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The Italian Public Policies Frame on Prostitution and the Practical Overlapping with Trafficking: an Inevitable Condition?

Paola Degani and Lorenza Perini**

Abstract

The article examines the Italian experience in implementing policies and practices on prostitution. What characterizes the Italian scenario is a difficulty or (in) capacity to distinguish, correctly identify and 'treat' individual positions in prostitution using different approaches capable of matching the complex plurality of situations experienced by person involved. In this article the authors analyse the legal provisions and public policies that contribute to an overlap of practices and methods as regard as the coercion/consent dichotomy that does not capture the ways in which the majority of migrant women enter in prostitution. In other words, the article seeks to demonstrate, also introducing the policy practice(s) of the operators that national law, and more in general the public regulation of prostitution along with protective mechanisms, despite important distinctions related to prostitution, exploitation of prostitution and trafficking, due to a 'confused scenario', can intercept and support a significant number of people – mostly women - in trouble and in parallel to empower sex-workers. If this reality demonstrates the existence of an interactive process that offers to operators and other actors the opportunities of intercepting different segments of persons in prostitution, the same element could represent a critical argument in framing new public policies on this issue.

Key-words: women, trafficking, prostitution, public policies, migration

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Introduction

In recent decades, the exponential growth of sex business, and in particular the unfold, both in Western countries and in many developing areas of transfer, of sexual services to a price, corresponding to proportions and with unprecedented ways compared to the past (Ehrenreich and Hochschild 2004), favoured the spread of processes of revision and reform of the legislative instruments and policies adopted on prostitution in many countries, not just Europeans. This process highlights the need of an institutional level to govern phenomenon through measures of intervention included in the framework of policy outputs and outcomes that reflect, in terms of problem setting and problem solving, the polarization of the argumentative logics and of the strategies underlying dualism that has always opposed the legalization of prostitution abolitionist logic. Both these visions, and all the intermediate lines deriving from it, are generally supported in the political discourse and in the agenda-setting processes referring to the development of (international) human rights law and to the debate –radically divided - that feminism has produced on this issue at international level (Pateman 1988; Ekberg 2004; Jeffreys 2004, 2006; Agustin 2007; CATW 2009).

In recent years, throughout Europe, we are witnessing a very important activism around the issues related to prostitution and to situations of serious sexual exploitation, as well as on issues that can be traced back to conflict, differences and any overlap between these two different phenomena, also following a growing United Nations interest (Ham 2011; Mattson 2016) and the Organization International Labour Law (Lim 1998). There is no doubt that, the emphasis with which issues related to trafficking in human beings have been treated, helped to produce an image of the sex work as an exceptional manifestation of the feminine condition, distinct from all others - even those referring to serious exploitation - to be countered through the reactivation of criminalizing and / or moralizing logic, defined on the basis of renaming and re-framing processes, connoted in a repressive, stigmatizing key alternatively of victimization. Since the end of the 1990s, the interest among researchers has been growing around these issues, so that the analysis of the responses in terms of public policies agreed at the state level on prostitution has experienced an interesting development, especially in terms of research comparative analysis of both quantitative and qualitative type, mainly on cognitive and on the mechanisms of political regulation adopted in different countries or at local level (Kantola and Squires 2004; Outshoorn 2004, 2005; Brooks-Gordon 2006; Outshoorn 2012). Over time, this interest has also concerned the supranational level, specifically in relation to the European perspective of a progressive affirmation of the principle of social cohesion as

a founding objective of European social policy in the process integration and progressive approximation of the laws of the member states of the countries Union in the process of gradual harmonization of the instruments of criminal law, following the adoption of the Amsterdam Treaty and the construction of the 'third pillar' of the police and judicial cooperation (Danna 2004, 2006; Di Nicola et al. 2006).

This interference, only partly justified by political or regulatory constraints and imputable to the process of enlargement of gender policies at European level (Kantola, Squires 2004; Lombardo and Meier 2008; Agustin 2008), has stimulated the development of a multidisciplinary literature, as well as institutional positions, many at the supranational level, in which it became clear, when not completely declared, the impossibility or the no opportunity to treat prostitution - even from the point of view of political programs public - as something other than the situations that develop in the processes trafficking in persons or in other situations of subjugation to others.

1. Models of Trouble

Prostitution is a very articulated and problematic issue that has radically changed over the years and continues to be much diffused today around the world. It cannot be simply listed as a topic of public order, security, health or immorality. By definition, prostitution involves the selling of sex. This means that money is the key feature of prostitution and to become prostitutes.

Normally, most of them come from low-income backgrounds and selling sex represents a source of income they are unlikely to achieve through legal jobs. The majority of the problems associated with prostitution are actually concentrated in street prostitution and much less evident in the indoor sector. This does not cancel the fact that indoor prostitution creates bigger problems about the control of the phenomena and, especially, the health, social and 'labour' conditions of the prostitutes that are invisible and risk to be more and more exploited than those who are in the streets which, instead, can have some contacts with customers, society, NGOs, etc. In most of the cases, prostitution is associated with the exploitation or with forms of situation semi-negotiated control of the person engaged and with the trafficking of human beings (Outshoorn 2004).

Today in Italy, street/outdoor prostitution involves mostly women, especially migrants, while the number of Italian prostitutes has been decreasing, becoming a prevalent indoor activity. This practically means that issues related to prostitution belong to the public migrants' discourse and the conditions of economic vulnerabilities they often experience.

On the basis of the recognized models to regulate and frame public policies on prostitution (Danna 2004; Transcrime 2005), this paper, analyse the Italian system of intervention normally utilized in outreach practices with street/ outdoor prostitution offering direct assistance to women. Generally speaking, and with some exceptions, prostitution has been an issue of low priority for the Italian women's movement as a whole. Only during the Seventies with the second wave of feminist movements and recently – after 2015 – with *Ni Una Menos*, the majority (but not the totality) of feminists discussed about prostitution, its meanings and realities. Up to the late 2000s, most members of the women movement in Italy considered prostitution as an extreme form of women's exploitation that undermines the status of all women in society, whether prostitutes or not. Therefore, the long-term goal to be achieved was (and is also today) the eradication of prostitution, a position that today coincides with the prohibitionist issues or with the original aim of the abolitionist legal approach (Barry 1996).

This aim is, however, in contrast with the majority of NGO and civil society organizations that operate in the field of sexual exploitation and human trafficking that, strongly and unanimously, with the only exception of the more integralist religious associations and charities, support positions close to the logic of harm reduction or recognition of prostitution as a sex work demonstrating that there are two macro-types of prostitutes: those who perform this task voluntarily and those who are forced into prostitution by others. The state should actively combat forced prostitution but not free prostitution, conceiving women as sex workers and consequently allowing them to contribute to the social security system. This position coincides with a legal approach aimed at regulation and is supported by civil society organizations to frame the discourse of prostitution as an issue related to human rights and welfare (Amnesty International 2016; Corso and Trifirò 2003).

However, in contrast to the decriminalization frame, the focus is not to stress the voluntary choice of prostitution as a job, but to make the labour aspect more explicit, discussing the non-recognition of prostitution as a job as a problem (Jeness 1993).

The present article attempts to represent the difficulties with which policies, in the fight against trafficking and in the matter of prostitution, are confused when practically implemented, especially in the social work, confirming the ambiguity with which conceptual structures and argumentative frames are used, the classifications, the typologies, the taxonomies, and the same references to the norms and to other documents of an international nature which, for various reasons, are normally referred to these themes.

All this, in clear confirmation of the difficulty of cutting out a political space for the affirmation of possible alternative paradigms, with respect to the dominant discourse (Peršak and Vermeulen 2014). The relevance of the role of some inter-governmental and supranational bodies is indeed always more significant in guiding policy framework scenarios and this element is confirmed also today above all in many EU countries that in these last years have been updating their law and policy framework.

This trend is now accompanied by a participation in the decision-making processes of private actors, with whom public institutions seem to forge collaborative relationships in terms of governance, not only in the related phases of the implementation of the different policies, but also in the determination of the balance in the process of law and policy-making, increasingly influenced by greater participation of international civil society and the networking capacity shown by the associations and by some transnational movements.

The research-paper reconstructs the Italian public policies scenario on prostitution using un-published data collected by the Ministerial data-base on trafficking. The data demonstrate the overlapping among prostitution, exploitation of the prostitution of others and trafficking in human beings and how this condition is reproduced by system(s) of intervention due to the characteristics of the social practices and outreach work. The paper underlines the concrete confused situations that normally prostitution presents and the repercussion of this policy outcome.

In this scenario, prostitution is thus used as a more or less neutral term to describe the actions of selling and buying sex, while sex work is generally used to indicate a specific way of framing the issue, namely the aware and free exchange of sexual services for material compensation. Nowadays, however, this distinction appears to be less relevant, probably because of the number of women involved in prostitution in Italy, affected by 'acceptable' and, frequently, also 'convenient' forms of exploitation or control. But this real dimension continues to propose a dualistic approach in the debate on policy on prostitution, especially when this issue is framed in relation to 'the need of a gender perspective' and male violence against women. Probably this fact represents an obstacle to go beyond the dichotomy anti-trafficking against / pro sex work limiting a more adherent observation and analysis about sex market in its multidimensional aspects and characters (Abbatecola 2018a).

In any case, most of the time prostitution involves heterosexual exchange - men buying sexual services from women - within a social context that implies unequal power relations between those who buy (men) and those who sell (women).

Prostitution, therefore, can be defined as a social institution which ‘allows certain powers of command over one person’s body to be exercised by another’ through the medium of money (O’Connell Davidson 1998). Sex work can thus be considered a feasible option to women (but also to men) to make money or to survive economic difficulties or as a personal or social position of vulnerability when there seems to be no other choice.

Historically, policies on the purchase of sexual services developed around four distinct ideal-typical models or ‘prostitution regimes’ characterized by different conceptualization of prostitution, called the prohibitionist model, which makes all forms of prostitution illegal; the regulatory model in which governments control and regulate the prostitution business; the abolitionist model which seeks to eliminate prostitution by criminalizing third parties but not the prostitutes (Outshoorn 2004; Degani 2017a) and the neo-abolitionist model, a variant of the abolitionist model, but more tolerant.

The implementation of these models, within each national context, has always been different and hybrid because of the many interventions by legislators over time, and because of the distinct characteristics of prostitution in each country (Sanchez 2003; Brooks-Gordon 2006; Matthews 2008). But this hybrid implementation could be also a clear evidence of the difficulties to give effectivity to measures that often have to be applied to situations not clearly identifiable with the only law or public policies parameters or indicators for the intrinsic limits of these instruments. The possible legislative approaches to the phenomenon of prostitution are still much diversified today in Europe and in the world. The simple absence of criminalization of prostitutes and clients associated with the criminal relevance of aiding, typical of the abolitionism that inspires our Merlin law, differs, for example, from the neo-prohibitionist approach that considers criminally responsible clients but not prostitutes, in force, for instance, in Sweden and in France. On the other hand, there are the experiences of Holland and Germany, which have chosen new forms of legalization, while in New Zealand an interesting experiment of decriminalization has been underway for some years. Abolitionism, it is worth recalling, refers originally to the abolition of the punitive state regulations widely spread in the nineteenth century in Italy in the form of ‘brothels’. Abolitionism was undoubtedly based on the expectation that one day not too far prostitution would disappear, thanks to the progress of the rights of women and the popular classes, the growth and distribution of wealth, changes in the way of life and thinking sexuality. The story did not go that way. Prostitution in Europe, and not just in Europe, is nowadays a very florid, diversified industry and, what is more worrying, exploitation, discrimination and violence against sex sellers persists.

In the last decade comparative researches have emerged on public policy on prostitution contributing in a very positive way to improve the quality of analysis and knowledge on the topic (Lazaridis 2001; Holloway 2003; Kantola and Squires 2004; Immordino and Russo 2012). Moreover, in recent years, a tendency to adjust or to adapt the original models, has led to an increasingly and often contradictory deviation from the traditional approaches. This sometimes puts pressure on the existing policies frame in order to respond to the more or less emergent situations created by the increasing number of foreign women (mostly migrants) in paid sex market.

Although trafficking in women does not exclusively mean trafficking women for the sex industry but also, for instance, trafficking for precarious workplaces like housework, home care, or food service related jobs, this development raised the issue of forced versus voluntary prostitution.

For this reason and for the clarity of our analysis, we try to discuss the difficulties to strictly separate prostitution and trafficking of women, also being aware that policymakers often make an instrumental mix of these issues and of their real overlaps and frame trafficking only as trafficking into prostitution avoiding to work in a more holistic way against this serious violation of human rights. In this analysis, according to Verloo (2006), framing means the process of how an issue is represented by policymakers, how it is discussed in public, what is seen as a problem, what is not represented as a problem, and how policy solutions are represented.

The considerable transformations that the presence of these people has produced, especially in the street/outdoor prostitution, can be seen as a 'social phenomenon' (Ekberg 2004; Jeffreys 2006; Agustin 2009) and although recent models re-focus on the ideal-types, they shift more and more towards systems of neo-regulation, neo-prohibition and to the de-criminalization of prostitution.

2. Maps and Paths of Prostitution and Trafficking in Italy

This paragraph will focus on migrant trajectories towards Italy in order to design the criminal framework that lies behind the constant movement of the most vulnerable categories of people.

From an historical perspective, in the 1970s and 1980s the number of women involved in situations of heavy exploitation and trafficking coming from abroad, was relatively small, except for those coming from South America - Columbia, Peru or Chile - who arrived through the illegal consolidated drug trade networks. Foreign prostitution and human trafficking became more visible in Italy at the end of the 1980s, with the consistent migration

movements from Africa, mostly from Nigeria, and since the beginning of 90s, from Albania, Moldova, Ukraine, Byelorussia, and Slovakia (Carchedi and Tola 2008).

If in the 90s the Strait of Otranto was the main entry port, in the following decade, the maritime routes targeted the Calabrian and Sicilian coasts, while the Italian-Slovenian border, over the years, played a primary role in the regular or irregular entry of people trafficked from Eastern Europe, assisted in many cases by Italian *passseurs*. Currently, the route from Libya to Lampedusa (and Pozzallo), and more extensively the southern coasts of Italy, is certainly the most critical (Ministry of Interior 2017/2018).

It is important to note that not all foreign women and girls who arrived in Italy through illegal ways were then exploited in prostitution (Da Pra Pocchiesa and Grosso 2001; Becucci, Garosi 2008) and it is important to challenge and dismantle the idea that all women in prostitution are trafficked and exploited. Nevertheless, most of the foreigners who arrive illegally in Italy are in a way connected with severe forms of exploitation or with situations of trafficking (Kempadoo and Doezema 1998; Doezema 2000, 2005, 2010; Saitta et al. 2013).

At the basis of the migration processes, these adult women, aged between twenty and thirty and girls (and boys) aged between sixteen and seventeen and a half, often experience conditions of uncertainty and indebtedness mechanisms, combined with personal, family or community factors of vulnerability, a desire for emancipation. Some of them have already worked in prostitution sector in the country of origin or in refugee camps. All these conditions prevent them to have an adequate representation of the contexts of their destination and lead them to erroneous evaluations about the role, in terms of protection, of the supporting networks related to their individual migration project (Gallagher 2001, 2005; Haynes 2004; Carchedi 2010).

In this last decade the presence of Nigerian women coming in particular from Edo State and Benin City, has been increasing a lot in outdoor prostitution. The main elements that connote this target are the debt bondage contracted with different exploiters, very often women, which constitute a segment of the large criminal apparatus located in the countries of origin, transit and destination; the magic ritual ceremony through which the victims are bound; the systematic threats against the family of origin; the very young age of women, even minors; the absence or the lack of education often connected to the origin from very isolated rural or suburban contexts; the serious violence of physical and especially sexual nature to which they are subjected during the trip where normally they are normally involved also in forced prostitution providing strong evidence of predatory behaviour by smugglers and traffickers.

3. Recruitment Strategies: the Power of Negotiation

The recruitment strategies, the building up of exploitation and the exploitation of trafficked people vary considerably according to the migrants' different background and to their country of origin, as well as according to the historical period. The following paragraph sets out the criminal dynamics that control the sex market in Italy and how they change over time.

The organizations involved in trafficking and in sexual exploitation have, over time, devised systems to violate the norms as well as some effective counter-actions. The latter enable the criminal networks to negotiate the terms of exploitation with the more aware women, bargaining on the forms of deception and on the practical working conditions. Moreover, the exploiters can count on a recruitment tag of victims who are increasingly unable to escape the situations to which they are subjected.

Very often these women do not have the means to cooperate with the police, to arrest their exploiters so, at present, deceiving can be regarded by the criminals as one of the best and safer ways to start recruiting the victims. This condition is normally registered when the 'resources' in terms of capacity of the person involved are such feeble that the levels of self-awareness and agency do not permit of being a reliable witness. Swindle and false promises help to avoid the use of extreme forms of physical violence which, until a decade ago, represented the routine *modus operandi* in treating the victims. However, this involvement of the victim does not reduce the risk for her to suffer severe acts of violence. Worth noting that, in recent years, the spread of forms of prostitution traded between the organizers and the victims, has changed also the ways to 'enslave'. Therefore, as due to the economic crisis less money is available from customers, more limited is the possibility for the women to negotiate, since they are sold in a prostitution market that force them to lower their fees and, thus increase the pace of their activities in order to guarantee the payment expected by those who manage their earnings. Such changes imply greater exploitation and progressive deterioration of the conditions of selling sex, as well as longer working days (Ministry of Justice 2016).

4. The Line of the Crime: the Italian Scenario on Prostitution

The Italian law on prostitution (the 'Legge Merlin' by the name of the Senator woman who proposed it in 1958), contains two rules to fight the trade in sex, respectively art. No. 6 and No. 7, criminalizing the acts of

aiding the exploitation or exploit prostitution, as well as its enticement. It is important to note that representatives of the women's movement did not participate at time directly in the parliamentary debate which took place during the law-making process although it was strongly supported by a socialist woman Lina Merlin, who saw in this rule the possibility to free thousands of young women from brothel slavery. The bill does not include any definition of prostitution. It gives effectivity to the principles of United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others that was approved by the United Nations General Assembly on 2 December 1949 and entered into force on 25 July 1951. The Convention obliges state parties to punish any person who 'procures, entices, or leads away, for purposes of prostitution, another person, even with the consent of that person', 'exploits the prostitution of another person, even with the consent of that person' (Article 1), or runs a brothel or rents accommodations for prostitution purposes (Article 2).

The law prescribes also the procedures for combating international traffic for the purpose of prostitution, including the extradition of the offenders. Furthermore, state parties are required to abolish all regulations that subject prostitutes 'to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification' (Article 6).

In Italy, the frame that prostitution is a potentially undefined threat is dominant, while it is rather marginal the idea that is a way to make money easily or a choice made by bad girls proposing again the polarization of good versus bad or illegal prostitutes. Rather prostitution as such is presented as a threat to morals, to public order and security, and as a drama experienced by young girls and children. Another version of the threat frame sees street (outdoor) prostitutes and clients as a threat to public security and to people living in areas of street prostitution. And it is only in this dimension of the threat frame that clients are considered as part of the problem of prostitution; in fact, the problem seems to disappear in discussing indoor prostitution that often is represented as voluntary and with a low impact on the security discourse.

Ambiguity characterizes this law and its application since the term 'abolition' that can be intended both as the abolition of the regulation or as the abolition of prostitution (Virgilio 2002). The ambivalence is clear once again with reference to the crime of abatement, often used to criminalize people who have an affective relationship with the prostitute or clients themselves, in certain circumstances (Corte di Cassazione Sec. III, March 26, 1983 No. 274; May 29, 1982 No 5318) in which earnings or benefits derived from the practice of prostitution are not contemplated. Thus, for the crime

of abatement of prostitution, the prostitutes can be indicted, in the case of assisting or facilitating each other, for example by sharing a car ride to work or the apartment expenses, or by sub-contracting it (Corte di Cassazione Sec. III, 9 July 1998, 2525). These cases law are therefore a major obstacle to potential self-organized initiatives in order to ameliorate work conditions, favouring a move away from the street – a place of maximum visibility- to apartments.

The condition of risk of exploitation is combined with the degree of protection of the rights that various legislative systems can guarantee to the different types of people who potentially populate the prostitution markets (Di Nicola et al. 2006). In this regard, the growing difficulties of migrating legally, must be taken into account, since this fact can increase the chances of being exposed to coercion and situations of exploitation, both when travelling and later in the country of destination. Such circumstances, which today migrants are often aware of, are regarded as a sort of required 'passage' for many foreigners - women, above all - who often lack alternatives. In situations of coercion, they find themselves working in the sex industry with little awareness of what this means and involves in the target countries.

Undoubtedly, this articulated phenomenon directly affects the difficulties of current development processes to create real income opportunities through a redistributive welfare mechanisms based on a gender perspective too (Lombardo and Meier 2008). On this issue Mattson's hypothesis on the possible relationships between *welfare models* and the *political discourse* on prostitution is worth, as regard as the consequences and implications, on the different conceptions and perspective of protection and of vulnerability (Mattson 2016). Reforms to govern prostitution have emerged on the European scenario after 2000, inaugurating a new season of different frames to support a process of policy change characterized by the visible dichotomy and representation between the prostitute seen as an immoral and criminal woman and trafficked women as victims.

This dualism eliminates any intermediate conditions in terms of status, making difficult both to protect the human rights of the women exploited and the sex workers and to consider the extension of their citizen rights (Perry et al. 2014). Prostitution practiced by foreign women is framed as involuntary and problematic because the vulnerability it expresses. It is evident that discussing the relationship between trafficking and prostitution in this way leads to the externalization of involuntary prostitution. Trafficking with the aim of forced prostitution is instead perceived as a specific form of sexual and economic exploitation that affects women (mainly). Often, this linkage impedes to highlight the socio-economic situation in which some groups of

women can find themselves more easily than men such framing trafficking as something that concerns women rather than man.

In this scenario, a distorted representation by the media coverage on trafficking is commonplace, including the portrait of the 'perfect victim' like a person deprived of any kind of agency, proposed in the Italian public debate (Abbatecola 2018b). Although a significant number of researches have attempted to give voice to women migrants and to analyse their role in different contexts and the relationship between the migration projects and prostitution, it seems very difficult to cripple the systematic tentative with which humanitarian rhetoric today reproduces stereotyped images of women victims of sexual exploitation (Corso and Trifirò 2003; Kempadoo and Doezema 1998). The same criminalizing philosophy is shared by the mayors of some Italian cities, who both regulate some areas introducing a sort of urban zoning or issuing special sanction for customers (and, in few cases, also for prostitutes) who stop their car along the street to bargain sex (kerb crawling), thus becoming an obstacle to traffic that formally would justify the administrative sanctions foreseen by this kind of local regulatory acts.

These measures, although very different in terms of formulation, motivation, recipients, definition of sanctions, and management, put into question the political perspective of supporting the victims of serious exploitation and, more in depth, contradict the original frame of the tolerance principle in the abolitionist ideal-type model to govern prostitution. Nevertheless, through these acts, many local administrations have an instrument to promptly intervene in the 'management' of prostitution that normally could represent an obstacle also for social workers and NGO in supporting trafficked persons (On the Road 2002). Practically majors today act as *claim makers* often invoking the need to adopt repressive rules.

5. The Italian Legal Framework on Trafficking: The Ministerial Unified Program

A political stance has been taken in recognizing trafficking as an international crime against which all States shall mobilize with the adoption in 2000 by the General Assembly of the United Nations of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the Convention against Transnational Organized Crime. The same obligations are reproduced in 2005 at European level in 2005 by the Council of Europe Convention on Combating Trafficking with Human Beings and in 2011 by the Directive 2011/36/EU of the European

Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing the Council Framework Decision 2002/629/JHA.

For those who have been reflecting on the issue of trafficking in the last few years, it is clear that the European governments have been searching, more or less authentically, for the tools that enable them to tackle not only sexual exploitation and trafficking but at least some aspects of prostitution too. Whether this requirement is real or constitutes an instrumental argument for repressing the rules governing prostitution tout court, is not evident. Nevertheless, this is a recurring issue among scholars who have contributed to understanding and frame the new approaches on public policies and prostitution (Phoenix and Oerton 2005; Peršak and Vermeulen 2014).

At the EU level, Italy has implemented the Directive 2011/36/EU; the Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subjects of an action to facilitate illegal immigration, and who co-operate with the competent authorities; the Directive 2004/80/EC relating to compensation to crime victims, the Directive 2012/29/EU of the European Parliament and the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and the Directive 2011/99/EU on the European Protection Order (EPO). Moreover, Italy adapted nation laws on the basis of all the EU law instruments on asylum seekers and refugees in international protection, integrated by a specific additional humanitarian residence permit frequently adopted, in these last years, for women in situation -potentially or presumed - of exploitation recently cancelled by national legislation and updated with special protection permits for ad hoc situation set specifically for the so called 'Salvini Decree'¹.

Regarding the national legal framework, the Italian Government fully complies with the minimum standards for the elimination of trafficking². According to the international law instruments, the Italian action against

¹ Law Decree 4 October 2018, n. 113 (18G00140) (GU n.231 del 4-10-2018). Entered into forced 05/10/2018 converted into Law 1 December 2018, n. 132 (in G.U. 03/12/2018, n. 281).

² At the international level, Italy has ratified the United Nations Convention against Transnational Organized Crime and in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children since 2006 and other important international treaties related to THB: the UN Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (ratified in 1991 and 2002, respectively), the Convention on the Elimination of All Forms of Discrimination against Women - CEDAW- (ratified in 1985), as well as several other conventions elaborated under the International Labour Organisation (ILO).

THB is based on the 'social protection system' for victims of serious exploitation that can be divided into three key pillars: the emergency and the identification phase, the first-aid, and a social inclusion program or an assisted return.

Based on recent changes in legislation, the Legislative Decree No. 24 of March 4, 2014, implements the Directive 2011/36, which sets out the minimum standards to define offences and sanctions in the field of trafficking in human beings strengthening the areas of prevention and victims' protection, thanks to an integrated approach among the various institutions and operators involved. By implementing the commitments undertaken at European level, efforts have been undertaken to make the Italian criminal justice system more effective in terms of punishing the perpetrators; at the same time, these commitments help to protect the victims and strengthen the governance system of the Department for Equal Opportunities of the Presidency of the Council of Ministers (DEO) as foreseen by art. 9 of the EU Directive 2011/36.

An overall rationalization of the various devices contained in the national policy framework, corresponds to the need for more coordinated effective actions to prevent and counteract trafficking, to offer assistance to the victims giving them a real chance to integrate. In particular, Art. 8 of the EU Directive updates art. 18 of Legislative Decree No. 286/1998, sets out the conditions for applying assistance and social integration programs to trafficked persons (in different contexts, forced begging, labour exploitation, criminal forced activities, forced marriages) unifying the previous programs referred to art. 18 of Legislative Decree No. 286/1998 and art. 13 of Law 228/2003 on trafficking and slavery³ with the consequent provision of a single Emergency, Assistance and Social Inclusion Program. This so called Unified Program is structured in two phases: the first one devoted to offer transitional assistance - to be carried out in those circumstances where there is a need to ascertain the real situation and where the person is willing to join the program - and the second one of social assistance and integration.

It is important to note that the parliamentary debate that preceded the new Immigration Act did not refer specifically to prostitution but to many

³ Criminal Code: Article 600, *Reduction or maintenance of slavery or servitude*, 601, *Trafficking of people* and 602, *Purchase and alienation of slaves* of the Penal Code enter into the sphere of competence of the Anti-Mafia District Authority, while offences related to border crime such smuggling of migrants without aggravated circumstances, and the offences provided by national law on prostitution Merlin Law n. 75 of 20 February 1958, "to combat the exploitation of prostitution of others" such aiding or abetting or exploitation, art. 3 n. 8, recruitment or facilitation, art. 3 n. 4, inducement or procuring and connivance, renting for use a brothel, art. 3 n.2, habitual tolerance art. 3 n. 3, are under the jurisdiction of Ordinary Public Prosecutor Office.

other immigration issues related to exploitation. The public debate outside parliament obviously concentrated many efforts on the matter of sexual exploitation due to the relevance that has in Italy foreign (forced) prostitution and for the lack of attention and visibility of labour exploitation in particular that appears to be less severe. No political actors move opposition towards the recent revision of law on the basis of the EU legislation on the matter of trafficking.

In Italy, the idea that many female immigrants illegally arrive with a migration project finalized to be sexually exploited and that these women can contribute to fight trafficking denouncing their traffickers or cooperating in prosecuting recognizing them a residence permit and reintegration process is absolutely consolidated among the subjects involved in protecting victims and in repressing organized crime.

The main aim of the Unified Program is the social reintegration of the persons supported. The services are offered on the basis of ministerial public call addressed to Local institutions. Civil society networks (NGO and other kind of associations) authorized to carry out these interventions are those dedicated to the welcoming of people who are in danger, or those that can organize psychological counselling and legal assistance at territorial level, provide language and cultural mediation, offer social and health services, and organize social activities, literacy courses, Italian language courses, school education, vocational training, guidance, business placements, job search support, and offer direct job placement. The operational models are based on a multi-agency partnerships used in the harm minimization cases and in the setting up of services dedicated to women (the so called 'women centres', for example) (Matthews et al. 2014).

6. Planning as a Problem-Solving Approach within a Gender Perspective: the National Action Plan 2016-2018

Another important step taken by the Legislative Decree No. 24 of March 4, 2014 is the adoption of the National Action Plan (2016-2018) on trafficking and the severe exploitation of human beings. The National Action Plan is an instrument capable of identifying multi-annual intervention strategies in order to prevent and contrast these phenomena and to protect victims also in collaboration with the Territorial Commissions for the recognition of international protection in case of trafficked subjects who apply for asylum. The tasks of coordinating, monitoring and evaluating the outcomes of the Plan is assigned to the DEO that shared this responsibility also through the participation of civil society organizations operating on the matter. More

in depth the same National Action Plan was prepared with the 'informal' contribution of many stakeholders invited to cooperate in identifying the main point and criticalities to focus on often with a discourse only apparently framed in gender neutral terms but in real terms more oriented towards the social work with prostitutes due to the consolidated practices in Italy.

It is clear that, since the late 1990s, the focus of central-state policies on prostitution has strongly shifted towards the fight against trafficking for the purpose of sexual exploitation but it is absolutely true that the distinction between these situations appears in the majority of cases very difficult.

In any case, the choice of considered DEO as the main referral office for human trafficking and the other severe forms of exploitation according with the state obligation set for EU Directive 36/2011 may be questionable as regards to the institutional role of the DPO itself as National Reference Bureau of the anti-trafficking system and for the 'distance' in terms of competences with the Ministry of Interior that, together with the local municipalities, governs the concerning asylum seekers and unaccompanied minors' systems. The two institutions have obviously very different 'weigh' in the national political equilibrium and in the relationship with the civil society organizations. Moreover, they are likely to have different abilities to penetrate the decision-making arenas as well as the process of policy and law making.

The search for a different collaborative approach to governance originates from both the needs of optimizing the available resources and from considerations that can be linked to a plurality of public and private competences, engaged - albeit on different plans - in combating trafficking.

The Plan is, therefore, a document that attempts a problem-solving approach. It draws up an institutional framework in which the work of the subjects involved and the policy areas concerning the phenomenon of trafficking are planned and designed, outlining the priorities based on regulatory scenario.

This also arises from the fact that in Italy, trafficking has been the subject of a symbolic and material investment in terms of attribution of skills to the civil society, operating with different methodologies and resources. Once again, the work that has been done with the women involved in prostitution, even in situations not related exactly to trafficking routes and/or to serious exploitation but simply potentially in dangerous or violent situation, has been extremely important, since it has allowed the implementation of interventions capable of supporting people, whose presence would not otherwise be supported and frequently regularized on the national territory.

Gender mainstreaming perspective is strongly suggested in the Plan. This approach appears to be consistent with a tension towards the recognition of a 'gender dimension' and of the female victimization specificity, recently expressed in a Study funded by the European Commission (EU Commission, 2016). In reporting the Eurostat data (Eurostat 2015), this study states that 75% of the total numbers of identified victims are women, in 96% of cases, involved in sexual exploitation that represents 60% of global trafficking activities (Eurostat 2016).

6.1. Inside the Action Plan

The actions envisaged by the National Action Plan draw on the EU Strategy for the eradication of Trafficking in Human Beings (2012-2016), strive to identify, protect and assist victims of trafficking by intensifying the prevention of trafficking, increasing the criminal prosecution of traffickers, improving co-ordination and co-operation among key stakeholders and policy coherence among the different areas of intervention with the aim of capturing the emerging issues related to all forms of trafficking in humans and providing an effective response (COM 2008, 2012, 2016).

During these last years in Italy the prompt identification of victims, including particularly vulnerable groups within the mixed migratory flows, is representing a critical area of concern for women and girl (and man too) potentially victims of exploitation (Mai 2016; Degani 2017b). This problem always accompanies the debate on the effectiveness of interventions aimed at supporting concretely victims of trafficking through the adoption of proper procedures at this stage, as underlined in many international documents on human rights. To monitor the practical implementation of the system, the Plan provide for a Political-Institutional Office, set up at the Equal Opportunity Department, composed by Representatives of the central administrations, representatives of the Regions, as well as representatives of the local authorities appointed at the State-City Conference.

In a country like Italy, in which the culture of public policy evaluation is not sufficiently rooted, the monitoring process becomes pivotal in replicating interventions that can respond to the needs of the victims in order to build reliable alternatives for them.

6.2. Provisions for the Operators: the Areas of Intervention

In Italy, the system of interventions to support people involved in sexual exploitation substantially reflects the dualism in term of political perspectives and position that characterizes the Italian debate on prostitution.

There are three macro-areas of intervention envisaged for people in situations of severe exploitation. The first is the National Anti-Trafficking Toll Free Number (800.290.290), that provides 24h assistance to the victims, in coordination with the existing local referral mechanisms. This Toll-Free Number is a structured policy instrument designed to nationally respond to the trafficking phenomena through the spread of information, rising awareness campaigns, through research-intervention activities on the consistency and the evolution of the phenomenon and through the coordination of different accredited local authorities and NGO. The Toll Free Number is managed by the Municipality of Venice under the mandate of the Department of Equal Opportunities.

The second area of intervention has been working on the basis of the first assistance program provided by the Law No. 228/2003, Measures Against Trafficking, concerning the Establishment of a Special Assistance Program for Victims of Crime, under Articles 600 (slavery) and 601 (trafficking) of the Criminal Code recently updated with the Legislative Degree No. 24 of March 4, 2014 that introduced the Unified Program.

The previous short-term assistance program offered victims of THB initial support measures and represents an equivalent of the recovery and reflection period, established in art. 13 of the Council of Europe Convention on Action against Trafficking in Human Beings, in Article 11, of the Directive 36/2011 too.

The third area of intervention, but certainly the most important, is the setup of the Social Assistance and Social Inclusion Program, so-called 'Residence Permit for Social Protection', in accordance with art. 18 of the Decree No. 286/1998, Consolidation Act on Immigration and subsequent amendments. Such article – recently updated by the Legislative Decree No. 24/2014 by the Unified Program - has proved to be an effective instrument to support the victims of trafficking, to investigate the phenomenon and punish the traffickers. Most of all, it has recognized the status of victims of trafficking to thousands of migrant people - women in particular – and provided them with special assistance, protection, granting a residence permit for humanitarian reasons. This, since 1998 long before European-level ad hoc measures were being taken to protect the victims of trafficking.

This Program is used by the police during raids or investigative activities or in order to proceed for crimes under article 3 of Law February 20th, 1958 No. 75 (Abolition of the regulation concerning prostitution and measures to combat the exploitation of others) or those contained in article 380 of Criminal Code (obligatory arrest in flagrant time) or by outreach units of public social services and civil society organizations. Social interventions related to Article 18 Programs and the Residence Permit, granted to victims

of trafficking and of severe forms of exploitation, can be applied to foreign citizens in case of their safety is in danger as a consequence of an attempt to escape from the conditioning of a criminal organization or as a result of pursuing criminal action against the traffickers.

7. From Policy to Practice: the Experience of Art. 18 in Protecting Women in Prostitution

Two separate paths can be followed in order to obtain the Residence Permit for Social Protection in Italy. The first one is a judicial procedure (judicial path) in which the Public Prosecutor plays an important role, and the second is a social procedure (social path), involving local authorities, associations and NGOs as main reference points.

The judicial path implies that victim cooperates with the police and the prosecutor; instead the social path does not require the formal report to the *Questura* but the submission of a statement on behalf of the victim (containing provable key-information) by a private entity or an accredited local authority. It is important to note that some victims do not have relevant information about the criminal organization, or criminals have already been prosecuted, or simply, they are too scared for their own safety or for their relatives to press charges.

Today, women are frequently in the identification phase emerging only as potential or presumed victims. Nonetheless, these factors do not diminish their 'victim status' and the need to receive help and support. In the Italian experience, many women who began the social path, when relations of trust are established, decide to file a complaint with the support by a local private or public agency.

In brief, policies related to art. 18 aim at the protection and assistance of victims of severe forms of exploitation and at combating trafficking of human beings are based on a multi-agency cooperation model human rights oriented. Art. 18 implies a coordinated action among private entities, social services, law enforcement agencies and judiciary. Recently the collaboration involved the Protection System for Asylum Seekers and Refugees in order to provide a mechanism of early identification to offer a prompt assistance and support to victims of trafficking in human beings and enables police and prosecution authorities to better investigate and punish traffickers.

The real nature of Residence Permit for Social Protection reveals itself in this connection. Two purposes stand next to this instrument and support each other: social integration as well as the identification, the arrest, and the conviction of the persons being guilty of exploitation.

8. The Numbers of Sexual Exploitation in Italy

The data we are presenting in this paragraph come from the SIRIT Data Base⁴ linked to National Anti-Trafficking Toll-Free Helpline, and to the Observatory on this phenomenon handled by the Equal Opportunities Department of the Italian Presidency of the Council of Ministers and currently entrusted to the Municipality of Venice. These data are referred to the people who have accessed the specific national unified program.

In 2015, the protection system for the victims of serious exploitation intercepted 489 people, 437 in the street, 7 in nightclubs and 45 in apartments. Thus, the percentage of the street/outdoor prostitution is 89.37% compared to 9.20% of the indoor. In 2016 the data confirm a prevalence of Nigerian girls (365 in the street and 20 in apartments) and Romanian (20) followed Albanian (9). The Albanian presence marks their return to the prostitution market, in a time characterized by situations of extreme exploitation accompanied by systematic violence and grave abuses, mostly perpetrated by fellow-countrymen.

In most cases, what women report on their journey are three constituent elements that are at the basis of the crime of trafficking: 1) the use of coercive methods - particularly the abuse of very young people with no education, coming from heavily deprived social contexts; 2) the fact that the exploitation is pursued by the perpetrators of such violent practices, 3) the exploitation starts during the journey and not when they arrived at their destination. Statistics of 2017 confirm that Nigerian women continue to represent the most numerous national group with 481 women identified which represent the 87,61% on the total of women's involved in severe forms of sexual exploitation registered by SIRIT.

9. Snapshot of Some Nights: the Italian Scenario of Street/ outdoor Prostitution

Street and outreach units are at the basis of social work related to street/outdoor prostitution. Introduced in the 1970s, within the system of interventions dealing with drugs addicts and based on health prevention and damage or harm reduction, this kind of policy follows different models.

In Italy the most significant are the damage or harm reduction and health prevention approaches. The first one covers different goals such as promoting actions to eliminate risks associated to sexual activity, while the second one

⁴ Observatory on Anti-trafficking Intervention, SIRIT Data Bank – Department of Equal Opportunities- Presidency of the of the Council of Ministers, Municipality of Venice, 2017.

is developed by building the necessary trust to support/convince women in condition of subjugation to join a program for social assistance and integration, and/or to file a complaint against exploiters after a correct identification of the real situation involving the single person is crucial (OSCE – ODHIR 2004).

The third goal goes beyond: it focuses on the individualization, the support and the implementation of empowerment and self-determination paths as a way out from the streets. It is developed, as the previous one, by building relationships of trust among the social operators and the people in need, focused on active listening and on the ability to respond to the different and individual needs of the people involved.

In many cases, the street unit activity evolves with the activation of drop-in centres, namely informal spaces, accessible without pre-reservation. People can receive health and legal information, indications about the services the territory offers and obtain psychological help. These structures are generally managed by private actors or in some cases by Local Authorities.

Recently, the National Anti-Trafficking Platform, a multiform informal network of the civil society aimed at co-ordinating protection measures for victims of trafficking and people in prostitution, together with entities that adhere to the National Coordination Centre for Home Affairs (CNCA) and the National Anti-Trafficking Toll Free Number, have promoted a methodically organized street-prostitution monitoring activities through the direct observation and participation of street units, which carried out rounds in the same zone at national level.

In practice, the Street Units, operating within the official anti-trafficking projects, are trying to map street/outdoor prostitution through an action of observation that, although not providing exhaustive quantitative estimates of the phenomenon, attempts at least to capture some elements in order to understand the transformations that are taking place in street prostitution in Italy (CNCA 2017).

The initiative has covered 57% of Italian Provinces and Metropolitan Cities, where almost 70% of the Italian population resides. According with the monitoring research activity plan, the 3 May 2017 operators detected 3280 people in the act of prostitution (outdoor/street prostitution), 5.1% (167) appeared to be underage. Of the whole target group observed, 81.2% (2665) were women, 17,8% transsexuals (582), while men 1% (33). As far as the area of origin is concerned, the overall figures show a substantial balanced presence between the African and East European presence but only the first group accesses the assistance programs for victims of trafficking. In fact, according to the available data of SIRIT, as far as the victims of sexual exploitation are concerned within the Italian system, more than 85% are of Nigerian nationality.

The second mapping took place on the night of Thursday 26 October and Friday 27 October 2017. A total of 64 entities or Italian organizations (private social or public) participated in the observation of over 170 different territories (between diurnal and nocturnal mappings). Overall, 3,728 people were observed (3,280 in May) in Italian street. 82.6% (3079) of street presences are women. Transsexuals (all mtf) represent 16.2% (604), while men are 1.2% (45). The overall reproduces a composition similar to data collected during the previous monitoring activity in May 2017. The resulting data leads to a slight predominance of the Eastern European target over the African.

In fact, with 41.8% (1557) Eastern Europe is the most present geographical target on the roads, slightly higher than the African one, which represents 38.5% (1434). Then there is the Central / South America with 15.8% (590) and finally Asia with 1.4% (52). Italian people on the street represent 2.5% (92). Within the Eastern European target, 73% is made up of Romanian citizens, the 17.4% from Albanian and 4.4% from Bulgarian, 1.7% from Ukrainian and 1.4% from Moldavian while the African is composed almost exclusively by Nigerian women.

These numbers confirm once again how in the face of a substantial balance between numbers in the street of the two targets (African and Eastern Europe) only the first, in these years, accesses to programs for emergence and assistance to victims of trafficking. In fact, regarding the victims of sexual exploitation registered by the same system among the 549 persons emerged as victims (76,57% on the total) 481 (87,61%) are Nigerian.

10. Discourses without Evolution: Public Policies Solutions beyond Blurring of Prostitution and Human Trafficking

In recent decades, the exponential rise of foreign prostitution has called for and favoured a review and reform of the legislative instruments and policies to regulate and address prostitution in many countries, not just in Europe, trying to solve the polarization that continues to oppose the legalization/decriminalization models to the prohibitionism/abolitionism approaches.

These visions, and all the intermediate public policy outcomes and frameworks they may have, are generally supported in political discourses and in the agenda-setting processes, both from the human rights point of view and from the dualistic perspectives that the feminist movements have produced on this topic (Pateman 1988; Ekberg 2004; Jeffreys 2006; Agustin 2007; CATW 2009).

Recently, in the EU, a new significant trend is taking place towards client criminalization in policy and de facto justified with the concrete possibility to separate the different target, markets and individual condition in the prostitution sector. It is clear the framing of prostitution as victimhood and violence for criminalization purposes, is coherent today with the contemporary anti-prostitution discourses.

The problematic blurring of prostitution and human trafficking policies involves also the supranational due to the instruments of harmonization of criminal law following the adoption of the Treaty of Amsterdam and the construction of the 'third pillar' named PJCCM Police and Judicial Cooperation in Criminal Matters (Danna 2006; Di Nicola et al. 2006; Peršak, Vermeulen 2016).

Although efforts are made by EU Member States to enforce the law to tackle trafficking for sexual exploitation, there has been no substantial decrease of the phenomenon. The latest information and data available from Europol (2016), as submitted by the Member States, indicates that Italy is one of the most targeted countries by human traffickers due to the high demand for cheap sex and labour services. This trend is currently also exacerbated by the economic crisis and by the arrival of thousands of migrants from south Mediterranean.

According to a Report from the Commission to the European Parliament and the Council on the progress made in the fight against trafficking in human beings (2016) as required under Article 20 of Directive 2011/36/EU (EU Commission 2016c) based on the statistical data, as well as on the narrative information submitted by the Member States, trafficking in human beings for the purpose of sexual exploitation is still by far the most prevalent form of trafficking in the EU. Data for the years 2013 and 2014, indicate 10,440 registered victims (67 % of total registered victims) for this form of exploitation that primarily affects women and girls, as confirmed by the trends identified in previous EUROSTAT statistical data collections, in recent UNODC statistical (2016) data and for the 2016 by EUROPOL Situation Report (EUROPOL 2016).

As reported by Member States, Italy is one of the countries where an increasing shift of traffickers from visible street prostitution to less visible forms (prostitution in hotels and in private homes) is noticed, as well as an abuse by traffickers of the 'self-employed' status. This element is in line with the contents of a Study of the European Commission on the gender dimension of trafficking in human beings (EU Commission 2016a) and with the opinion of many social workers and NGO directly involved in caring women in sex work, who recognize the difficulties and the risks in term of physical security normally experienced by women in prostitution (On the Road 2002).

Although it is easy to agree with the idea that general social tolerance or a lack of public awareness on trafficking and the other severe forms of exploitation can create a permissive environment for certain crimes, nevertheless, all the questions related to prostitution in itself remain unsolved. Moreover, as revealed in important analysis produced during the last years by many scholars (Kempadoo and Doezema 1998; Perry et al. 2014) it is clear that decriminalize people in prostitution can protect the rights of this target of migrant women in a more effective way. But the problem, in terms of public policies, is represented by the fact that trafficking in human beings and measures on prostitution should not be overlapped and confused. It highlights the need to ensure that the complexities behind both these phenomena are addressed, for example avoiding invisibility of people, their disempowered and stigmatization.

In the EU Report, civil society organizations express different opinions but some proposals of networking on the issues of human trafficking and commercial sexual exploitation highlights that, despite the strict division drawn between prostitution and trafficking for sexual exploitation, it is difficult to establish a separation between the two. According to this opinion, and from the point of view of the client, there is no clear distinction between victims of trafficking versus women perceived to be in prostitution voluntarily (Di Nicola et al. 2009).

It is evident that a partial and conditional criminalization of the purchase of sex (by an exploited person), can be applied only in cases where the person in prostitution is recognized by the authorities as a victim of trafficking or procurement. This situation, according to the opinion of social operators and other stakeholders in direct contact with women involved, demonstrates the practical difficulties to implement this kind of measures, that for the complexity of situations, risk being very discriminatory. Rather, it would be important to improve the position of people in prostitution or to promote gender equality in order to protect their rights and reduce their vulnerability which stems from their irregular status in terms of residence permit, social stigma, violence and criminalization (Peršak 2013).

11. The Missing Faces of Women in Prostitution and Trafficking

With no doubt the sex industry in general is one of the economic sectors which makes it concretely possible to exploit people (Peršak and Vermeulen 2016; Capana and Varese 2015), as it does in other sectors where workers are invisible, unprotected, discriminated, excluded and disempowered. And it is

important not to confuse trafficking in human beings with prostitution, as it leads to inadequate counter-trafficking policies and to counter-productive prostitution policies based on human rights approach.

These issues are both complex and need their own individual policy frame. In other words, according to Verloo (2006), it is necessary to organize a scenario that transforms fragmentary information into a structured and meaningful problem, in which a solution is often included.

The Italian case presents specific conditions related to the social intervention system and the local referral mechanism(s) that make difficult to distinguish self-determined prostitution from sexual exploited women, but in parallel, permit a larger perspective of welfare interventions and services envisaged. The main device on which the social protection paths in Italy are entwined – art. 18 – now updated with the Unified Program (2014) covers *de facto* and *de jure* the hypotheses of trafficking as well as of other serious forms of subjection and coercion. Moreover, providing other social interventions in order to support migrant women or to implement harm reduction behaviours within the street prostitution, Art. 18 represents a legal tool able to address the management of the phenomenon of street prostitution supporting people who want to break off relations with the exploitative system, and people who potentially could fall in coercive condition.

On the one hand, unifying the situations related specifically to trafficking with the exploitation of prostitution, have certainly enabled intervention in the field of welfare and promotion of the rights of a significant number of prostitutes, on the other hand this situation has contributed to overlap different conditions and to increase the difficulties in working with different targets. Consequently, in framing public policy on this matter, prostitution is often represented in terms of images and narratives without considering its faces and spaces with adequate competences and in a misleading way.

Like any other work, prostitution is characterized by a variety of forms, working conditions and possibilities for agency, resistance and negotiation. The missing faces are the practical evidence of the invisibility prostitution experiences that do not fit in the dominant representation. This situation paradoxically risks representing a threat to their human rights.

This overlapping is accentuated also by the fact that the offences referred to reduction or maintenance of slavery or servitude, trafficking of people and purchase and alienation of slaves, enter into the sphere of competence of the Anti-Mafia District Authority, while numerous other offences related to border crime and the offences provided by national law on prostitution are under the jurisdiction of Ordinary Public Prosecutor Office³. This division and the problems that may arise are particularly noticeable in situations of sexual exploitation; it is a common impression among the operators that sometimes

the prosecutors prefer to operate reducing the potential severity of the charges against the instigators and the exploiters, if this choice represents a secure result in terms of conviction.

In Italy, therefore, many situations that are classified as exploitation of prostitution could sometimes be considered more serious crimes, such as trafficking or slavery. And paradoxically, many situations approached in terms of intervention as a serious exploitation in prostitution could in fact hide a wider margin of discretion for the person involved.

Conclusions

In this paper we have tried to focus on the Italian scenario of the phenomena of prostitution, exploitation and trafficking of human beings underlying the practical overlapping among them due to the plethora of tools and institutions involved

Undoubtedly, at a time when so many Nigerian women are targeted in street prostitution and where there has been a limited, but potentially, significant first penetration of these women into segments of indoor prostitution merely re-launches the need to find tools, even in social work, which enable a true understanding of their lives, needs, desires and expectations which goes beyond any possible humanitarian or welfare rhetoric (Kotiswaran 2014; Andrijasevic and Mai 2016). This need merely reinforces the idea that the current regulatory framework for prostitution, based on regulatory system adopted in 1958, requires a necessary revision.

At this moment, in Italy, the most interesting policy response in attempting to stifle prostitution is to exploit specific measures of assistance and protection for women victims of trafficking in asylum procedures. The foreseen measures represent an attempt to create an ad hoc schema for this specific target. In particular, with regard to the provisions of art. 10 Legislative Decree No. 24/14, coordination provisions between the systems of protection and assistance for asylum seekers and refugees and the system for victims of trafficking are particularly interesting. The goal is a proper identification of situations of exploitation among asylum seekers and the creation of referral mechanisms to facilitate assistance by the specialized NGOs.

The identification of victims of trafficking during asylum processes is complex. The EU asylum acquis comprises four Directives and two Regulations controlling different aspects of the international protection procedure. The recent 'recast' has introduced (Directive 2013/33/EU Reception Conditions) a large number of new provisions enhancing rights of victims of trafficking,

who are explicitly recognized as vulnerable persons whose circumstances should be assessed (UNHCR 2002). Italy is probably more equipped than other countries, seeing the relevance of this problem at this historic moment. Italian UNHCR office regularly trains staff in reception centres for asylum seekers on the linkages between the asylum seekers system and THB and the lobbies to improve the existing procedures and legislation and together with the ministry of interior has produced specific guidelines that favour the creation of a referral system of protection in order to implement effectively the measures foreseen by the Italian legislation, paying particular attention on the Nigerian women.

But the difficulties above described and debated appear to be present for this too. This fact confirms the necessity to work with people in prostitution in a very high professional way and at the same moment gives evidence to the potential role of human rights paradigm in order to protect and empower effectively both victims and sexual workers. The most recent institutional orientation on public policies on migration expressed by this government, inevitably represent potentially a critical area of concern also for the rights of third nationals involved in prostitution. Even more today to identify correctly the situations of women in prostitution in order to guarantee them a residence permit and an adequate assistance program represent fundamental elements to protect their human rights.

In conclusion, the abolitionist approach risks to be translating into a 'militarized humanitarianism' marked by a political agenda where border control becomes functional to the use of the trafficking discourse as a humanitarian problem where also the idea of relief solutions and social re-integration of its victims allows to hide the needs of women of social and economic mobility who really inform and are at the basis of their migration project.

The discourse of trafficking has been used with no doubt in these years as a mean to obscure issue related to the rights of migrants first of all through the powerful rhetoric of choice against compulsion ('force'). This factual dimension if on the side of the social interventions (and repressive too) shows all its weakness on the side of the construction of a racist, securitarian and sexist narrative expresses a dangerous ability to attract.

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