organization's houses and the local community. As Ms Kelly, the then school vice-director told me, the project of the school was pursued to subtract "their" kids from the traditional violent educative methods of the Nepali schools, where the students suffer various physical punishments. The aim is to provide up to the university level of education to train a new generation of practitioners – medical

⁷³ See <http://www.meninasdonepal.com/index.php/en/casa-1> for the specific project, <http://www.mobilizacaomundial.org/en/index.php> for the Brazilian international NGO and <http://mcmpovos.com/> to know about Missão Cristã Mundial (World Christian Mission). I refer also to the books published by pastor Silvio Silva where he goes into the details of the organization, its functioning and history (Silva 2008), also from the point of view of a missionary who opened a ministry in another cultural context (Silva 2010).

⁷⁴ I read on the website that early this year two houses were merged together, therefore the houses are currently 4 hosting at the moment 151 people (http://meninasdonepal.com/index.php?option=com_content&view=article&id=50&Itemid=211&language=pt, accessed 27/7/2015)

⁷⁵ <http://www.rakshanepal.org/programs/> (accessed: 25/7/15). Their shelter constituted of 3 extremely modest and bare rooms, with people sleeping also on the floor, on the second floor of the organization's office. The fourth room was the school.

doctors, engineers, lawyers, and so on – to change the country⁷⁶ (see figures 28 and 29).



Figure 27 Ex house 5, with its front courtyard, seen from house 2, at the feet of the mountains. On the left, a house with the typical Buddhist decorations is visible, next to the light-blue building (the swimming pool of the houses' compound originally built for embassies' officials, where the Brazilian staff of the NGO resides).

A massive prevention programme is also developed to reach the remotest areas. Under this programme, with the help of various local Christian coordinators, who become also anti-trafficking agents, currently 1220 children of 16 districts receive scholarships to entirely cover school expenses. The kids are constantly monitored. Awareness raising campaigns are also conducted, along with evangelization. The objective is to reach 3000 children by the end of 2015⁷⁷. Other side projects for fund raising and self-support include the establishment of a shop, “Apple Fashion” that sells little products created by the girls (house linen, souvenirs, keychains, clothes, and the like) and of a training centre, a little *momo* fast-food (when I was there, it was never opened), and a farm, located outside the valley (with various farm animals and a vegetables garden). Finally, the “flat

⁷⁶ Ms Kelly, unrecorded conversation, 7/8/13, Kathmandu (NP). See also: <http://meninasdonepal.com/index.php?lang=pt&Itemid=118>, accessed: 27/7/15.

⁷⁷ Fieldnotes, diary 7. See also: http://meninasdonepal.com/index.php?option=com_content&view=article&id=54&Itemid=215&lang=pt

setting” programme, or “*livres para voar*” (free to fly), help the girls who turn 18 to start living in small flats, with other ex-recipients, with their families, or with their husbands. Even if they are self-sufficient and independent, they can be assisted by the organization whenever they might encounter a difficulty or a problem.

5.6.3 The religion factor and the familial logic

The first and single time I met Pastor Silvio, the country manager of *MM* – because few days later he left for Brazil for few months – he preventively warned me that the organization was criticized under many aspects, by the local communities, the government and some academics⁷⁸. They were accused, for example, of spoiling their beneficiaries by offering them some privileged habits, such as hot showers, or the possibility of waking up late and not around 5 am, as it is common in the country. Indeed, they were also accused, Pastor Silvio told me, of “westernizing” their clients and uprooting them from their environment. The scarce professionalism of the staff was also pointed out.

Last but not least, they were attacked for being a very religious organization. In this respect, Pastor Silvio reassured me that, even if they were a religious organization indeed, they were also open to and respectful of other religious beliefs. In this sense, they were receiving and sheltering children of all faiths without ever putting pressure on them for getting close to Christianity. “Nobody is obliged to be pray or to be Christian” it is written in the website “yet naturally thanks to the Word and the deed of the Holy Spirit the girls and the boys get to know the salvation, experimenting a new birth”⁷⁹

I find it very hard to imagine that a recipient of *MM/NH* could not convert to Christianity while living in an environment filled with religiosity and desire to expand its reach. The presence of moments of worship and references to religion is pervasive. If one does not adhere to that same faith and its continuous expressions, s/he would necessarily feel out of place after a while⁸⁰.

⁷⁸ Unrecorded conversation, 15/7/13.

⁷⁹ “Ninguém é obrigado a orar ou ser cristão, mas naturalmente, pela Palavra e pelo agir do Espírito Santo as meninas e meninos vão conhecendo a salvação, experimentando o novo nascimento”. (http://meninasdonepal.com/index.php?option=com_content&view=article&id=38&Itemid=173&lang=pt, accessed: 31/7/2015).

⁸⁰ I was not familiar with Evangelical Protestant churches, in particular Pentecostals, up to moment when I went with Sabrina and her family (see above 5.3.1) to her little church and participated to a ritual there. That little church was part of the International Church of the Foursquare Gospel, born in

Every night, before dinner, roughly one hour is spent with a collective worship, Bible reading and chanting. Every Saturday is spent in a big Christian church downtown. Every Friday at 4 pm everybody gathers from all the homes – each week in a different house – for a collective worship, singing, sharing, crying, asking for and commissioning other specific prayers for specific person, while Mamata updates the community regarding particular events, the budget, and other decisions to be taken. Every decision is collectively discussed and taken. During these meetings, the sense of community and of being part of a big family gets very much strengthen. If you do not take part, you are cut out from the community.

I myself could experience this sense of not being integrated: I could not be fully accepted, because I was not sharing the same faith. I read on my diary: “they are like a sect”⁸¹.

Compared to the Vietnamese shelters I conducted research in, the presence of the religious ingredient incredibly intensifies certain features. I mostly refer to the (re)creation of a family like environment and to the general radical action on the recipients’ subject-making.

Los Angeles. On that occasion, as well as during the Friday meetings of NH – especially when there was a pastor leading and giving a sermon – I realized how much these kind of churches is based on raising a collective emotional effervescence and energy, making ample use of singing and letting the bodies and the emotions free to express, sometimes reaching states of collective and individual ecstasy. This is why they are also called charismatic churches and the literature on their boom, and on the reason for their boom, is vast, with a particular focus on Latin America and Brazil, where (e.g. Robbins 2004; Chesnut 1997; Johansen 2014; Stoll 1990). It is not difficult to understand why they have become so widespread, particularly among the poorer: they offer to their followers powerful moments where to feel part of a community, have a sense of spirituality and of communion with god, let go tears, preoccupations and sense of guilt, feel accepted, comforted and purified. In the case of the worship in *NH*, collective prayers – often raising an open hand, or both, as to actually send the positive energy where or to whom it is intended to – are believed to have an actual positive effect. All the accomplishments of the organization or of its member were explained with the fact that the prayers had been many and intense. When something went wrong, it was asked to pray more and more often for that person or objective.

⁸¹ Fieldnotes, diary 7.



Figure 28 The school's main building

In the case of *NH*, we are not simply dealing with a humanitarian service devoted to receive and shelter returnees of HT for a mid-term period of one year and a half with the principal aim of “sticking” an employment on them. *NH* does a total restructuring of its beneficiaries’ subjectivities, involving, in many cases, also their families⁸².

Albeit the organization makes ample use of the trafficking label, in reality, ex VoTs are a minority. At the time of my research, they were approximately one sixth of the total residents, yet I believe the number of the repatriated is growing⁸³. The main work of the organization, at least at the beginning, was to preventively save street and abandoned children from the risk of being trafficked. In this sense, the organization have become for many recipients an actual family, who has fed them every day, dressed them, and seen them growing day by day over the years,

⁸² Not only the organization has started involving the mothers and the fathers of some of its residents, giving them little employments in the NGO, but also giving shelters to the grandmothers (http://meninasdonepal.com/index.php?option=com_content&view=article&id=24:casa-das-vov%C3%B3s&catid=29&lang=pt&Itemid=115, accessed: 30/7/2015).

⁸³ In 2008, after Ms Mamata’s trip to India, the first returnee was repatriated from Mumbai. Five years later they were assisting almost 30 ex VoTs. In 2014 they repatriated 7 more victims, some of them with their kids (http://meninasdonepal.com/index.php?option=com_content&view=article&id=39&Itemid=174&lang=pt, accessed: 28/7/2015).

passing from one school grade to the following, up to the university, or to an employment; in some cases, being also a Church, the organization even marries them, and, most of all, gives them a god to believe in.

Arguably, without the faith and the spiritual drive, *NH* action of total restructuring of “its kids” would not be possible. The process of renovation and rehabilitation (processo de restauração) of the girls entails “taking care of their souls” and “reconstructing their dignity”. “We do this work with love and compassion, as we believe that it is Jesus who is doing this through us. We are not an “institution” (even if we have the documents for a legal functioning) but we are a “FAMILY””⁸⁴.



Figure 29 The opening chanting in the morning before starting the courses

This concept of being a family and not an institution is further clarified with reference to their god: “it is the very concept of the heart of God as the basis of His deed”. Differently from other organizations, which “are generally cold and impersonal, worried with numbers, or to provide stuff for survival”, they want to take care each other with love, being careful and respectful of the different personality of each individual.

⁸⁴ Quotation from the website and translated by the author from Brazilian Portuguese. http://meninasdonepal.com/index.php?option=com_content&view=article&id=38&Itemid=173&lang=pt, accessed: 28/7/2015).

According to the family logic, Pastor Silvio, is called “uncle” and his wife “auntie”, sometimes even with the Brazilian word “tio” and “tia”. Inside each house, there is a leader, or a leading couple, with her personal room, and a vice leader, all Nepali (with the exception of one house), in addition to one or two trainees, like Nirmala. The structure follows a traditional familial hierarchy whereby the elder take care of the younger, each older member having a younger one to take care of.

There are also some broader rules to follow, for the use of the water or of the energy; shifts for helping in the kitchen, washing and cleaning, and a daily timetable to follow. The day rotates essentially around the school, where the vast majority of the recipients (with the exception of those following a vocational training or working) spent their time from 9 am until around 3. The afternoon is dedicated to the homework, until roughly 6 o’clock, the time for praying and then having dinner. The evening is free, and some girls keep on doing their homework, others watch some TV or a DVD (usually a Bollywood movie), others go to their rooms, or on the roof top, listen to music, stay together, chatting, dancing and playing. The bed of each girl is her personal kingdom, and it is kept tidy, personalized with decorations and toys.

I participated to some of these evenings, when sleeping over the houses. I really had the impression of being surrounded by “normal” adolescents on a school trip. In those moments, they were not rescued girls, orphans, disadvantaged or abused kids, they were not Christian devotees. They simply were young girls. Notwithstanding, their stories could not be forgotten, as they are essential to the understanding of the formation of their subjectivities.

5.6.4 Radical subjection

One evening, subtracting myself from the longest sermon on a Friday evening, I climbed the stairs in home 3 to go visit the girls who were not participating to the ceremony and were occupied in other activities in their rooms, presumably studying, taking care of the younger ones, or playing. I wanted to spend some time with them.

While reaching the most crowded room at the end of the corridor, I passed in front of a silent room, where I spotted Salina on her bed with a book on her lap. Her mouth was moving, she was whispering some words: she was learning how to

read. Later on the same night, I went upstairs, on the roof top, where there was the room of other three girls. I found out that Anuma had her bed there and she was cheerfully enjoying the company of her new roommates. Under the first stars of the twilight, the four girls were dancing and singing a Hindi pop song coming out from a simple mobile phone. It seemed evident to me that Anuma was well progressing, in few weeks, in getting integrated into her new house and becoming more open and easy, less shy and silent. While during the repatriation operation the two girls were unperturbed and mute, a couple of months later I was glad to see them “alive”⁸⁵.

The two situations in which I caught them are representative, in my view, of two interlinked aspects of the formation of the subjectivity of the beneficiaries of a “total institution” like *NH/MM* (Goffman 1990). On the one hand, the girls of the organization pass through a full restructuring of their subjectivity. Their “modes of perception, affect, thought, desire, fear” are redirected by the values of their new family (Ortner 2005, 31). In this sense, regardless their actual age, they are subjected to a “regression”, which means that they go through a stage of deep pliability when accepting to become *NH/MM* daughters, maybe even after an initial moment of resistance, like it was for Nirmala. This sort of self-annihilation, to use a strong metaphor, is somehow preliminary and necessary for the re-writing of a renovated self, and for a “new birth”, to use the strong organization’s words. This is the aspect I perceive when seeing Anuma in childish moment on the house’s rooftop.

On the other hand, it seems that, to this important subjugation, corresponds a simultaneous foundation of strong and strong-minded selves. More radically, I could argue that thanks to such an intense, all-comprehensive and long assistance, the organization’s ideology is well embodied and able to structure determined subjectivities. I see this aspect well represented by the situation in which I caught Salina.

I am not saying that this happens for every recipient. It is certainly true for the bunch of girls who were the first ones to be assisted and make now the administrative committee of *NH*, under the supervision and support of the Brazilian *MM*. Interestingly enough, it seems to be particularly true for the trafficking returnees as well. As I could also observe, the house leaders, who receive training

⁸⁵ Fieldnotes, diary 7.

as counsellors, and the head mistress, who supervises school performance, told me the same thing: once recovered, trafficking returnees generally are the most determined ones, the best students, the most committed devotees, and in few cases also the ones who wanted to acquire a position in the organization, like Nirmala.

Evidently, I cannot know the individual level of interiorization of the organization's set of values and of the Christian faith. Some are less committed, others more, some want to leave earlier, and others want to stay longer. These latter who stay can be considered emblematic of the process subjection as it is formulated by Butler (1997). In this process the "fundamental dependency on a discourse [...] paradoxically initiates and sustains" the recipients' agency (Butler 1997:2), in particular that one of trafficking returnees, who have experienced a total subordination and dispossession of themselves, and their reconstruction is pursued with more determination. Very significant, in this sense, is Nirmala's comment on the escape of three residents from her house. In the middle of a great agitation and confusion, she said, with the attitude of an old sage: "*Girls are like this*".



Figure 30 Kathmandu valley seen from Home 2.

5.7 Epilogue: “the subject is bigger”

In this Chapter, I have finally explored the level of the returnees themselves and brought to the fore their voices, which were left unheard in the previous pages. The objective has been to approach their life conditions and lived experiences in order to show how the HT discourse functions at this level of analysis. In particular, I wanted to tackle the processes of subjection. Following Butler (1997), subjection entails becoming acting subjects able to make their way through structural and discursive constraints while also becoming subordinated to structural determinants and discursive positions. To keep together the passive and active element of subject-making among VoTs I used the term “victim subjects”⁸⁶.

The five cases of young female ex-VoTs I presented differ under many aspects: for life story, personality, age, culture, trafficking experience, and for the kind of assistance they receive. However, they share two important interlinked features. The first one is the fact of finding themselves in conditions of structural violence. All the five women were born in larger political and economic arrangements, as well as in specific social and cultural milieus, where they occupy underprivileged positions and where their possibilities to intervene and modify their lives are limited. The indirect and institutional violence of the systems that wraps these actors “shows up as unequal power and consequently as unequal life chances” (Galtung 1969: 171). More radically, we could argue that the very capacities to aspire (Appadurai 2004), motivations and desires for (self)change of these women are partly already determined by their socio-economic eccentricity. Notably, it is not only about an uneven distribution of material resources. It is also a matter of resources to imagine. If the work of the imagination is amongst the most powerful elements of our contemporary (Appadurai 1996), the momentum of social injustice is considerable.

The second factor that the five young women have in common is the identity of victim of human trafficking. This is linked to the previous element inasmuch as the phenomenon of HT is *per se* something related to structural inequality. Already victims of structural violence, these women have taken on an officially recognized identity of victims eligible of assistance. Furthermore, to be VoTs implies a confrontation with the specific discourse of HT and its apparatus

⁸⁶ See above Chapter 1.1.

that involves an international, a governmental and a humanitarian level. As argued in Chapter 2, the anti-prostitution and anti-migration paradigm at the basis of HT discourse promotes a passive female victim subject supported by gender-biased anti-trafficking projects. The underlying assumption of this paradigm subtracts agency to migrant women, attributing them a greater intrinsic vulnerability, whereby they become the privileged victims of trafficking and the main, if not the sole, beneficiaries of protection services. Even in the face of a considerable prevalence of female migration, there is a persistent tendency in imagining them as ignorant, ingenuous and somehow unfitting to proactively and successfully organize and push through a migratory project before, as well as a life project once back home. The HT discourse, I also maintained, constructs its victim subject through dichotomic and rigid categories, such as, in the first place, victim vs. perpetrator, innocent vs. guilty, aware vs. unaware, choice vs. constraint. This view loses sight of the actual continuous tension between agency and constraint, choice and sacrifice, self-determination and subjection, innocence and responsibility, whereas the majority of the trafficking cases are a complex mixture of decision-making, agency and submission, auto and hetero-determination, as I tried to show in this Chapter.

In the previous pages, I have tried to take a perspective which is grounded in the subjectivities and in the lived experiences of the social actors, offering a grass rooted critique and an alternative to the prevailing representations of marginal subjects, victims of structural violence and of HT. I called these social actors “victim subjects” to express the process of subjection they undergo.

For analytical purposes, I have framed their stories using key concepts that were particularly apt to interpret each case. Moreover, vulnerability, marginality, violence, and infantilization are also key points of both the humanitarian and TIP ideology, in addition to constituting issues of theoretical pertinence to my work. The last story is a case of “radical subjection” in what we might consider a total institution (Goffman 1990). In fact, I organized the cases of the returnees in a climax with respect to the invasivity of the humanitarian care they experienced or were still experiencing when I met them.

To conclude, I want to help me with the words of Maria Luiza Moura Oliveira, member of the Committee of the Latin-American Observatory of Trade and Trafficking in Persons and professor in psychology at the Catholic University

of Goiás. Professor Oliveira believes that the essence of the violence involved in a trafficking experience is the subtraction “*from the subject of his/her condition as a subject, of his/her autonomy [...]. Subjection is the worst of all*”. Even after the victim realizes that she has endured a period of an object-like passivity, nevertheless the condition of subjection “*has invaded her life [...] and this creates an existential crisis and desperation: how to get out of this?*”⁸⁷. Nonetheless, Professor Oliveira also believes that the subject has, and must have, the resources to get out of the paralysis of that experience, because that occurrence is not the entire life of the subject and “*the subject is much bigger than that event*” in her/his life.

The image of a “bigger subject” is powerful. It is effective to express the impossibility that power – to use an all-comprehensive word, but we could use systems, structures, or discourse – fully determines the subjectivities of resourceful individuals, giving specific directions to their subject-making process and to their agency. Yet, the grade of embodiment of a discourse from behalf of the individuals is very difficult to evaluate. In other words, the point of intimacy of the habitus – where the discourse orientates the subjects’ sense making and practices – is obscured. I will tackle this issue, proposing a possible way out from the power/agency conundrum.

⁸⁷ Recorded interview, 14/9/12, Goiânia (GO). Professor Oliveira also works in the Centre of General Psychological Assistance, a free service of treatment for the citizens inside the University.

6. CONCLUSION

A felicidade é muito injusta
Marcol

*If anthropologists deny themselves
the power (because it implies a privileged position)
to identify an ill or a wrong and choose to ignore
(because it is not pretty) the extent to which dominated
people sometimes play the role of their own executioners, they
collaborate with the relations of power and silence that allow
the destruction to continue.
(Scheper-Hughes 1995: 419)*

To conclude this text, I want to report an episode from the field, which I consider representative of two aspects. On one side, this event can be read as an effective metaphor of my conception of polyphonic ethnography that I tried to reproduce in this text, and where the arena of actors making up the HT discourse is tangible. On the other side, it can be interpreted as an allegoric occurrence significant in terms of researcher's position and the ethical meaning of the research.

It is the end of May 2013. The shelter in Lao Cai city, *Nha Nhan Ai*, where I conducted research in 2011 is about to move and inaugurate its new house in another better location in town². I receive this information during a meeting with a staff member of the NNBY project, the shelter in Hanoi city. I immediately contact the organizer of the event who is also the programme officer of Pacific Links Foundation, the NGO which operates the Lao Cai shelter. Not only I was planning to go to Lao Cai anyway, to meet some ex-residents of the shelter in Hanoi I knew in 2011, but I considered it a good occasion to reconnect with that shelter and try to meet with some of its ex-residents I also knew two years before during the previous fieldwork.

¹ See above Chapter 4, note 46.

² Fieldwork conducted in the shelter in Lao Cai city has not been included in this text (see above 1.3 and Lazzarino 2014).

At a first contact, the programme officer denies my participation, bringing as a motivation the fact that the guests' list has already been finalized and sent off the day before. I reply saying that I just would like to participate to the discussion in the afternoon (see figure 1) and that I am also in contact with the governmental partner, the local DSEP, who seems to be positive regarding my second research in Nha Nhan Ai³. She redirects me to the organization's director. So I contact Pacific Links' director and she replies that due to their limited resources, they cannot host outside researchers. Furthermore, a full informed consent is required from their beneficiaries, therefore I am allowed neither to enter the shelter not to be put in contact with the girls I met in 2011. This explanation is totally out of place, but a further reply from my behalf is left unanswered.

Albeit this absolutely not promising start, I decide to go to the location of the event anyway. I reach Lao Cai Star Hotel in the afternoon to see if I can manage to sneak in. Moreover, I also hope to meet Duong, an ex-resident of NNBY, who works there and who I have met few times before already⁴. Unfortunately, it becomes soon clear that the event is restricted to a very limited number of people. Other than the British ambassador, there are few local authorities, from DSEP, VWU and the People Committee, two staff members of the Spanish Cooperation Agency supervising the NNBY project in Hanoi, a representative of the Japanese Cooperation Agency and a representative of the Contract & Finance Section of the European Union delegation to Vietnam and a representative of IOM. Given this situation, I cannot pretend to mingle in the crowd. I decide to wait the end of the workshop, in order to have a chat with some of the participants. Once everybody left, I am almost about to make my way out, when someone calls my name from the balcony in the reception hall. It is Duong. She beckons me to go upstairs. I reach her with my assistant. Together with a colleague, she is tidying the conference room where the workshop was held and clearing the tables where the lunch buffet was served. She invites me to sit and she brings some leftovers, fruits, sweet snacks and water, which I accept. After a while, she comes back from the conference room holding a little poster with the name of the NGO "Pacific Links", asking me what that is.

³ Few days after this correspondence with Pacific Links, I receive an email from the person in charge in the local DSEP denying both my participation to the event and that I could conduct further research in the shelter, because I was not regular with my permissions' paper.

⁴ The case of Duong is not covered in this work.

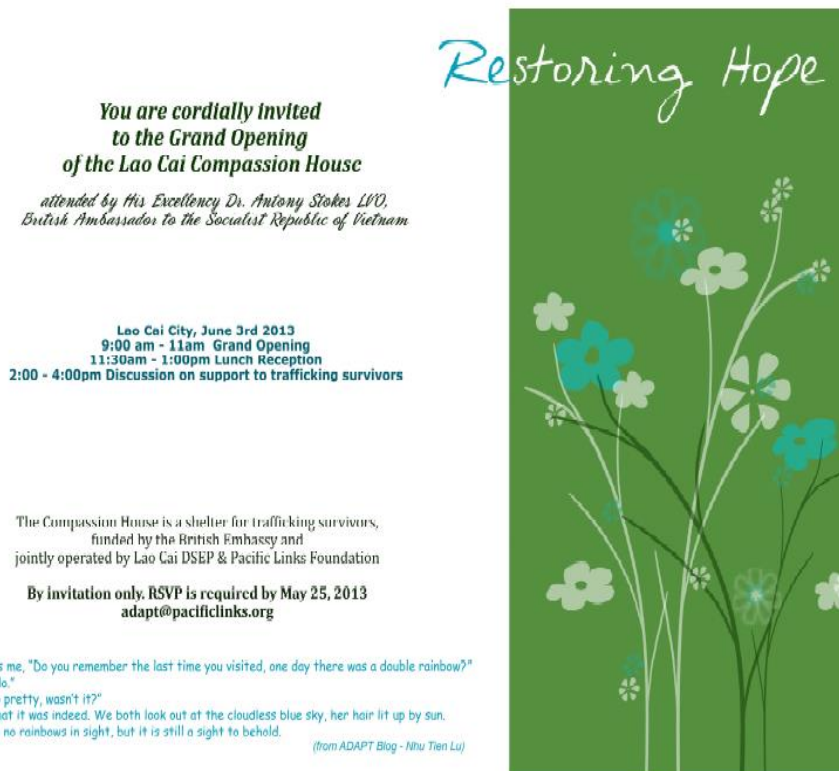


Figure 1 The flier of the invitation to the “grand opening” of the new Nha Nhan Ai.

In this episode, I see well represented the multivocality of the HT discourse that I wanted to depict in this text. At the event in the most luxurious hotel in Lao Cai city the actors that constitute the HT discourse and that turn it performative are present: one UN related agency, the cooperation agencies of three developed countries - of which the British one is the direct donor of the project -, the European regional organ, the Vietnamese governmental authorities, an international Northern American/Vietnamese NGO, an academic researcher and a VoT.

In this thesis, I aimed at showing how an international dominating discourse, the HT discourse, could forge individual subjectivities that are constructed as marginal and vulnerable by conditions of structural violence. In order to connect the ideological level with the subjective one, I reputed necessary to tackle the intermediate levels, or the other actors in the discursive arena, that make the discourse practical and performative. This is why I have given to the thesis a multi-layered and polyphonic structure.

In Chapter 1, I unveiled my positioning: I clarified my theoretical perspective that I summarized under the concept of subjectivity and I specified how,

accordingly, I constructed my object of researcher, why I opted for a multisited investigation and how my fieldwork was in practice carried out. In Chapter 2, I analysed the HT discourse. I reconstructed its double genealogy, from the transatlantic slavery but mostly from the white slavery. I did this from a legal point of view – in terms of international agreements – and from a rhetorical point of view, tackling its ideological legacy. I then showed how an anti-prostitution abolitionist ideology and an anti-migration securitarian one informed also the negotiation for the drafting of the Palermo Protocol. In the second part of the Chapter, I revise the critical literature on HT. In Chapter 3, I tackled the level of the international UN agencies, focusing on the issue of vulnerability. Grounding the argumentation on the interviews I conducted with different organizations' officers, and presenting some of their anti-trafficking projects, I show how the main elements of the HT discourse – such as the definitional confusions and the interpretative disharmony, resulting in a discrepancy between documents and practices, the criminalizing effect of the discourse on both migrants and sex workers; the delicate issue of consent, which links to the condition of vulnerability; the lack of evidence-based figures and of reliable researches – reverberate both in the officers' voices and in the agencies' projects. Coherently, the profile of the VoT is close to the stereotypical image of a vulnerable, poor, ignorant woman. However, I also showed how the vulnerability of the VoTs can be variously conceived, approached and in a way multiplied by the interlocutors' voices. In Chapter 4, I explored the level of the States vis-à-vis the humanitarian. I analysed the anti-trafficking legislative apparatus of each country, as well as some non-governmental actors, with a special attention for the protection phase of identification, recovery and reintegration of the returnees. At this level as well, HT ideologies and critical issues – the hyper attention to women and girls, the essential focus on prostitution, the anti-migration securitarian stance, the over victimizing approach resulting from depoliticizing, priggish and abstract binary oppositions – are tangible. Generally, the returnee is a needy traumatized citizen on paper, while in reality there are no adequate services to take care of her/him, who is often left in the hands of the non-governmental aid services. In Chapter 5, I deepened the stories of five returnees, organizing them according to some interpretative frameworks (vulnerability, marginality, violence, and infantilization) and in a crescendo regarding the level of invasivity of the assistance they receive. Mostly, I aspired at exploring the subtle functioning of subjection, in the double

meaning of subject formation and subordination, in relation to their identity of VoT within the HT discourse, as well as in relation to their underprivileged position as victims of structural violence. I have tried to take a perspective which is grounded in the lived experiences of the social actors, offering a grass rooted critique and an alternative to the prevailing representations of marginal subjects, victims of structural violence and of HT. I called these social actors “victim subjects” to express the process of subjection they undergo, and whereby they partly submit to the position the HT discourse crafts for them, and partly they actively and creatively craft their own way out that of that weak position.

The image of the polyphonic arena should not mislead to think that the various actors inside it occupy equal positions. On the contrary, like in the Bourdieuan notion of “field”, polyphony should immediately refer us to a network of uneven relations among the different positions held by the actors, where indeed to the different positions correspond different grades of power, or capital (Bourdieu and Wacquant 1992). Therefore, if on one side polyphony subtracts the authorial monopoly to the researcher, turning her/him part of the field s/he is describing, on the other side it must remind of the unequal distribution of power inside the arena itself.

As the event of the inauguration of the new shelter for VoTs in Lao Cai exemplifies, the VoT occupies the most disempowered position: not only she is radically excluded from the production of the knowledge that ultimately informs the services devoted to her recovery, but she is also subordinated to that power/knowledge which partly determines her subjectivity (Foucault 1980). Her subordination is epitomized by the fact that she is clearing the tables where those in power have taken decisions concerning her destiny.

Significantly, the event also suggests that a natural alliance is established between the researcher and the VoT, who are both excluded from the participation to the workshop. Evidently, the researcher is not excluded as much as the VoT is, since her access to knowledge is greater: she knows what has happened. The risk for the academic is either to simply become another name on the guest list, oblivion of the presence of the most vulnerable and producing useless texts, or to remain unheard, eating the leftovers of the powerful’s banquets.

I am underlying the ethical and political importance of anthropology – more than its more or less realized scientific ambitions – a discipline historically devoted

to study the marginal groups, and to bring their voices to the centre. However, I want to bring this point further.

I concluded the last Chapter lamenting the necessity to find a way out from the power/agency conundrum. I based my argument starting from the concept of subjection, which entails becoming acting subjects able to make their own way through structural and discursive constraints, while also becoming subordinated to structural determinants and discursive positions (Butler 1997). I tried to show how the HT discourse partly domesticates VoTs, and partly the latter appropriate the discourse for their own sake, evade it, or turn the trafficking experience into an occasion for growing and changing, acquiring more control over their own lives. However, I argue that still it is no easy task to evaluate both the grade of embodiment of a discourse from behalf of the individuals, and their grade of resistance to it. In other words, how much the dominated are accomplices to the violence of the structures determining them and contribute to their efficacy? And how much they elude it, subvert it, and transform it through irreducible and creative practices? How much the victim-subject is victim and how much subject? Furthermore, the power/agency interpretative gaze, which ultimately is nothing but the old issue of the relationship between the individual/the subject/the subaltern on one side and the society/the culture/the hegemony on the other, has become, in my view a sort of formula. According to this formula, the ethnography has the sort of predetermined task of giving voice to the weakest marginal subjects to show how they negotiate their weaker position, partly submitting to it, partly eluding it.

In my view, the actual alliance between the researcher and the marginal subjects in the production of knowledge finalized to policy change is the way out from the power/agency pair, both as a theoretical conundrum and as a formula channelling the investigation. The project “Post Trafficking in Nepal” is an excellent example of this. In this project a group of academics worked together with some officials of IOM-Nepal and a group of trafficking returnees, who were also anti-trafficking activists and founders of the local NGO *Shakti Samuha*⁵. The aim of the project was to co-produce knowledge regarding the actual needs of the trafficking returnees, by focusing on the issues of sexuality, gender, and citizenship in the ex-victims’ livelihoods’ strategies. Made of cooperative data collection,

⁵ I refer to Shakti Samuha above in 4.4.3.2. The site of the project is <http://www.posttraffickingnepal.co.uk/#> (last accessed: 20/8/2015).

participant observation, workshops, interviews, research training, awareness raising and advocacy activities, “the research project’s focus[ed] on the need to build capacity that enables trafficked women to become co-producers of knowledge” and its “methodology sought to bring trafficked women’s perspectives into policy debates and responses (Laurie et al. 2015: 470-471)”. One of its remarkable results has been that thanks to the advocacy activities of *Shakti Samuha*, some female trafficking returnees with no citizenship are lobbying for new policies from the Constituent Assembly in Nepal, and it seems that their voices are being heard.

This is the direction my future researches aim at taking, starting at least to cooperate with the people at the margins, to give them the possibility to understand the mechanisms generating their suffering, and hopefully the ways to start changing them.

APPENDIXES

APPENDIX 1: PROJECT OUTLINE¹

DOCTORATE PROJECT OUTLINE IN SOCIO-CULTURAL ANTHROPOLOGY

Phd Candidate Runa Lazzarino
Socio-Cultural Anthropology

TO THE KIND ATTENTION OF
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“TRAFFICKED SUBJECTIVITIES:
A TRANSNATIONAL ETHNOGRAPHY OF CONTEMPORARY HUMAN
TRADE”

Keywords

Human trafficking (HT); returned victims; subjectivities; violence; trauma; uprootedness; human rights.

¹ Example taken from the fieldwork in Nepal.

Introduction

The present ethnographic research exercises a highly qualitative perspective working transnationally with the “victims” of human traffic (HT) in order to elaborate further interpretations around the anthropological issues of subjectivity, identity building and sense construction – in contexts of uprootedness, violence and suffering – within the human sciences’ debate. Provocatively aware of addressing an abstract and homogenizing category, the study precisely aspires to be an ethnographic counterpoint of the diverse, thick and interpersonal living experience of the social actors who return to their home countries after having been enslaved.

Furthermore, HT is considered here as a peculiar form of international mobility which is particularly challenging for democratic nation-states in terms of territorial and humanitarian authority. The choice of working on the subjective experience of trafficked subjects is a methodological one aspiring at casting light on the broader matters of international migration, universal human rights and new forms of citizenship, starting from the lived experiences and inner worlds of the social actors. Indeed, the research aims at the establishment of a dialogue between the macro look of the international institutions – definitions, rhetoric, legislations and practices – and the micro look of those social actors who, since 2003, have also assume the identity of juridical subjects, that is that one of “victims” of HT, according to the Palermo Protocol. The two dimensions get connected under the perspective which conceives power as a whole of technical-positive apparatuses carrying out logics of governmentality and producing performative knowledge and self-ruled subjects.

The analysis would like to explore both the limits of the efficacy of a specific bio-power with ambitions of global productivity and the limits of subjects’ creativity and agency in re-position and re-signify themselves through the processes of self-construction which always resist any discursive fixation.

The project is then an ethnographic study of transnationally built subjects on the part of international humanitarian organizations. This task requires the choice of a comparative and transversal look to national and ethnic, gender and class belongings. This is the reason why the research is intentionally not a study of a specific geographic area or of a specific social, age or gender group. The countries involved in the project are Northern Vietnam (Ha Noi and Lào Cai), Central Brazil (Goiàs and Anàpolis) and Nepal (Kathmandu Valley). I will try to keep the range of

my interlocutors as heterogeneous as possible, also aiming at correcting the positive discrimination existing in favour of the female “victims” of sex trafficking.

To test on the field such apparatus of theoretical models, I chose to work with the “victims” of HT during that liminal elapse of time called of “return, recovery and reintegration”. This period goes from the moment when the migrant is interviewed and identified on the national borders to be certified as a “victim of HT”, and therefore eligible of aids and services, up to her/his inclusion in a reception centre, short or long term shelters, and entered a series of programs and services – usually run in collaboration with NGOs – of legal assistance, psychological therapy, medical care and vocational training.

The underlying hypothesis is that such phase of passage should coincide with a process of re-composition and restructuration of a supposedly dismembered self and it is for this reason that I find it particularly sensitive and good to be thought through around the issue of subjectivity. It is specifically during this phase that I intend to conduct the major part of my fieldwork with the “victims”, therefore attending/living inside the shelters, to participating to the programs of assistance, conducting recurrent open-ended interviews and participant observation, both on the national borders and in the cities.

Objectives

The main project objectives are of a scientific kind within the human science of socio-cultural anthropology. Nevertheless, the project aims also at offering valuable insights for policy and legislations making and for assistance programs and support services designing for the victims.

1 - The major objectives in the scientific realm include:

- to gather information and data on HT in ...;
- to investigate the patterns and mechanisms of migration and trafficking in ...;
- to make a documentary overview of existing laws and measures on migration and trafficking in ..., and on activities to prevent trafficking, but especially on support services for the returnees;
- to document the patterns of trafficking from the point of view and inner worlds of the social actors, with particular attention to: the needs and motivations before the experience of trafficking, to the memories and narrative reconstruction of the

period of slavery, to the needs and motivations to get out of the condition of slavery, and to the present set of disposition and expectations regarding the present condition of returnees;

- to analyse deeply with the returnees their meaning and value around the following categories: violence, trauma, suffering, victimhood/agency, and subjectivity;
- to interpret deeply the issues of sense of self and self (re)construction with the returnees;
- to elaborate a valuable scientific interpretation around the anthropological issues of subjectivity, identity building and biographical sense construction in contexts of uprootedness, violence and suffering;
- to elaborate a valuable ethnographic case study in the anthropological sub-field of anthropology of development and humanitarian aid; migration studies
- to elaborate an experimental transnational and comparative ethnographic study.

2 - The major objectives for applied fallouts of the research include:

- to help the victims to overcome spiritual difficulties by becoming more aware of their past experience and of their actual potentials for agency, reconstruction and creativity;
- to help the victims to gain a deeper understanding of their experience and acquire self-confidence and autonomy, against both victimization and stigma;
- to encourage the returnees to help other victims in their process of recovery and eventually become active brokers and supporters, leading self-help groups and other support services;
- to offer a useful overview of the psychological conditions, needs and difficulties of the returnees in order to help authorities, NGOs, IGOs and civil society to improve legislations, policies and services regarding the return/recovery/reintegration process and the protection phase;
- to offer a useful overview of the subjective representations, needs, motivations and difficulties of the whole experience of trafficking in order to help authorities, NGOs, IGOs and civil society to improve legislations, policies and services regarding both prevention and prosecution;

- to cooperate with some NGOs and IGOs to work together to improve HT projects;
- to offer a useful comparative look on HT.

Methodology

The main target social actors of the research are male and female victims of HT during their return, recovery and reintegration processes: the returnees. Complementary target subjects are: HT experts amongst NGOs and IGOs operators and local authorities; victims' family members and communities' members (if available); middle persons and traffickers (if available).

The general research methodology is an ethnographic participatory and interpretative methodology. This means that the ex-victims of HT are considered as knowing social actors involved in the research as researchers themselves. The researcher's interpretations are always meant to be negotiated and reflected upon with the interlocutors.

The following are some tools and techniques that are going to be employ in the research:

1. participation and observation;
2. interviewing (listening and speaking)*. Interviews are of three kind: unstructured, open ended in depth interview (IDI), structures questionnaires, focus group discussion (FGD);
3. recording (the interviewee is always asked permission to record and explained the reasons for recording. The interviewee is shown how to stop the recording when she/he wish to);
4. taking notes;
5. taking pictures (under the interviewees' allowance);
6. sharing: the researcher's reflections and interpretations are meant to be shared with the interlocutors.

* The interviews' detailed outline can be provided and discussed.

It is planned the cooperation of a reliable translator from ... language into...

The privacy of all people and places is guaranteed due to the use of false names.

The research is going to be developed in total respect of the ... legislation on counter HT according to victims' protection principles.

Fieldwork sites

The following are the ideal sites of fieldwork.

For Primary data:

- long term shelters in....;
- programs of recovery and reintegration and various kind of support programs and services (medical, psychological, legal) run by Government Institutions, such as ... along with local NGOs and IGOs such as IOM, ILO and UNIFEM;
- places of interviews for victims' identification process and reception at the borders' province with ... where local authorities work (i.e....);
- temporary shelters/assessment centres at the borders with ... where ... local authorities work along with NGOs and IGOs;
- self-help/empowerment groups in ... and communities in the borders' province;
- legal processes in ... and communities in the borders' province;
- "victims" local worlds and places of origin.

For secondary data:

- socio-economic and anthropological academic literature;
- international reports;
- local NGOs reports;
- data and documents from ...;
- international and local mass media;
- international and local legislations.

References

Italy Supervisors: Prof. Ugo Fabietti – Director – Doctoral School of Human Sciences - Università degli Studi di Milano-Bicocca, Italy.

Proposed terms of cooperation with NGOs/institutions/INGOs

The terms of the cooperation proposed to the NGO/institution/IGO absolutely exclude any sort of responsibility or expense, financial aid or assistance of any sort

from part of the NGO/institution/IGO in favour of the researcher. The researcher is fully supported by her University.

From the NGO's part the terms of cooperation simply consist in facilitating and allowing the researcher to gain access to the field that is to establish contacts and relationships with the victims. In other words, the NGO/institution/IGO should function as a framework for the encounter between the researcher and the interlocutors (victims, family members, operators, authorities, experts). The NGO/institution/IGO would allow the research to participate to its programs, activities, meetings and courses involving the victims of HT as an unobtrusive presence. Where possible, the NGO/institution/INGO would indicate and facilitate occasions for interviews with particular subjects.

From the researcher's part, the terms of cooperation consist in the contributions listed above on page 2, in the second part of the paragraph named "Objectives". In particular, the first three points are believed to be achieved precisely through the establishment of an interpersonal relationship of trust between the researcher and the victim, where the chance for deep biographical narration can contribute to the re-building of an integrated and meaningful self.

Other kind of contributions from the researcher's part can be evaluated together with the NGO/institution/INGO (reports, interviews' archive, comparative information, advertising/fund raising campaigns, etc.). In any case, the research would share all her materials and insights with the NGO/institution/INGO.

The detailed formula of cooperation should be evaluated and discussed personally.

Recommendation letters from scholars can be provided.

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Kathmandu, 7/8/2013

APPENDIX 2: INTERVIEW OUTLINE1

Phd Candidate Lazzarino Runa

INTERVIEW to the RETURNEES of HT (men and women)

Part I

Intro

- Can you introduce yourself and “your life conditions” before:
place of birth (village/town/city, ethnic minority, many migrants?, why? etc.), family (brothers/sisters, parents, etc.) household and activities, school/free time (up to which age, which favourite subjects, idols/models/“heroes” etc., TV, dreams for the future – what did you dream of becoming? same as your parents expectations?)

- Can you illustrate your situation now (shelter’s resident, followed-up assisted, vocational trainee or employed, etc.)? How about your personal situation and free time?

- Whom have you been/are you assisted by? (which governmental institutions, local/international NGOs and IGOs)? Do you know which project in particular?

- Do you know any other projects either of your organization or of others’ with the Returnees’ – with particular focus on projects concerning the returnees?

¹ This interview outline constituted simply a guide for the author. Each interview was tuned on the interviewee and the context. A similar outline was used, making the appropriate changes, for the other categories of interlocutors of the research: NGOs, IGOs, Governmental officials, and Researchers and Academics. In the case of the returnees, for example, Part II was never actually used, conversely it constituted the bulk of the other interviews to the other categories. The text in bold is the most important and used one. The most elaborated questions have been more useful to the author, and were never uttered in these terms, yet always very much simplified.

- Are there any ex Returnees working in this organization/centre (or do you know any) and which role do they cover?

Before

- **How did you leave?** According to you, which are the objective/external causes why people want to emigrate and can get trafficked in Vietnam (poverty/low education/ethnicity)?
- Which are the most frequent patterns, ways and techniques for recruiting the Returnees (i.e. sold by family/community members, abduction, deception by travel/job agencies)? How about your own experience?
- Do you have an idea on how the trafficking business is organized in Vietnam (i.e. big/small organized criminal groups, private recruiters)? How are the contacts between the two or more countries organized? How is the chain organized? How is debt bondage dealt with? What is your experience?
- According to you, which are the specifically socio-cultural causes and models why people get trafficked in Vietnam? How about your province/village/yourself? How much the fact that you belonged to an ethnic minority you think is a cause of your bad experience?
- **Why did you leave?** Which were your inner motivations why you now find yourself as a Returnee? In other words, how would you describe your “ensemble of modes of perception, affect, thought, desire, fear, and so forth that animated” you before your experience as Returnee?
- Which were your dreams, hopes, expectations you want to fulfil by accepting unsafe migration conditions since from the beginning (not for kidnapped)?
- **Was there anything you wanted to abandon/leave behind, etc.? That was making you unhappy and unsatisfied?**

- What does it mean to be “vulnerable” [dễ bị tổn thương]? Do you think they are/were?

During

- Can you talk about your everyday life during your period of “slavery” [chế độ nô lệ]? Do you think it is common?
- How long did your slavery last? What is the average duration of the condition of slavery?
- Were you able to keep in contact with any family/community members back home?

After

- How did you manage to subtract yourself from the condition of slavery and come back to your country of origin, Vietnam?
- Do you think there are more rescued and repatriated Returnees or self-returned ones?
- **Why and how did you come back?** When? Which were your dreams, hopes, expectations you wanted to fulfil when you decided to come back to Vietnam?
- What happened exactly to you during the identification and reception procedures at the border and afterwards? And during your recovery-reintegration phase (i.e. what kind of medical assistance, what kind of services, etc.)?
- Did you get disappointed once you were back? Why?
- What can you tell me about VoTs **stigma** [phân biệt đối xử – sự kỳ thị]? How VoTs relate to it (i.e. do they internalize it and actually feel ashamed [xấu hổ - hổ thẹn])?

Memory

- Do/did you like/dislike to talk about your past experience of slavery? Do you think you are/were clear and consistent in your narration? Do/did you use a metaphorical/religious language?
- What is your relationship with your **memories** about your experience of slavery? Are your memories blurred?
- Do/did you **dream** a lot about your past experience of slavery? If yes, can you tell me something about your dreams?

Now

- Do you like yourself now? How do you perceive yourself in terms of self-esteem, for example?
- What are the most severe problems distressing you and the Returnees in general?
- **Which are your needs now?** Which are – as a consequence – the most urgent needs you had when you came back? Both in practical and psychological terms.
- How about the returnees with children who were born abroad during slavery? Do you have any children? How do you think this makes things different for you?
- Would you describe yourself as a traumatized person? What do you mean by “**trauma**” [tôn thương]?
- **Which kind of mark this experience left on you?** Do you conceive yourself as a “fragmented self in need of reconstruction”? What kind of impact does the experience of trafficking/slavery had on your identity and self-perception?
- Would you talk in terms of “**violence**” [bạo lực] regarding the experience of HT? How? Which kind of violence?

- How are your needs monitored today? Do you express your own needs? How are Returnees' needs and rights represented and defended?
- According to you, which is your “ensemble of modes of perception, affect, thought, desire, fear, and so forth that animate them as acting and knowing subjects” after your experience of been enslaved?
- **Do you think you are independent and powerful → able to lead your life?** When and how that happened? Which are the criteria for establishing that a Returnee does not need to be helped anymore and, therefore she/he is “recovered and reintegrated”?
- **Do you think you are reintegrated?** What's the meaning of “reintegration” for you? Does it correspond to your own personal meaning and desires?
- According to your experience, what's the meaning of being called ‘victims’ [nạn nhân]? What is the difference? Do you consider yourself as a nạn nhân?

Aid to the Returnees

- **How much the services you received/you are receiving are/were useful if not necessary? What worked/what did not? Which suggestions you have?**
- According to you, does Returnees survival depend entirely on humanitarian aids?
- As far as you know, for example, are there – or have been – any informal networks and forms of self-managing, self-help on behalf of the Returnees? Does your organization promote this sort of independency? Would you like it do it? Would you actively participate?
- Are there any occasions of collective confrontation/debate during which the Returnees establish altogether what they need most?

- How do you perceive GOs, IGOs and NGOs'? With what kind of attitude/feeling/dispositions? And what about for researchers, what do you think about me?
- Do you think there are certain aspects of being a Returnee of HT that people from outside cannot see/understand or which are mis-represented?

The future

- **How do you want/see your future?** How do you imagine it? Which are your fantasies and which factors determine them?
- In *realistic terms*, which is the desirable future for you and for the Returnees? To root back to your community of origin?
- In the future, can you foresee if the fight against HT will be held totally by ex VoTs? - independent sort of community/a class action/an integrated group claiming social and political rights?

Part II

Human Trafficking worldwide

- What do you know and think about the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime”, or the alternatively called Palermo Protocol (2000 – entered into force in 2003)?*
- Vietnam ratified the so called Palermo Protocol² last year only, on 8/6/2012, with one restriction³, few months after the entrance into force of the new Law on

² United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Trans-national Organized Crime, opened for signature on 12th December 2000, G.A. Res. 55/25, art 3(a) (entered

Prevention and Suppression against Human Trafficking, approved in 2011, accompanied by a new NPA (National Plan of Action) 2011-2015. Why do you think Vietnam hesitated a while to ratify the Protocol and what's the meaning of this restriction?

- How are international HT discourses and practices **changing**, according to you?
- What do you know and think about GAATW and its definition and actions against HT?
- What do you know and think about HT as a global phenomenon: patterns, routes, techniques, countries, causes, differences/similarities?
- Do you know any international report on HT? i.e. TIP Report, UNODC reports, IOM reports?
- What do you know and think about the position of Vietnam within the international scenario (i.e. tier regarding protection/prevention/prosecution)?

Human Trafficking in Vietnam

- What do you know and think about the situation of HT in Vietnam (patterns, routes, techniques, causes, North/South/Centre differences/similarities, internal/international, women/children/men)?

into force 25 December 2003) [Trafficking Protocol]. It is commonly referred to as the Palermo Protocol.

³ The reservation to the Protocol is the following: "The Socialist Republic of Viet Nam does not consider itself bound by paragraph 2 of Article 15 of this Protocol." Article 15(2) states: "Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court. <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>.

- Which are the most common forms of trafficking (i.e. forced marriage, sexual exploitation, forced labour)?
- Which are the most common ways thru which the VoTs manage to come back?
- What is the situation at the borders/international airports? Which are the most critical borders?
- How are HT discourses and practices changing in VN, according to you?
- What do you specifically think about the return-recovery-reintegration phase? Identification process? **The shelters** (who works in them, who runs them, who finances them, how many are there and where)?
- What happens exactly to VoT during the identification and reception procedures? And during their recovery-reintegration phase (i.e. what kind of medical assistance, what kind of services, etc.)?
- Have you heard about the Shelter Self-Improvement Project coordinated by UNIAP?
- What do you think are the weakest/strongest aspects in the fight against HT in Vietnam?

Legal and Political Apparatus

- What do you know and think about Vietnam legislation on counter HT? How is it changing?
- What do you know and think about 2012 most recent Law on Prevention, Suppression against Sales of Persons? And specifically about Section II “PROTECTION of VICTIMS”?

- What has been/has been not achieved by the old NPA – 2004/2010? Specifically regarding VoTs identification, reintegration and recovery procedures?
- What do you think about the current NPA – 2011/2015? Specifically regarding VoTs identification, reintegration and recovery procedures? Specifically about “Sub-projects 3 a) and b)? And new 130 Circular?
- What do you know and think about COMMIT (Coordinated Mekong Ministerial Initiative against Trafficking)? Specifically regarding VoTs identification, reintegration and recovery processes?
- And what about the Mekong Delta Regional Trafficking Strategy Project -2 managed by World Vision?
- How do you see GOV’s international cooperation? Both in terms of bilateral agreements with countries from this region (i.e. ASEAN countries) and of relationship with the international community.
- What do think about the 2008 “Inter- ministerial Circular 03 – Guidelines Process and Procedures of Identification and Reception of Trafficked Women and Children from abroad? Do you think it is appropriate enough? *
- What do you think about the BGC? What do you think about the 05 centers?
- Have you ever heard of the mobile trials?

Humanitarian Aid/ International cooperation/Foreign donors

- What do you think about the role of NGOs (international and local as well) in the fight against HT? Is it their presence crucial in the country to combat HT? Is their policy changing?
- What do you think about UN affiliated IGOs, such as IOM, IOL, UNWomen, UNICEF, UNIAP, and their role in the fight against HT?

- Do you think that UN affiliated IGOs can be considered as political actors in your country?

- How would you describe the relations between GOs on one side and NGOs and UN IGOs on the other side (i.e. control, pressure, different perspectives? How about your GO? Which changes can you see in the future (i.e. less dependency from foreign aids)?

- Do you think there are any differences between UN related IGOs' programs and other international NGO's cooperation projects? And between these latter and those of Vietnamese NGOs?

- Which are the strongest/weakest aspects of humanitarian aids and international cooperation in Vietnam regarding HT? Is there a project you would propose?

- How are HT discourses and practices changing in VN, on behalf of international and local humanitarian agencies and organizations, according to you?

If necessary, can I contact you again for any further possible clarifications?

* “By subjectivity I will mean the ensemble of modes of perception, affect, thought, desire, fear, and so forth that animate acting subjects. But I always mean as well the cultural and social formations that shape, organize, and provoke those modes of affect, thought and so on. Indeed this article will move back and forth between the examination of such cultural formations and the inner states of acting subjects.”

(Ortner S., “Subjectivity as Cultural Critique”, *Anthropological Theory*, 2005).

Hà Nội, 13/5/13

APPENDIX 3: “PALERMO PROTOCOL”

PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS,
ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED
NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

UNITED NATIONS

2000

Preamble

The States Parties to this Protocol,

Declaring that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights,

Taking into account the fact that, despite the existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children, there is no universal instrument that addresses all aspects of trafficking in persons,

Concerned that, in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected,

Recalling General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument addressing trafficking in women and children,

Convinced that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument for the prevention, suppression and

punishment of trafficking in persons, especially women and children, will be useful in preventing and combating that crime,

Have agreed as follows:

I. General provisions

Article 1

Relation with the United Nations Convention against Transnational Organized Crime

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.
2. The provisions of the Convention shall apply, *mutatis mutandis*, to this Protocol unless otherwise provided herein.
3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

Article 2

Statement of purpose

The purposes of this Protocol are:

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
- (c) To promote cooperation among States Parties in order to meet those objectives.

Article 3

Use of terms

For the purposes of this Protocol:

(a) “Trafficking in persons” shall mean 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.

Article 4

Scope of application

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.

Article 5

Criminalization

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:

(a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;

(b) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and

(c) Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

II. Protection of victims of trafficking in persons

Article 6

Assistance to and protection of victims of trafficking in persons

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, *inter alia*, by making legal proceedings relating to such trafficking confidential.

2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:

(a) Information on relevant court and administrative proceedings;

(b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.

3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:

(a) Appropriate housing;

(b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;

(c) Medical, psychological and material assistance; and

(d) Employment, educational and training opportunities.

4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.

5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.

6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

Article 7

Status of victims of trafficking in persons in receiving States

1. In addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.

2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.

Article 8

Repatriation of victims of trafficking in persons

1. The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due

regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.

3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.

4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.

5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.

6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

III. Prevention, cooperation and other measures

Article 9

Prevention of trafficking in persons

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.

2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.

3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

Article 10

Information exchange and training

1. Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information, in accordance with their domestic law, to enable them to determine:

(a) Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons;

(b) The types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons; and

(c) The means and methods used by organized criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them.

2. States Parties shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in

preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers. The training should also take

into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

3. A State Party that receives information shall comply with any request by the State Party that transmitted the information that places restrictions on its use.

Article 11

Border measures

1. Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons.

2. Each State Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of offences established in accordance with article 5 of this Protocol.

3. Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.

4. Each State Party shall take the necessary measures, in accordance with its domestic law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.

5. Each State Party shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.

6. Without prejudice to article 27 of the Convention, States Parties shall consider strengthening cooperation among border control agencies by, inter alia, establishing and maintaining direct channels of communication.

Article 12

Security and control of documents

Each State Party shall take such measures as may be necessary, within available means:

(a) To ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and

(b) To ensure the integrity and security of travel or identity documents issued by or on behalf of the State Party and to prevent their unlawful creation, issuance and use.

Article 13

Legitimacy and validity of documents

At the request of another State Party, a State Party shall, in accordance with its domestic law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for trafficking in persons.

IV. Final provisions

Article 14

Saving clause

1. Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.

2. The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures shall be consistent with internationally recognized principles of non-discrimination.

Article 15

Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.
2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.
3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.
4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 16

Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.
2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.
3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare

the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

Article 17

Entry into force

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

Article 18

Amendment

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment.

If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

Article 19

Denunciation

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

Article 20

Depositary and languages

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

APPENDIX 4: NEPALESE HOME'S HOME STUDY FORMAT

HOME STUDY ASSESSMENT

CLIENT INFORMATION

Client Name:	Date of Study:
Case Number:	Staff Present: 1

FAMILY INFORMATION

Address of the girl's home (include district, state, & pin code): Nuwakt District		
Specific directions to her home:		
Phone numbers of any family members:		
Parents :		
Father:	Occupation:	Age:
Living in the home: Y <input type="checkbox"/> Yes <input type="checkbox"/> No	Aware of client's situation: <input type="checkbox"/> Yes N <input type="checkbox"/> No	
Comments:		
Mother:	Occupation:	Age:
Living in the home: <input type="checkbox"/> Yes <input type="checkbox"/> No	Aware of client's situation: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments:		
Describe the client's relationship with parents:		
Parents' future plans for their daughter:		
Siblings (in order by age):		
Name:	Occupation:	Age:
Living in the home: Y <input type="checkbox"/> Yes <input type="checkbox"/> No	Aware of client's situation: <input type="checkbox"/> Yes N <input type="checkbox"/> No	
Comments:		
Name :	Occupation:	Age:

Living in the home: Y <input type="checkbox"/> Yes <input type="checkbox"/> No		Aware of client's situation: <input type="checkbox"/> Yes N <input type="checkbox"/> No	
Comments:			
Name:		Occupation:	Age:
Living in the home: Y <input type="checkbox"/> Yes <input type="checkbox"/> No		Aware of client's situation: <input type="checkbox"/> Yes N <input type="checkbox"/> No	
Comments:			
Other family members/significant others:			
Name: :	Relation:	Occupation: Farmer	Age:
Living in the home: Y <input type="checkbox"/> Yes <input type="checkbox"/> No		Aware of client's situation: <input type="checkbox"/> Yes N <input type="checkbox"/> No	
Comments:			
Name :	Relation:	Occupation:	Age:
Living in the home: Y <input type="checkbox"/> Yes <input type="checkbox"/> No		Aware of client's situation: <input type="checkbox"/> Yes N <input type="checkbox"/> No	
Comments:			
Name:	Relation:	Occupation:	Age:
Living in the home: Y <input type="checkbox"/> Yes <input type="checkbox"/> No		Aware of client's situation: <input type="checkbox"/> Yes N <input type="checkbox"/> No	
Comments:			
Name:	Relation:	Occupation:	Age:
Living in the home: <input type="checkbox"/> Yes <input type="checkbox"/> No		Aware of client's situation: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments:			
If the chief occupation of the family is farming, do they own the land? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA			
If siblings are of school age, are they attending? <input type="checkbox"/> Yes N <input type="checkbox"/> No <input type="checkbox"/> NA			
If not, please explain reasons:			
Did the client attend school? If yes, when did she stop? Why?			
Brief profile of the family's financial situation:			
Does the family have a BPL (below poverty line) card? Y <input type="checkbox"/> Yes <input type="checkbox"/> No			
Has the client been married? <input type="checkbox"/> Yes N <input type="checkbox"/> No			
If yes, give husband's name:		Occupation:	

Address:
Comments:
Caste, Community, or Religious background:
Family illnesses or vices (i.e. alcoholism, gambling, etc.):
What is the family's story for why the girl left home?
What contact, if any, do they have with the girl now?
Has the girl been sending any money to the family?
Would they like for the girl to return home?
Do they have any concerns if she returns home?

STRUCTURAL AND COMMUNITY CONSIDERATIONS

Describe the basic structure of the family's house:
Condition of the house:
Do they rent or own their house? <input type="checkbox"/> Rent <input type="checkbox"/> Own If they rent, who is the owner? How much do they pay in rent? If they own, do they have legal documents demonstrating such?
Describe the condition of the village: How did the village respond to the inquiry?
What community-based organizations are in the area that could assist with reintegration? What vocational options exist? Do women in this community work outside the home? If so, what do most of them do for work? Note any concerns about successful reintegration into this community:

VERIFYING DOCUMENTS

Have the following necessary verifying documents been obtained?	
School Records	<input type="checkbox"/> Yes <input type="checkbox"/> No

LIST OF TREATIES, CONVENTIONS, LEGAL INSTRUMENTS

International

1807 Slave Trade Act

1833 Slavery Abolition Act

1865 US Thirteenth Amendment

International Agreement for the Suppression of the White Slave Traffic was signed in 1904

1910 International Convention for the Suppression of the White Slave Traffic

1921 International Convention to Combat the Traffic of Women and Children

1926 Slavery Convention

1930 ILO Forced Labour Convention

1933 International Convention for the Suppression of the Traffic in Women of Full Age

1948 UN Universal Declaration of Human Rights

1949 UN Convention for the Suppression of the Traffic in Women and the Exploitation of the Prostitution of Others

1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery

1957 ILO Abolition of Forced Labour Convention

1979 Convention for the Elimination of all Forms of Discrimination Against Women

1982 Child Labour Convention

1989 Convention on the Rights of the Child

1993 Declaration on the Elimination of Violence against Women

1995 Fourth World UN Conference on Women

2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

2000 Protocol against the Smuggling of Migrants by Land, Sea and Air

2000 Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition

Brazil

Brazilian Penal Code

2003 National Plan to Eradicate Slave Labour

2005 National Plan for Women Policies

2006 National Policy to Counter Trafficking in Persons (Decree n° 5.948, 26/10/2006)

2008 – 2010 NPA to fight HT

2009 Ordinance n°31 of the National Secretary of Justice

2013 Tripartite Coordination of the National Policy to Fight Human Trafficking (decree n° 7.901)

2013-2016 NPA

Nepal

1991 Children Act

2000 Children labour Act

2001 National Plan of Action against Trafficking in Children and Women for Sexual and Labour Exploitation

2002 Bonded Labour (prohibition) Act

2002 SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution

2007 Human Trafficking and Transportation (Control) Act of 1986

2007 Muluki Ain (General Code – amended)

2007 Foreign Employment Act

2012 National Human Rights Commission Act

US

2000 Trafficking Victims Protection Act (TVPA)

Vietnam

1985 and 1999 Vietnamese Penal Code

2004 – 2010 NPA against the Crime of Trafficking in Children and Women (approved by Decision No. 130/2004/QD-TTg)

2004 COMMIT MOU on Cooperation against Trafficking in the GMS

2004 Guiding Principles for the Protection of Victims of Trafficking in the Greater Mekong Sub-Region

2007 Regulation on receipt and support to community reintegration of the trafficked women and children returned home from overseas (approved by decision No. 17/2007/QD-TT).

2008 Guidelines on process and procedures of identification and reception of trafficked women and children from abroad (circular 03/2008/TTLC-MPS-MOD-MOFA-MOLISA)

2011 – 2015 NPA on counter Human Trafficking

2012 Law on Prevention and Suppression against Human Trafficking

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