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Trafficking for prostitution in Italy: concept paper

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"Trafficking for Prostitution: Concept Paper"

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Premise

This paper is informed by the need to propose strategies and programmes aimed at combating and eliminating trafficking in persons, especially women and children. The paper intends to propose issues on which it is necessary to meditate as a first step to the proposal of strategies and programmes. Then as a working example of best practices, it shall present the Italian situation as a possible example to be followed. It shall therefore give a general overview of the problem of trafficking for prostitution in Italy and the dynamics of the different types of trafficking according to the country of origin of the trafficked girls. It shall briefly explain some of the social, economic and cultural dynamics of trafficking and the various effects on the girls from a psychological, medical and social point of view. It shall also examine the changes there have been in the phenomenon and then explain the various social activities being carried out by the Italian governmental and non- governmental agencies to assist victims of trafficking. It shall then look at the legal framework being used in Italy to combat trafficking and the recent government proposal to legalize brothels. This shall be critically reviewed and in conclusion shall give suggestions for strategies and programmes to combat trafficking.

The main emphasis shall be on the problem of trafficked Nigerian girls to Italy.

Issues on which meditation is needed

The international trafficking of persons, especially of women and children for prostitution and other purposes, is one of the most insidious and difficult problems to resolve in the world today. The use of women, young girls and children in prostitution, has become the greatest embodiment of this problem. The commercialisation of women's bodies is tolerated and indeed encouraged as a resolution to problems of sexuality, sexual identity and relational problems of men. Prostitution, often defined as the oldest "profession" in the world, is and has continued to be tolerated as an integral part of social exchange between men and women, while the inherent violence and oppression contained in such exchange is often denied and is left to perpetuate itself. The destructive and unhealthy component of social exchange which prostitution constitutes has never been addressed at

legislative level. Instead, it is proposed as a sane part of social order, which should be regulated to ensure its survival and continued use in the oppression of women and children who are its greatest victims. In many countries of the world, led by the most politically and economically advanced, prostitution has been and is being increasingly proposed as an alternative employment outlet for women. Its organized regulation and proposal of benefits on a social and economic level are being proposed in many countries.

This paper proposes a meditation on the insidious aspects of prostitution and sustains that in a global patriarchal society, which legitimates male use of female bodies as disposable commodities, it is not possible to successfully combat trafficking. To express outrage and call for an end to trafficking of young women and children is contradictory and incoherent where we do not first put a stop to the commercialisation of women's bodies. As long as prostitution is tolerated and governments permit it to be practiced as a "legal and valid" employment alternative, violence against women shall continue to be perpetrated and it shall not be possible to eliminate trafficking. The following issues should be critically examined as a first step to the proposal of strategies and programmes to combat trafficking:

1. The abuse of women which prostitution constitutes and the need to outlaw it and find alternative solutions to men's problems of social identity, their difficulties of relationship, sexuality and sexual identity;
2. The recognition on a global unanimous basis that prostitution is a violation of women's human rights and that it is inherently a humiliation of their dignity as persons, as women and as mothers;
3. That the legitimisation of prostitution and its promotion as an employment alternative is a direct cause of the international trafficking of women and children for prostitution and of paedophilia;
4. That prostitution is essentially violence and abuse of persons and should never be tolerated as a valid and healthy social exchange between men and women;
5. That poverty and the feminisation of poverty is one of the root causes of trafficking in women and children for prostitution;
6. The need to create legal possibilities of immigration for people from poor countries, taking the economic interests of both immigrants and the receiving country into consideration;
7. The need to put at the forefront the interests of women and children and not the interest of states to combat illegal immigration and organized crime;

8. The need to consider that there can never be “consent” in prostitution because no woman has ever “chosen” to be a prostitute where she has had valid alternatives to prostitution. There are various studies, which show this often unmentioned fact;
9. The need for a revival of solid cultural and social values which the so-called modernity and urban civilization has eroded in many countries, both developed and developing. These are some of the issues, which are no exhaustive, which should first be addressed before one can objectively make proposals for strategies and programmes to combat trafficking.

Trafficking in Italy as a case study:

Trafficking of persons in Italy involves minors, workers, young women and girls. The minors are exploited in various illegal activities, which include begging, stealing, illegal international adoptions and there are fears that they may also be involved in pornographic activities and in the trade in organs, etc. The workers are exploited in jobs where they are forced to work in sub-human conditions and are employed in criminal activities. They are sent out at large without any hope of regularising their legal status and in most cases, they are easily inserted in criminal circles. The women and young girls are exploited in prostitution. The phenomenon of foreign girls and women in Italy, that have been sold into prostitution, has since become a notorious fact, especially as regards the prostitution of young girls from Africa and from Eastern Europe in Italian cities. There are various shades of this trafficking for prostitution situation, which depends on their country of origin. You have those from areas, such as Africa and from Islamic zones, where prostitution is completely forbidden and as such could not be carried on, except in very rare occasions and in hiding. The women who are already prostitutes from there are brought to Italy to carry on their activities, which they would otherwise be unable to carry on openly in their countries. They are of course promised greater earnings for their prostitution. You have the other cases, for example from Eastern Europe or from Asia, countries like Thailand, the Indian area, where prostitution is carried out in a more open manner, those who were already prostitutes in their countries, but where not earning enough, may thus accept to come here on the offer of higher earnings. They may think of coming to work in the nightclubs, where they are called “dancers” or “entertainers”.

The main countries of origin of the girls being sold into prostitution are Nigeria (although we have had sporadic cases of girls from Kenya, Ghana and Ivory Coast. But these were

very few and are rare cases). The influx of girls from Nigeria into prostitution in Italy is the highest numerically and continues to grow.¹ Other countries of origin are, in order of highest numbers, Romania, Moldavia, Albania (the number of girls arriving from Albania is in diminution for reasons that shall be explained later), Russia and Bulgaria.

There are various differences in the modalities of trafficking between girls and women trafficked from Africa and those trafficked from Eastern Europe.

Trafficking for prostitution from Nigeria

The trafficking of Nigerian women and young girls into Italy for prostitution started around the second half of the 1980s following the increasing economic difficulties caused by the structural adjustment programmes imposed by the then Nigerian Government on orders of the International Monetary Fund.² They started leaving the country on promises of fantastic well-paying jobs in Europe, in factories, offices and farms. They arrived in Italy only to find themselves sold into sexual slavery and forced to prostitute themselves to pay the so-called debts, which they are told they incurred in being “helped” to come to Europe. A number of those who came in the earlier period, finished up as the “madams” who were later to perpetuate the trade and to become the exploiters of their fellow country girls.

It is however necessary to remember that, in the last few years, from around 1995/96, most of the girls who accept to come to Italy, though often aware that they are likely to fall into the prostitution market and not really to do a regular job, have no idea what this means and do not know what prostitution entails. Most of them are illiterate and have never had any experience of urban life before they find themselves in the enormous urban centres of Turin, Milan and Rome and haven't the least idea of what prostitution here is really all about, because the greater majority of them have never been prostitutes. They therefore find themselves having to cope with a new reality, a new country, a new social context without any friendly or family support network, a lot of violence and exploitation and most important of all, a new kind of reality, such that they never imagined even in their wildest dreams.

The Nigerian girls are made to believe that they are being sponsored to come to Italy to

¹ Data from the statistics of the Turin Municipal Office for Foreigners and Nomads collected within the ambit of its “FREEDOM” Project on assistance to victims of trafficking, under the Article 18 of Law 40/98 Social Programmes.

² The economic problems of Nigeria as a direct cause of trafficking are complex, and it is outside the competence of this paper to address it. Suffice it to say that one of the effects of these economic difficulties was and remains the migration in large numbers of not only young girls who unfortunately fall into the vicious prostitution rings, but also of young men in search of greener pastures.

work, telling them that the “madam” who paid for the trip is in Nigeria while the person they are to stay with here is just the support person of the “madam” and is giving her hospitality. The reality is that they are accomplices, both the “madam” in Nigeria and the “hostess” in Italy. Thus, they believe that they have been helped and that their exploiters are persons holding out a helping hand to take them out of the misery and deprivation they have been living in. This is so until they discover the violence they are subjected to, the situation they are forced to live with: nudeness, the blows and the cold they have to suffer and the money they prostitute for, but do not see, they do not realise what they have been put into and they realize that the so-called deprivation they had lived in was much better than the violence, humiliation and misery they are being subjected to on a daily basis.

The traffickers, usually men who bring in the girls on “commission” by the “madams”, or just bring in girls they contacted themselves, to be sold to the highest bidder. The girls are sold to their sold to their "MADAMS"³ and made to undergo specific magic "juju" rites⁴. They swear never to reveal the identity of their traffickers and madams to the police and to pay their “debts” without creating problems. These are rites, which have great significance for them, in which they strongly believe and which have a notable efficacy in assuring the payment of the "debt". It is a special phenomenon noted to the Italian police that Nigerian girls undergo much less physical control/check-up from their exploiters compared with other foreign girls trafficked into prostitution. They have no need of physical control, because the rites they are made to undergo psychologically impose the control on them.

The debts, imposed on the girls by their traffickers, on their arrival in Italy, are large amounts which range from sixty million Italian Liras (ITL) (about USD\$30,000 by current exchange rates) in less "heavy" cases, to a hundred and twenty million ITL (about USD\$60,000) in several other cases. The "debts" have to be paid in a matter of a few months, at the risk of violence being used on them and/or on their families in Nigeria by their madams. It should be noted that the girls charge an average of twenty thousand/thirty thousand ITL (USD\$10/15) per client and at times, as little as ten thousand ITL (USD\$5). Moreover, they are also requested to make an advance payment per month of a minimum of one million ITL (USD\$500) to "rent" the roadside spot where they work. Other

³ These are in most cases young girls and/or women who were also once enslaved as victims of trafficking, who, when they succeed in paying their “debt”, work and earn enough to “buy” a girl who also becomes their slave, obliged to pay them a fixed amount of money as the “debt” owed to them exactly as they too were made to do.

⁴ These are black magic rites in which parts of the body of the girls (pubic hair, nails, menstrual blood, hair and pieces of intimate clothing) are taken and placed before traditional shrines. The girls are made to swear an oath not to disclose the origin of their trip abroad, to pay their “debt” (usually not stated at the moment of stipulating the “blood contract”) and never to report to the police. Their failure to respect this oath means that they will suffer some grave ill or

payments they have to make include: a weekly sum of seventy thousand ITL (USD\$35) as contribution for their feeding, buying of expensive, provocative clothing for working (usually sold to them by the madams themselves or by her friends) and the making of various regular and expensive gifts to their madams each month.

The last few years have seen an increasing number of very young girls, in most cases minors, being trafficked to satisfy the ever more exigent requests of the clients. These are often ingenious, semi-illiterate girls who have not even, in most cases, had the possibility of a period of urbanization before they found themselves in huge urban centres such as Turin, Milan or Rome.

It is also necessary to take into consideration the psychological and psychiatric aspects of trafficking for these girls who are forced to make a "choice" of this kind. It is no wonder that we are being inundated with cases of girls, victims of trafficking for prostitution, who have serious psychological and in certain cases, psychiatric problems because of these rites and the mental and physical violence they are subjected to. They are made to believe that they are being "helped" by those who traffic them into prostitution in Europe and to discover that there is very little help being given to them and that all their so-called helpers wanted and are doing to them is to exploit them in the most vicious ways possible is often cause of great psychological suffering. The violence involved: burning them with hot irons if they refuse to prostitute, making them continue on the road even when they are ill, menstruating or pregnant, forcing them to undergo abortions without anaesthetics, forcing them to risk their lives by having unprotected intercourse, taking their children from them as a lever to make them submissive to their exploiters, attacking their families in their country as a way of pressurizing them to continue prostituting, the list of humiliations and violence is endless, all create psychological problems for the victims. The lies they are told: they are related untrue stories of how the Italian Police shoots at girls without residence permit and other hair-raising stories to instil fear in them and make them submissive to their exploiters.

It should be clearly stated however, that these girls do not all part from Nigeria only because of economic difficulties. From the study carried out,⁵ it has become quite clear that their poverty may not necessarily be the major reason why most of them part. There are quite a greater number of young girls who are very poor and desperate, but do not

misfortune to themselves and/or to their family. This issue will be reviewed in greater detail in the text of this study as it is of crucial importance in the "hold" the traffickers have on the girls to force them into prostitution.

⁵ Esohe Aghatise "Research and Case Study on International Trafficking of Nigerian Girls for Prostitution in Italy" (to be published).

accept to go abroad. The issue thus goes beyond a mere case of poverty and the need for money to feed and pay for basic necessities. Our study has confirmed the hypothesis that sending female children abroad has, in most cases, become a sort of status symbol for some families. This is as a result of the breakdown of social and cultural values, the disintegration of traditional family structures and the lack of valid, efficient social reference models in substitution. Most families interviewed tacitly accepted the idea of prostitution as a solution where extreme poverty has made life difficult. They were however less ready to accept this when the violence and humiliation involved in it was made clear to them. Thus feminisation of poverty comes to have its greatest expression in the sale of female children into trafficking for prostitution.

Cultural Aspects

It should be noted that one of the most curious aspects of the international trafficking of Nigerian girls is the fact that the greater majority⁶ of them come from the mid-south region and belong to the Edo (Benin) ethnic group. This is curious because traditionally, this ethnic group does not socially accept prostitution. What was considered promiscuous behaviour was traditionally sufficient to ostracise any young girl or woman, both by her family and by the society. The social stigma was such that she could never more aspire to marry within her social group and remained an outcast if she didn't leave the town.

As regards a married woman, it was a taboo for her to so much as let another man who was not her husband to touch her even in the most innocent of ways. Where a married woman was inadvertently touched by another man outside of her home, she was obliged to report the incident to her husband on reaching home. She was obliged to carry out special purification rites to cleanse her from the "cursed" action of the strange man.

It therefore becomes quite curious to note that the greater majority of those trafficked come from this traditional social set up. It is in this context that one needs to analyse the issue of their moving from their home to prostitute abroad, far away from the "influence" and reach of traditional values, rules and regulations.

Another cultural aspect of the trafficking in Nigerian girls for prostitution is the fact of their being made to undergo black magic "juju" rites to ensure their payment of the debt imposed on them. This is perhaps the most relevant aspect because of the subsequent effect, which it leads to. The strong belief, which they have in, these rites, coupled with an exaggerated sense of duty owed to their "benefactors" later develop into strong fear. This

fear is up to the extent that even when they do succeed in paying all the “debt” to their exploiters, they still continue to live in the fear of some unmentionable misfortune happening to them or to members of their family. Each and every misfortune they may suffer, is attributed to the rite they were made to undergo. This, understandably, may in the worst of cases develop into a real situation of strong psychological difficulty or even more serious, result in unbalancing the already weak psychological stability of the girl and lead to psychiatric disorder.

Social Aspects

Nigeria is one of the larger examples of a developing country which started off on the path of development⁷, but crashed down halfway without attaining any significant level in terms of infrastructure, services and resource base which may have helped to cushion the failure of its development plans and projects, if not helped to stop it altogether. This is not the forum to talk about the reasons for the failure of Nigeria’s economic dreams and aspirations. Suffice it to say that bad management, lack of foresight, chronic corruption, nepotism and tribal divisions and the inability to create a sense of national identity (notwithstanding a four-year civil war with its hundreds of thousands of dead and mutilated), the disaster of military dictatorships, coupled with the even more disastrous first civilian government after the civil war, all led to the downfall of the Nigerian dream. The arrival of the first civilian government saw an enormous increase in loans and the huge change in Nigeria’s debt/credit balance from a relatively under-borrowed one to a major debtor.

The years of economic boom, from Nigeria’s petrol dollars, did however leave behind an uncomfortable legacy. The legacy of a country, of a people which had acquired a taste for a high standard of living, a consumer society which no longer had the means to satisfy its high taste but was not ready to admit or accept it. A country which has not been able to lay the foundation for a sustainable adequate standard of living for its citizens, despite its immense human and mineral resources. The failure of the Nigerian development aspirations, coupled with the real economic difficulties brought on by the fall of petrol

⁶ It is estimated that up to 80 percent of girls and women trafficked into Italy for prostitution, belong to the Edo ethnic group.

⁷ Abbott, G.C. (1979), International Indebtedness and the Developing Countries Vikas Publishing House Pvt Ltd., New Delhi

prices⁸, the heavy debt burden left behind by years of mismanagement and corruption, the subsequently imposed IMF conditionalities for the restructuring of Nigeria's debts, has brought the people to the point of despair and resignation. The galloping rate of inflation and weak strength of the Naira makes life very difficult to live indeed.

The economic difficulties and turbulent political life also lead to a breakdown of family and social structures generally. The financial difficulties, which have significantly impacted social services, like health care, education, and other public services. Children are regularly pulled out of school by parents, who cannot afford to pay their fees. Crime rates continue to increase and the general informal social interdependence and informal welfare system of self-help has collapsed. The family has lost its role as a point of reference and a culture of money as the ruling value, has replaced traditional values. Role models for youth are superficial money serving icons, which give the idea that money is to be had at any cost. In such setting, it is not surprising that social cohesion has been impossible to retain. Corrupt individuals in the police are often the instruments used by the exploiters to obtain submission from the victims by their attacks and arrests of members of the victims' families.

In the specific social set-up of the Edo ethnic group where polygamy is common, most men who cannot face up to the task of caring for their families abandon the task to their women. Even if they do have a job, what they earn is not enough to cater for the needs of the whole family. This has led to a situation in which each woman has to cater for her children, while the head of the family abdicates his role of the breadwinner to his wives. In a polygamous family setting, the patriarchal structure generates continuous conflict and competition. The wives are in continuous struggle between themselves for recognition and for a share of the family resources for themselves and their children. This conflict is usually shared by the children who are necessarily forced into a continuous struggle for a role within the family and to obtain their share of the family resources. The females are of course at the tail end of this power struggle, being the weaker link in the family hierarchy. The women discovered that selling their bodies is a fast and fruitful way to earn a living for themselves and for their families. Their men are equally prepared to close an eye to traditional values, rules and regulations as long as they benefit from the earnings of their wives.

Women traditionally play an adhesive role in the social context of the Edo ethnic group.

⁸ Earnings from the petroleum industry account for more than 90% of Nigeria's income. Ekeoku, N.I. (1985), "Government External Borrowing in the Nigerian Post-boom Era: Some Simulation Results and Implications" Nigerian Journal of Economic and Social Studies Vol. 28, N° 3, Ibadan: NES

The success or failure of a family in its individual and collective projects is usually attributed to the woman in the house. Thus the greater responsibility is implicitly that of the woman.

The step up has however been that while at the beginning of the prostitution trips to Italy, the Nigerian women who were trafficked were for most part married and/or separated women on the lookout for a way to cater for their families, those who were later trafficked are mainly much younger girls who decide to set out on a “job” search to help their families. Their project on setting out, is therefore that of going abroad to “suffer” for a few months, earn huge sums of money and return home extravagantly successful to pull their families out of the squalor and poverty in which they left them. The reality is of course much different from this scenario of success. It must be noted here, that one of the main factors which triggers off grave psychological suffering for these women, is when they are freed from their exploiters but end up moving from one community house to another without any possibility of an immediate means to obtain money to send to their families. The failure of the project, which made them leave the shores of Nigeria, usually throws them into serious psychological crisis. At times, it is not unusual to find some of them who do decide to return to their “madams” as a way of realizing their original project.

Psychological Aspects

The physical, mental and psychological stress which these women and girls suffer at the hands of their traffickers has often lead to their ending up in psychotherapy, if not, in the worst of cases, in a mental health ward. The violence involved in their trip from Nigeria – on foot, by road, by ship and then by air – to reach Europe. Verbal and physical abuse, rape, forced abortions without anaesthetics, forced prostitution induced by the threat of magic rites and potions – some are forced to drink the water used to wash a dead person’s body as part of the magic rites, swearing to pay the debt imposed on them – are all part of the scenario of the violence suffered by these young women.

The additional cultural shock, the difficulty and in many cases, inability of many of them to adapt to the socio-cultural context in which they are forcefully introduced, the memories of personal trauma dating back to their infancy, all only add to aggravate what is already an unsustainable situation.

The very fact of having accepted to come to Europe to “work” without asking too many questions about the “job” that is being offered, often has its roots in an unconscious will to escape psychological difficulties which they are not even aware of, much less ready to

admit. Herein lies also part of reasons for which they continue to arrive and the situation does not seem ready to change.

It is evident from the situation above that we face an extremely complex situation where at times one may risk falling into the trap of being taken for an enemy by the victim and not as a friend. For most of them, their “madams” are seen as “benefactors” who “helped” them to escape from the extreme poverty and deprivation in which they were living. In other cases, telling them not to pay their “debt” could amount to their being asked to run the risk of dying horribly as a result of the effect of the magic rites, which they have undergone. One has to be very careful therefore to address the issue with extreme delicacy.

Trafficking for prostitution from Eastern Europe

The situation of the trafficking of girls from Eastern Europe is in many aspects similar, especially as regards the effects of the physical and psychological violence they are subjected to. The dynamics of the trafficking is however quite different.

The Albanian girls for instance have the peculiarity of the traffickers being micro cells of criminals who traffic them and it is difficult to find the same industrial line type of trafficking of the Nigerians in their case. The girls started arriving following the end of the EAST-WEST divide and the opening of the former East European countries to the West. Many of the trafficked girls from Albania left on the promise of marriage from unscrupulous men who promise to bring them to a rich fulfilling life in Western Europe. Many of them are from very traditional patriarchal societies, where family honour and purity of the girl at marriage is still a very strong value. Playing on the relationship of trust and affection, with promises of easy earnings, these unscrupulous men are able to obtain the consent of their families to take them away to what their families see as better opportunities of a life for their children. Once here, you find that it is the same men who get engaged to them in Albania and make them believe that they are going to marry them in Italy, are the same men who then turn them on the road and prostitute them. Once here, they make them believe that there are sudden economic difficulties and that the only way to get money is to prostitute. For love of their “men”, the girls finish up on the road. More often than not, the same man has three or four other girls in other apartments, who are already on the road, who fell for the same story. The emotional relationship, which ties the girl to this man, becomes the instrument by which she is exploited by him. It is often

difficult to convince the girl to report him to the police because of her misplaced sense of loyalty and love for him.

Then there is the other situation of the girls from Eastern Europe. It is a sort of hybrid, because in the majority of the cases, they are recruited from some bar, some topless bar, where they were already carrying activities of semi-prostitution, with the difference that they were getting very little money for it. These “talent scouts” who bring them to Italy then pick them up, with promises of their earning much more in less time, they are trafficked to Italy. Here at times their rebellion trips off because, while having believed that they were going to earn at least half a million a day, they find they are hardly able to put together a lira because, between paying hotel bills and paying one thing or the other, there is hardly anything left to save.

The other situation of girls trafficked from Eastern Europe is that we still have frequent stories of Bulgarian and Ukrainian girls who are stolen either on their way home from school or from work. In the major part of these cases, the organizations which bring in these girls from Eastern Europe are much more violent and aggressive than those which traffic in Nigerian girls. The girls are controlled physically and kept in sight and are easily passed or sold off from one gang to the other with the conspiracy of their unidentified girlfriends who may either be prostitutes themselves or were once prostitutes. Their role is that of checking up on the other girls working on the road or on new girls who have just been bought and brought into prostitution. There are stories of extreme violence, girls beaten up with belts, girls put into a bath filled up with frozen water, that is, situations of extreme gravity.

This is again different from the situation of girls coming from Romania. A different type of nuance is that represented by some organizations, which traffic girls prevalently from Romania. They are mainly Romanian men and at times some Italian men also appear on the scene. In these situations, we have seen that these men arrive up to the point of making an agreement with the girls relating to the amount of money to be paid by them. In such a way, the girls are also able to keep part of the money for themselves. Thus, we have a less violent organization which leaves a margin of freedom to the girls they put on the road. In contrast however with the case of Nigerians, in all the other nationalities, there is no situation of indicating a fixed amount of money to be paid and so there is no time factor involved either. It is probably the case that in these persons’ mind, as long as the girls are able to take home money and they are sweet and obedient they would continue to work for them.

Cultural Aspects

The most important cultural aspect for many of the East European girls, especially the Albanian girls, which cannot however be generalized, is the family honour which binds them not to dishonour their family name at pain of death. Many of them cannot call their families to tell them where they have been and what they have done. Their agreement to leave home is often behind promises of marriage by the same men who traffic them and sell them into sexual slavery. These same men go back to report to their families that they have run away and are involved in dubious activities. When the girls finally pick up courage to call home, many times, they discover that the men have gone back to spoil their names, and their families, for fear of a scandal, repudiate them and tell them not to come back home. They thus find themselves caught between a failed dream of love and marriage to a man who had sworn eternal love to them, the destruction of their reputations in their social environment with a risk of never being able to return home because they may, in the extreme cases, face the risk of being killed by the male members of their own families for having dishonoured the family name.

Psychological Aspects

The psychological effects of the trauma they undergo are not much different from that suffered by Nigerian girls. The difference is more on a personal level, where each girl, according to her personal capacity to react to trauma and to overcome its effects. The fact of not being able to speak to their family members, and in some cases where they are not allowed to have contacts with the children they left behind, in the case of those with children, is often source of great psychological suffering for them.

Strategies and programmes introduced in Italian to assist victims of trafficking

Up till 1998, there was no specific legal framework within which assistance or protection could be given to victims of trafficking. Previous to the present Article 18 provisions for the social protection of victims of trafficking, Article 5 of Law Decree 477/96⁹ made provision for the issue of a special residence permit of one year duration, to a non European citizen exposed to serious peril, due to the person's collaboration or declarations, issued by the same person, during the course of preliminary investigations or trial in a penal proceeding. Thus, it was often the case that victims were then often given

⁹ Which introduced an addendum to Article 3 Law Decree 416/89 ... (8) (t).

temporary residence permits for judicial reasons, as it was then stated, to permit them to collaborate in the investigations and the penal proceedings of indicted traffickers. This residence permit did not permit the present social protection and general assistance to victims, which exist presently under Article 18 of the law on immigration.

Previous to that, there had been various religious and laic organizations, which have worked to assist the victims of trafficking down the years. The various organizations have been working for more than ten years, using available resources where possible to make life easier for the victims who managed to escape from their exploiters. Thus ad hoc decisions, often on an individual basis, of Heads of Departments, especially in the medical field, were utilized to obtain a minimum of medical assistance for those victims who managed to escape from their exploiters. The religious organizations, such as Caritas and non-religious organizations such as Gruppo Abele, which already had community housing facilities for other situations of social disadvantage, put those facilities to use in assisting victims. These were facilities that were used in the past to assist homeless Italian women who found themselves alone on the streets or single mothers who had nowhere to go with their children. With time, various other organizations were set up to address the issue. A European Union project TAMPEP was also carried out to give information of prevention of sexually transmitted diseases and the prevention of unwanted pregnancies to prostitutes. The motivating philosophy behind this project was the protection of general public health. The Turin Municipal Council set up a specific office¹⁰ on the problem of general immigration, to give assistance to immigrants without legal status in Italy. This also of course included victims of trafficking. This office came to be at the forefront of programmes for the assistance of victims.

With the passing of the Law on Immigration in 1998, a legal framework was created for the assistance of victims of trafficking under Article 18 of the law.¹¹ The Office for Foreigners is the initiator and promoter, as a Municipal Council office in charge of problems relating to immigration and especially to trafficked persons, for a Ministerial Project called “Freedom” which is in its third year of operation. While the Turin Municipal Council is the promoter, the fulfilment of the activities under the project are carried out by the various communities, religious and laic associations and volunteer groups who have presented projects of adhesion to the Freedom project. It is a project, which addresses the issues relating to victims of trafficking. It is the most comprehensive and global project that has ever been had on trafficking. There are currently 150 girls

¹⁰ Ufficio Stranieri e Nomadi (Office for Foreigners and Nomads of the Turin Municipality).

being handled under the Freedom programme for their social rehabilitation and reinsertion. The Municipal Office coordinates all the organizations, associations, religious and private volunteer services, which offer accommodation and accompaniment to the different services to the victims of trafficking. The greater majority of cases on trafficking being handled in the Turin Municipality pass through this office and all interventions are of course in collaboration with the network of organizations. It may be that some territorial service or office, like the social welfare services, may follow up the case of a victim, but this is quite rare. It is rare also because right from the moment the girls are picked up, they do not have documents, neither do they have official residence and so, they lack the characteristics necessary for them to become users of a public service.

The Freedom Project was instituted after more than six years of regular work with victims of trafficking. It is a project, which addresses the issues relating to victims of trafficking. This rehabilitation and reinsertion involves entrance in Community housing from the first period of emergency, and then, subsequently, insertion in the temporary employment scholarship programme and when they finally get a regular job, provision of guided independent single housing before they are able to obtain their own housing facilities. This office coordinates all the different religious and private volunteer services, which offer accommodation and accompaniment to different services to the victims of trafficking. This rehabilitation and reinsertion involves entrance in Community housing for the first period of emergency, and subsequently, insertion in the temporary employment scholarship programme and when they finally get a regular job, provision of guided independent single housing before they are able to obtain their own housing facilities. There is also provision of Italian language courses, technical training programmes in accordance with the needs of each girl. These activities are carried in collaboration with those groups and associations, which make available these services.

Within the programme, they are accompanied to the Police Headquarters for them to make a report on their exploitation and thereafter, they are entitled to obtain a temporary residence.

Thus, from a legal point of view, Article 18 instruments have helped to increase the number of those who denounce their exploiters. This has helped the reintegration of the girls, which is the most important thing, because, in the past, once there was the denouncement and the girl obtained a residence permit, she was practically left on her own without any assistance and found herself at the starting point. With Article 18

¹¹ Article 18 Law 40/98 - which provides for the Social Protection of victims of trafficking.

programmes, the global assistance to the victim is addressed and she is accompanied up to the point of obtaining full independence and autonomy.

There are a series of organizations registered in the National Registry of organizations working to combat trafficking and assist victims and they are the ones who have been authorized to work on these issues. At Turin, you have the Municipal Council, under the Office of the Councillor for Social Assistance, in the Office for Foreigners and Nomads as the principal actor in this sense, in collaboration with organizations, associations and voluntary groups, which work with them.

There is a very close collaboration between the Police and these agencies because they are the ones who have direct control of and offer assistance to these girls in their integration process. They offer both assistance and checkups on the girls because when residence permit is issued, it is necessary to present a programme of integration agreed between the girl and the association or group to obtain the residence permit. This is then communicated to the Police. Then at the first semester, there must be a review of the programme. If at that point the girl is already independent and no longer has need of a support from the organization and is thus no longer under the control of the organization, the organization has to write a letter to inform the Police of the end of their programme with the girl. It is only at this point that the Police transforms the residence permit they have and issue a normal residence permit for subordinate employment and the girl is considered independent at all effects and no longer under the control of anybody and can do whatever she wants with herself and her life in full respect of the law. The Police carry out check ups and controls on the girl. If the organizations handling her case refers some problematic case to them, they call the girl and try to find out why the programme is not proceeding in a satisfactory manner. After due consideration, they may advise her that if her behaviour is considered not compatible with the provisions of the law for insertion into the Art 18 provisions, this may prejudice her right to remain in the programme and may lead to the loss of her residence permit.

Another aspect of this police involvement is the present governments wish to repress what they see as the “moral degradation” of social life, which is blamed on the presence of foreign prostitution on the streets. There is also increased repression by the Police, in the sense that, the girls who do not collaborate, that is, those who refuse to denounce their exploiters or who do not give comprehensive information on their exploiters and are still on the road, are picked up and sent back home. In Police opinion, this may seem an apparent cruelty, because it seems to penalize the victims more, but they regard it as

having the sense of removing the “workmen” of the criminal organizations. The Police think that, even though the girls may come back within a short period, as in the case of the Albanians, in a matter of a few days, it is however a loss for the exploiters, because it means at least one week less of the money the girls would have brought in and more expenses to bring them back in and this for them means a good setback. The Police also make a distinction between those who are really victims and those who exploit others and pass themselves off as victims. The Police think that there has been very good publicity for these articles of law and that those who remain and do not want to denounce their exploiters do so because it is convenient for them and not because they are really victims. The main problem of this idea of the Police however, is that it may not always be possible for the victims to correctly identify their exploiters. This repression has unfortunate aspects, which are not being considered by the Police. Unfortunately, the victims are not given any chance to explain their situation, in obvious violation of Article 18 of the Immigration Law, they are not given information on the possibilities they have of obtaining assistance under the programme, where they report their exploiters and they are repatriated with only the clothes they have on, without any possibility of even taking the few things they have. The tragedy is that these girls are going to be trafficked again by their exploiters who then try to get money twice from them for the two times they were trafficked. That means their having to pay double what the original debt was!

There have however been recent attempts to collaborate between the Italian Police and their Nigerian counterparts in combating trafficking. Both partners have met both in Nigeria and in Italy to consider ways of combating trafficking.

As regards prosecution, the problem of light sentences and quick exit of condemned traffickers from these sentences by way of negotiation of the terms of the sentences, etc., is a problem of the Italian Judicial System and Penal Procedures. This would be difficult to resolve because in Italy, there are certain institutions, which, put together ensures that people come easily out of prison. This is because, once they obtain the double benefits or the conditional suspension of the sentence, which is the same thing as the double benefits, they may also negotiate the sentence, which always results in less than two year sentences and thus permit the conditional suspension of the sentence. Once a person has a suspended sentence, logic has it that the accumulation of the suspension means that he has to serve the first sentence that was suspended, if he commits another crime. Once he is on suspended sentence, even though he commits another crime, and it is one, which carries

less than a two-year sentence, he is still regarded as being under the former suspended sentence. Thus he gets a double conditional suspended sentence for two different crimes. These are the things that most people know and which permits these people to stay around without getting punished. Then, even where they have been imprisoned, one can present a request for release from prison. The order for release is given to the person, and in doing so, the person is asked to make an application to be entrusted to the Social Welfare Services, on trial basis. If he behaves well, which most of them are smart to do, he remains outside and does not have to serve the jail term. Thus, getting them imprisoned, even with the greatest commitment and goodwill is something very difficult to obtain. This is the transversal problem of the whole Penal Procedure system that makes things difficult for the judicial enforcement system and this is certainly not going to be easy to modify.

There is also the possibility of a victim choosing an assisted re-entry into her country with the International Organization for Migrations (IOM) programmes. In such cases, an economic activity is set up in the country of origin and the victim is paid her trip back home and assisted for a year, with the necessary funds to create and carry out this economic activity. Understandably, very few victims have chosen this line. This is because, it is often too dangerous for them to go back home or their families may refuse to have them back or they may not be able to face the admission of failure which many feel going back without fulfilling the project that made them depart entails. There are many complex reasons for which they refuse to accept the IOM offer and return home, even with an economic assistance project.

The social assistance programme in Italy however constitutes best practices, which could be replicable in other countries.

The Legal Framework for combating trafficking in Italy

Prostitution in itself is not a crime in Italy. It is the exploitation of prostitution that constitutes a crime.¹² Under Articles 535, 536 and 537 of the Penal Code¹³, which provides for the punishment of the crime of trafficking of women and minors (Art. 535), the trafficking of women and minors by use of violence, threats and deceit (Art. 536) and the trafficking of women and minors committed abroad (Art. 537). Articles 600 - 604 also punish the reduction of persons to conditions of slavery. In 1958, brothels were abolished in Italy by Law 75/1958: “Abolizione della Regolamentazione della Prostituzione e Lotta Contro lo Sfruttamento della prostituzione Altrui”, popularly known as Legge Merlin after

¹² Articles 531 - 534 of the Penal Code.

the parliamentarian who proposed the law. The same law also decriminalized prostitution, legalizing the possibility of every adult woman to “choose” to become a prostitute. The philosophy which informed the decriminalisation of prostitution in Italy was based on the so-called constitutional and human rights of women to “become a prostitute or to self-determination with respect to the exercise of her sexuality, as long as it does not involve the exploitation of other persons to this end”. The brothels in Italy had proved to be places of oppression for the women in prostitution. Many abuses were carried out and instead of reducing the incidences of sexually transmitted diseases as they were supposed to do, it was discovered that brothels were the very dens where sexually transmitted diseases were most likely to be contracted. The brothels were difficult to control and the medical and social regulations that were supposed to make them easier to manage were impossible to enforce.

It was thus, rightly the belief that brothels were abusive of the dignity of persons, especially of women. It was believed at the time that by decriminalising prostitution and closing down brothels, the interests of women in prostitution would be safeguarded and they would be protected from police harassment and exploitation by third parties. It was thought that this would take the initiative and control of prostitution and therefore of the women’s bodies from pimps and the women could then become the major determinants of their own fate in prostitution and have full control over their bodies. It was also the belief that this would give greater autonomy to the women. The self-determination principle and possibility of choice of whether to be a prostitute or not, is very strong in Italy, notwithstanding evidence which nullifies this belief.¹⁴

This was of course, a myth. In practice, this so-called right to self determination and control over their bodies was hardly possible to exercise because, if a woman is caught in the street prostituting, she could be and was indeed charged with obscene acts in public places or acts against public morality. If she was caught prostituting in her apartments, she could also be charged with infringement of the law against the operation of brothels, though many of them had no choice but to prostitute in their apartments. Thus, it was hardly practicable for Italian women to, in point of fact, “choose” to exercise their right to self-determination of their sexuality. After the promulgation of that law, prostitution by Italian women was predominantly was extremely difficult to carry out in the streets for the

¹³ Libro II, Titolo IX: Dei Delitti Contro la Moralità Pubblica e il Buon Costume, pp. 151 - 152.

¹⁴ DOCUMENTAZIONE ITALIACARITAS, N° 1 1997, Seminar on “LA TRATTA DI ESSERI UMANI A SCOPO DI SFRUTTAMENTO SESSUALE” (trafficking in humans beings for sexual exploitation), Roma, 6-7 December 1996.

Italian women. State repression¹⁵ consisted in booking the women, expulsion orders,¹⁶ confinement, forced residence, special surveillance, revocation of driving licences and other forms of police harassment and humiliation. Before the massive arrival of foreign women who are being made to prostitute on the streets, most of the prostitution that was going on was by Italian women.

The end of the 80s and the early 90s, which brought the arrival of foreign women in prostitution on the streets, changed the scenario of prostitution in Italy. Italian women had already retreated into prostitution in apartments, in so-called massage parlours and nightclubs, after the massive government repression. Those who still remain on the streets are usually drug addicts who prostitute to feed their habit. The rest are entirely made up of foreign women from Africa and Eastern Europe. Foreign persons and women in prostitution started in the early 80s with the arrival of transvestites and girls from Latin America and from South East Asia.¹⁷ This group gave way, from the late 80s to the early 90s, to a massive influx of women from Eastern Europe, especially Albania and Romania and from Africa, especially Nigeria and Ghana.¹⁸ From around 1992 to 1994, there was a massive influx of Nigerian and Albanian women. From then onwards, the panorama changed until we now have much more Nigerian women present in prostitution of foreign women, less Albanian women, the arrival of even younger females, most times minors, and the arrival of other nationalities from Eastern Europe¹⁹. More than 95% of present street prostitution is by foreign women. This has made prostitution much more visible, for obvious reasons, because the highest number of women and girls in street prostitution are from Africa, especially Nigeria. The changes in the panorama of prostitution and the high visibility of these foreign women, has reopened the call for the legalization of brothels and for the control and regularization of street prostitution. The tendency has been to equate immigration with trafficking and with all forms of criminality and thus, to blame the foreign women for the “moral degradation” in Italian cities, which is seen as being embodied by open street prostitution. This led to open calls for the reintroduction of brothels as an answer to street prostitution, followed by protest marches towards the early

¹⁵ Invoked under Article 1 of the Special Police Powers Laws against terrorism.

¹⁶ An expulsion order is usually to the effect that the woman could not be allowed to enter into the territory from which she had been expelled for at least two years from the date of her expulsion. She, being an Italian citizen, was denied her citizenship to a portion of Italian territory for having “exercised her right to the self determination” of her sexuality”. The expulsion order was later to become the main instrument used against foreign women involved in prostitution, and not being Italians, without identification papers, without legal status in Italy, it becomes easier to physically expel them from Italian territory and many of them have been thus expelled.

¹⁷ Chile, Peru, Brazil, Colombia, Thailand, etc.

¹⁸ They usually carried Nigerian passports and passed themselves off as Nigerians.

to middle 90s when women, in many northern Italian cities started open public protests against foreign prostitutes. The reopening of brothels as a solution to trafficking and street prostitution was one of the platforms used by the current Right wing government currently in power to obtain consensus in the elections.

The arguments being used to promote the reopening of brothels is to the effect that:

- a. It would better safeguard the interests of prostitutes;
- b. That it would ensure that prostitutes are given proper medical assistance;
- c. That prostitutes would be exposed to less violence;
- d. That they can organize themselves into a syndicate to protect their “employment” interests and that;
- e. That this would eliminate pimping and the exploitation of the women because they would be the ones to organize themselves into cooperatives to sell their services.

Studies from a country like Australia where some states have legalized brothels has shown that these ideas in promotion of the legalisation of brothels are a myth. The introduction of brothels increase the exploitation of women and children and lead to higher incidence of trafficking for prostitution, as well as creating a whole range of other problems for women children and the society in general.²⁰

This proposal must also be analysed within the context of the international trafficking of women and girls for prostitution in Italy and the Italian government commitments on an international level against trafficking and prostitution.

The 1949 Convention expressly states, in its Preamble, that “prostitution and the accompanying evil of trafficking for the purposes of prostitution are incompatible with the dignity and worth of the human person”. In its Article 6, it expressly prohibits measures to subject persons engaged in prostitution or suspected to be engaged in prostitution to any exceptional requirements for supervision or notification.²¹

In 1980, the Italian Government, with unjustifiable lateness,²² ratified the 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. The ratification of the Convention made it come into force in Italy, meaning that a reciprocal conditioning now exists between national and international

¹⁹ Girls from Ukraine, Moldavia, Russia, Bulgaria, Poland, ex-Yugoslavia, Hungary, Bosnia, Serbia, Lithuania and Latvia.

²⁰ Mary Sullivan and Shiela Jeffreys “LEGALISING PROSTITUTION IS NOT THE ANSWER: THE EXAMPLE OF VICTORIA, AUSTRALIA”, CATW, North Amherst, USA and Victoria, Australia.

²¹ See Malka Marcovich, “Guide to the UN Convention of 1949”, CATW, North Amherst, USA.

²² M.A.Q. Vitale, “Profili giuridici della tratta di esseri umani” in DOCUMENTAZIONE ITALIACARITAS, N° 1 1997, Seminar on “LA TRATTA DI ESSERI UMANI A SCOPO DI SFRUTTAMENTO SESSUALE” (trafficking in humans beings for sexual exploitation), Roma, 6-7 December 1996, pages 31-41.

penal laws. The legalization of prostitution in Italy could thus be considered incompatible with Italy's international commitments, in view of the wording of Article 6 of the Convention. This is even more so as regards the proposed reopening of brothels. The brothels are intended to regulate, supervise and introduce notification requirements for persons in prostitution or who are suspected to be in prostitution. Article 6 is explicit about the prohibition of such supervision or notification. Its introduction would thus be in direct contradiction of the international commitments undertaken by Italy and would be in contradiction also of its internal penal provisions. Italy also ratified the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

On a practical level, to allow for the creation of brothels would mean that traffickers would have the possibility of legally importing what in Italian is called "manodopera"²³ to fill in their brothels. Girls can thus be brought in with regular employment contracts, closed into brothels where they can be sure to "work" until death or disease releases them. It is to be remembered that they are subjected to all kinds of manipulations and to both physical and psychological violence to subjugate them and break their will. The fear that is instilled into them by the voodoo rights and the physical violence to which they are subjected. It is not difficult to imagine how this would be used to further strengthen trafficking of women and minors into prostitution. It is also easy to imagine how the work of the exploiters will become better organized and less difficult for them, with the blessing and support of the government.

The new proposals by the Right wing government to legalize brothels²⁴ would also have the effect of further driving underground the victims who would not even have any other possibilities of coming in contact with the general public. Right now, people they meet on the road assist most of those who have the courage to come forward and denounce their exploiters. The fact of their being exposed to contact with other people has helped in ensuring that they come into contact with information on how they can obtain assistance whenever they succeed in running away. This is one of the factors that has made it possible for the great success of the Article 18 Social protection programmes. With brothels legalized and people allowed to organize women into "cooperatives", this would mean that these girls can be brought in, regularly registered as members of a cooperative

²³ Workhands which in this case would be work "bodies".

²⁴ Brothels were abolished in Italy in 1958 by Law 75/1958: "Abolizione della Regolamentazione della Prostituzione e Lotta Contro lo Sfruttamento della prostituzione Altrui", popularly known as Legge Merlin after the woman who proposed the law.

and would then be put away to work in the brothels without fear of disturbance by the police forces. It is to be remembered that these are girls whose documents are seized as soon as they arrive and they do not speak Italian language and do not know anybody in Italy.

The Way Forward: Strategies For Combating and Preventing Trafficking

Strategies for its prevention: a more global collaboration in combating trafficking is obviously the best way to go forward. I believe the programmes and strategies already being used in Italy constitute a very good best practice that can be introduced in other countries. There is of course much room for improvement in the Italian system, but it is already good as a start. The collaboration that exists between government agencies, NGOs, religious institutions and the Police headquarters, the networking between them, are I think, good examples of working together on trafficking.

As regards investigation and prosecution, the terms of imprisonment are too lenient and in a certain sense, a slap on our collective faces, seeing the gravity of the offences committed by traffickers. The girls have to face a lot of sacrifice and fear to report these people, only to find that in a matter of a few months, these people can get out after having succeeded in negotiating the terms of their sentencing. This is something, which should be changed. It is hoped that with time, it may be possible for the Municipal Council or the NGOs which handle the cases of the girls to be able to sue for damages and obtain redress on behalf of the girls, also because the work they carry out with them has quite a heavy cost. The property of the exploiters should be seized to assist in paying for legal services for the girls and this would be a significant gain. As regards assistance, the magistrates sometimes take too much time to issue decrees allowing the issuance of residence permit to the girls. It is also hoped that it would be possible to get them to fasten up the process. It is a serious oversight to leave those tried and sentenced, after being found guilty, to continue to live on Italian territory, while girls who are victims are expelled. There is a strange phenomenon of women who were managing the trafficking of girls, who succeeded in obtaining residence permits during one of the various regularization exercises. They continue to remain regularly in Italy, while the victims who did not succeed in obtaining it are expelled. This is an injustice.

As regards prevention, a lot is already being done. Maybe the modality and type of language being used is not so efficient and this may explain why situations are still like this. The best ways to face getting the message across to convince people not to accept to

be trafficked are still under examination. The language used and modality of its use is open for improvement.

Then there is the issue of corruption in countries like Nigeria, which also fuels trafficking. If it was possible to have collaboration between the various governments in which those sentenced here are also penalized in Nigeria that would give boost to the fight against trafficking. It is necessary also to address the issue of poverty of these girls and the situations of their families in their countries.

I believe that the huge work we are doing in Italy with the girls cannot have much efficacy if a corresponding level of activity is not being carried out in their countries of origin. Also as regards the prevention of prostitution, it is important for them to address it in these countries and also the problem of unemployment of women in the countries of origin, which forces them too come here. Some work needs to be done to address the poverty that makes them run away from their countries. The hardening of the immigration laws, which is being carried out, will certainly worsen matters for victims, but will not solve the problem. It may be worth looking into regularized legal migration as a way of reducing the impossibility of entrance in the West to work legally, which also helps to fuel trafficking. It is also necessary to carryout more projects in the countries of origin to help people remain at home instead of leaving their countries. This is because, given the level of poverty in those countries, much as their conditions are precarious and dangerous here, it would always seem better to stay here than to go back to the poverty they left behind.

As regards assistance, there should be more community housing facilities, better funding of the agencies working with victims and maybe with the school system, because it is necessary to do a serious programme involving both employment and study because the most important thing in integrating a person is to have him or her write and speak the language of the country in which she finds herself.

It is also necessary to carry out more information campaigns through films and information jingles to warn people of the dangers they face in accepting to be carried abroad to “work”.

The Swedish example of outlawing prostitution is already yielding good fruit against trafficking. It has become unprofitable for traffickers to take their “ware” to Sweden and they are directing them more and more to other countries where they have less difficulty of setting up brothels to sell their victims. It is to be hoped that other countries would take a cue from this god example.

