

Repositório ISCTE-IUL

Deposited in *Repositório ISCTE-IUL*:

2019-02-22

Deposited version:

Post-print

Peer-review status of attached file:

Peer-reviewed

Citation for published item:

Clemente, M. (2017). Human trafficking in Portugal: an ethnography of research and data. *Studi Emigrazione*. 54 (208), 663-686

Further information on publisher's website:

<http://cser.it/>

Publisher's copyright statement:

This is the peer reviewed version of the following article: Clemente, M. (2017). Human trafficking in Portugal: an ethnography of research and data. *Studi Emigrazione*. 54 (208), 663-686. This article may be used for non-commercial purposes in accordance with the Publisher's Terms and Conditions for self-archiving.

Use policy

Creative Commons CC BY 4.0

The full-text may be used and/or reproduced, and given to third parties in any format or medium, without prior permission or charge, for personal research or study, educational, or not-for-profit purposes provided that:

- a full bibliographic reference is made to the original source
- a link is made to the metadata record in the Repository
- the full-text is not changed in any way

The full-text must not be sold in any format or medium without the formal permission of the copyright holders.

Human Trafficking in Portugal: an Ethnography of the Research and the Data

Mara Clemente

clementemara@gmail.com

Centre for Research and Studies in Sociology, University Institute of Lisbon (CIES-IUL), Lisbon, Portugal

Abstract

This paper is the result of a critical review of the literature and data on trafficking in human beings (THB) in Portugal. Among the primary characteristics of this research is the deafening silence of trafficked persons - especially migrant women in the sex trade. A wide review of research and data suggests that this silence is due to the enforcement-led approach to counter trafficking and a resistance to this approach by a segment of civil society. A trafficked persons' identity as a 'victim' has contributed to political consciousness and mobilization around THB; currently, that identity contributes to denying their agency and to their silence. This review identifies the need to advance both our knowledge and practical intervention on the subject through stronger involvement by various organizations, including abolitionist and non-abolitionist NGOs and the sex workers themselves. Independent research on a solid empirical basis is crucial.

Keywords: human trafficking; state of the art; enforcement-led approach; victim identity; agency; Portugal

Introduction

The United Nations Protocol of Trafficking (2000)¹ and the European and Community instruments to prevent and combat trafficking in human beings (THB) and provide assistance for

¹ According to the UN Protocol of Trafficking (art 3a), trafficking in persons refers to “[T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

trafficked persons² led the progressive adaptation of established internal policies and legal systems in Portugal that reflected a ‘carry-over effect’ from the international policy that was also recorded in other countries.

The year 2007 marked a key moment in the Portuguese context. Important legislative changes were introduced into Portuguese immigration law and the Criminal Code, and THB was established as an autonomous offence in the chapter on ‘Crimes against Personal Freedom’, Article 160 of the Criminal Code. With the changes introduced by Law 59/2007, in addition to other provisions, the crime of trafficking was extended to include labour exploitation and organ removal in addition to the sexual exploitation of women, and the transnationality of the crime was no longer a prerequisite. Over time, new and ongoing interventions were introduced to adjust the Portuguese legal frame of reference. In the transposition of Directive 2011/36/UE by Law 60/2013, the definition of the crime of trafficking expanded to include new forms of exploitation, including mendicity, slavery, and exploitation in criminal activities in addition to previously defined forms.

In the wake of a larger international trend, over the last ten years, THB has attracted increased political attention, provoking a relative increase in publications on the subject in Portugal. These publications appear to express a political-institutional response by Portugal to a new national and international political and legislative frame of reference on this subject and the resulting commitments. Research on THB began to be produced and/or commissioned by the government or by inter-governmental institutions, primarily with European funding. The First Portuguese National Action Plan against Trafficking in Human Beings (2007-2010) led to the creation of an observatory for the collection and processing of data on THB: this observatory was created in 2008 at the Ministry of Internal Administration (MAI) and began publishing an annual Statistical Report on trafficking in the following year. Non-governmental organizations (NGOs) have intervened in studies on the subject to a lesser extent and only rather recently. Although with some exceptions, research on THB remains subordinated to other areas of research even within the academy. Most likely also for this reason, a critical review of the state of the art of research and trafficking data in Portugal appears to be lacking.

At the international level, the number of publications on THB has increased, regularly leading to efforts to collect the literature, primarily in English. These publications critically review information to identify the knowledge gaps, strengths and weaknesses of THB research

² For the purposes of this study, I prefer the expression ‘trafficked person’ instead of the emotional term ‘victim’ that, by focusing on vulnerability and trauma, appears not to recognize the agency of trafficked persons.

and data (see, e.g., IOM, 2008; Kelly, 2002; Laczko and Gozdzia, 2005). Reflecting the priorities of the Palermo Protocol, these reviews have focused attention on studies on trafficking for the sexual exploitation of women. Specifically, over the years, these reviews identified a dearth of empirical studies and a lack of contact with trafficked persons, especially those who are not assisted in shelters; they also included repeated critical comments about the prevalence of tales and myths and the ideological and political positions that pervade studies on THB in support of a specific political agenda (see, e.g., Dragiewicz, 2014; Gozdzia and Bump, 2008; Gozdzia et al., 2015; Weitzer, 2014; Zhang, 2009, 2012).

The need for evidence-based policies and a more appropriate allocation of resources also encouraged national governments and international organizations to increase their collection of trafficking data. Occasionally, alarming national and international estimates claiming a massive number of trafficked persons have been critically accepted and reproduced to justify a ‘moral crusade’ against trafficking (Weitzer, 2007, 2014) and to control immigrants who are in breach of immigration, labour or prostitution laws (Doezema, 2000; Lee, 2011). Moreover, despite an effort to collect comparable trafficking data (see, e.g., Aronowitz, 2009; Vermeulen and Paterson, 2010), problematic statistics are nevertheless produced and disseminated.

This article results from the first critical review of the literature and data on THB in Portugal. Its goal is not to provide a summary of the results of past studies and estimates; rather, this article proposes to describe the primary characteristics of trafficking research and data. The primary elements considered in analysing the collected literature are the research objectives and questions, the data sources and methods used, and the players who fund and conduct THB research. Both Portuguese GO and NGO data on THB were considered. Interviews with researchers and GO and NGO representatives as well as participation in various events on the subject enabled a broader ‘ethnography of the research and the data’.

One of the primary characteristics of the literature and data examined is the deafening silence of trafficked persons. My argument is that this silence is connected first to an enforcement-led approach to counter trafficking. Although recent decades have been characterized by the ‘rediscovery of the victim’ and the development of ‘victim-oriented’ criminal justice policies, the system of assistance to and the integration of trafficked persons, also in Portugal, is based primarily on the criminal justice objectives of securing the successful prosecutions of traffickers and controlling immigrants. These objectives are currently being questioned by some civil organizations, particularly abolitionist groups. Such organizations claim to exclude their reporting to the competent GO authorities and speak on behalf of ‘their victims’ rather than

allowing the researchers access to them. Furthermore, also in Portugal, a unidimensional identification of trafficked persons as ‘victims’ seems to contribute both to denying their agency and stigmatizing migrants and workers, particularly migrant women in the sex trade, who do not conform to a simplistic representation of the powerless, passive, enslaved victim. These people are not considered ‘worthy’ of or ‘suitable’ for the status of victim or deserving of help from the criminal justice process. Thus, these migrants and sex workers have no voice in research, data or the definition of policies and practices of intervention that concern them.

Strategies to advance both our knowledge regarding THB and political intervention have emerged. Such strategies began with the opportunity to conduct independent research with a solid empirical base and the stronger involvement of various organizations, such as both abolitionist and non-abolitionist organizations, and the sex workers themselves.

The literature and the research

The International Seminar on Traffic and Sexual Exploitation of Women, held in Oporto in December 1999, was the first European meeting held in Portugal on this subject. Promoting the event was the current Commission for Citizenship and Gender Equality (CIG), a component of the Bureau of the Presidency of the Council of Ministers that is traditionally tasked with promoting citizenship and gender equality. This group, that is an expression of state feminism in the country (Monteiro, 2013), was assigned the coordination of anti-trafficking activities in Portugal. The seminar was co-funded by the European Commission through one of the first programmes, STOP, which focused on activities of exchange, study and training for institutional and social players involved in THB. The seminar was conceived as a type of call to arms among various players (in particular, the Portuguese government, police and judicial authorities) and was concerned with synchronizing Portuguese and European policies in this sector.

The proceedings of this seminar (AA.VV., 2000) produced one of the first publications on THB in Portugal, which was utilized in this study. This review thus examines the studies produced on THB in Portugal between 2000 and 2015.³ The studies include books and journal articles on THB. Because of its importance, the broader grey literature was included, particularly research, statistics, project reports and conference papers. Master’s theses and doctoral dissertations have also been included. Altogether, 65 publications, 53 in Portuguese and 12 in English, were collected and analysed.⁴

³ The collection of analysed literature was closed on October 31, 2015.

⁴ The collected bibliography can be obtained upon request.

After identifying the available relevant databases and analysing the possibilities furnished by the explored sources, a search was conducted using the following resources: the Portuguese Bibliographic Database (PORBASE), the Scientific Open Access Repository of Portugal (RCAAP), the Portuguese B-on Knowledge Library Online, the online Information and Documentation Centre of the Commission for Citizenship and Gender Equality (CIG), Google Scholar and Web of Science. In addition to the literature collected from various databases, there was also a cascade collection in which each consulted bibliographical reference led to other sources.

A common element of the research and collection in catalogues that did not always grant open access to their resources was the use of the term *trafficking* in its Portuguese and English variants and in combination with other specifying elements including *human, women, child/minor, sex, and labour*.

The collection and analysis of the literature, by necessity, took two aspects into consideration. The first was the fragile disciplinary boundaries and the complex nature of the THB problem, which is interwoven into a range of social problems (including migration and labour). I decided to consider only those studies directly addressing THB in Portugal, understood as the country of origin, transit or destination for trafficked persons, with a special focus on research production in the social sciences. This choice is most likely the primary reason for the differences between the present work and a comparative analysis of studies on THB conducted a few years ago in six countries, including Portugal, in which there was reference to a greater total number of publications and a different annual distribution of publications (AA.VV., 2007). In particular, that study reported the presence of 11 publications compared with the 7 that this study collected and analysed in the period between 2000 and 2005. This literature review also had to consider a second aspect: the fragmented nature of the various databases and their frequently delayed updating. The limitations of the bibliographic collection, therefore, include the possible non-integration of the most recent publications on the subject.

[Figure 1]

The analysis of the collected literature revealed elements of both continuity and discontinuity with the substantial international literature on the subject.

Although the first publications date back to 2000, in 2007, slightly delayed from the wider international panorama, there is evidence of what could be cautiously termed an increasing interest in the topic in Portugal (Figure 1). This increase in the literature peaked between

2010 and 2013. The relative slump in publications in the past two years can most likely be attributed to the lack of immediate updating of bibliographic catalogues rather than to an actual reduction in production.

In particular, since 2000 and for approximately ten years, the majority of the literature comprised research and project reports drawn up and/or commissioned by government institutions through various European programmes, with the goal of compliance with international and European laws and policies on THB. Again, compliance began operating formally only in 2007.

For a long time, the interest of the academic community was encouraged and funded by these projects. The often rather ambitious objectives of the first widespread studies were primarily established by the organizations commissioning the studies. Although these commissioned studies were often followed by new publications such as articles and book chapters that were signed by members of the commissioned research groups, academic research on the crime of trafficking appears to have remained in a subordinate position to the study of other social and sociological problems considered a priority in this country. In the years immediately preceding 2010, the subject of human trafficking had become a fully recognized component of the Portuguese political and media debate, stimulating the production of the first master's theses and doctoral dissertations on this topic (approximately 14% of the production). In certain cases, the interest of these researchers appears to be attributable to their work experience in the primary state institutions, either in politics or law enforcement.

Unlike the situation in the wider international panorama, even NGOs and advocacy groups in Portugal paid limited and delayed attention to trafficking and made scant effort to conduct research. As a related aspect, it should be noted that when THB became a component of the Portuguese political agenda, no NGOs were directly addressing the issue. However, in Portugal, the legislative, financial, and programmatic instruments used by the EU to launch European anti-trafficking policies began to be used despite the relatively small numbers and/or the limited capacity to intercept trafficking (see, e.g., Bordonaro and Alvim, 2011; Manita and Oliveira, 2002). THB was not immediately identified among the priorities of organized civil society, which is historically characterized by 'institutional weakness' and 'traditional dependence vis-a-vis the State' (Santos, 1991). Thus, only after the construction of the current criminal prosecution system and a system of assistance for trafficked persons did certain organizations become more involved by expanding their activities to include trafficking (see also GRETA, 2013). Therefore, it is not surprising that fewer than 8% of the publications collected can be

attributed to these organizations; only in recent years, once again stimulated by European policies and numerous funding programmes, these organizations attempted studies on THB.

The manner in which trafficking asserted itself as a problem attracting attention in Portugal also explains the primary objectives of this study of the analysed literature. From the first exploratory studies (see, e.g., Peixoto et al., 2005; Santos et al., 2007) and for a long period after, identifying the trafficked persons' personal and social profiles and trafficking experiences and examining the recruiting methods, transport, and exploitation were the most urgent research questions and were generally pre-determined by organizations commissioning the studies. Some studies focused also on coverage of human trafficking in the media. More recently, the prosecution of trafficking crimes appears to have become a goal of research as well as a political concern.

It is well known that for a long time, THB was associated with sexual trafficking, and in many cases, the terms *human trafficking* and *sex trafficking* were, and most likely still are, used interchangeably (Zhang, 2009). Consistent with the political agenda and the international literature, the analysed publications focused primarily on trafficking for sexual exploitation. As shown in Table 1, sexual trafficking was the unique studied form of exploitation in nearly half of the publications on the topic (46.2%). At the present time, funding has been assigned to new research specifically dedicated to labour exploitation; however, for approximately fifteen years, this form of exploitation was studied only in exceptional cases. Labour exploitation studies are frequently accompanied by studies on sexual exploitation; combined, the two forms of exploitation are the subject of 9.3% of the publications. Organ removal and mendicity have become subjects of research interest beyond the legislative aspect only in recent years and only in exceptional cases.

As expected, attention to sexual exploitation is associated with a focus on female trafficked persons. More than 40% of publications are dedicated to this population (Table 1). The percentage of studies dedicated to the female population increases if the works also consider include other populations, such as males or minors, exceeding 52.35% of production. Similar to labour exploitation, the male trafficked population is also rarely the primary focus of attention. The male presence is always associated with other trafficked populations – female and/or minors – for a total of 9.2% of publications. Publications specifically dedicated to minors comprise 6.1%; however, the percentage increases when considering the publications that also include the adult population, reaching 10.75% of the total. Only in exceptional cases is any focus also placed on transsexuals; that population remains excluded even from the estimates produced annually at the government level.

[Table 1]

Analysis of the collected literature clearly indicates an important characteristic that, with a certain difference, can be observed at the international level: the recent and relative increase in publications on THB in Portugal does not coincide with and should not be confused with an increase in the empirical research on trafficking. Although the first publications on the subject date back to 2000, slightly later than the wider international panorama, the first empirical research that identified trafficking as its primary study objective dates to 2005 (Peixoto et al.). Later, new research studies emerged; however, as shown in Table 1, fewer than 50% of the collected publications, totalling 31 works, were based on empirical research on trafficking. Moreover, these publications did not always represent original studies: approximately half, a total of 15 publications, comprised translations or a partial re-publishing of previous results. Overall, less than 25% of collected publications referred to original empirical research, which, fifteen years after the Palermo Protocol, appears to be a rather mediocre comprehensive figure.

Another factor that limits an increase in knowledge of the problem is that even when studies contained empirical data, the protagonists of the problem, beginning with trafficked persons and traffickers, are rarely the primary source of information. Research on THB in Portugal is based on a strong reliance on law enforcement officials, representatives from government institutions and NGOs, and so forth, who do not always have direct experience with trafficked persons. In particular, only 5 of the 65 review studies were based on interviews with trafficked persons.

The absence of the voices of trafficked persons and the reliance on so-called expert sources at least partially reflect a trend that can be observed at international levels. Moreover, in the case of Portugal, when these studies involve primary data collection among trafficked persons, unlike the situation at the international level, this data collection does not necessarily refer to trafficked persons assisted and/or housed in shelters. The rare research that directly involves the trafficked persons is based on contact in the street and/or the locations in which this population is exploited (see Santos Neves & Pedra, 2012; Santos, 2014). In exceptional cases, meetings with trafficked persons are rendered possible by the police force (see Neves, 2011). When, again in exceptional cases, meetings are arranged through NGOs, contact between the researcher and the subject of the study cannot be assumed (see Santos Neves and Pedra, 2012) or can only occur in the presence of representatives of the organizations (see Couto, 2012).

The deafening silence of the trafficked persons is apparent both inside and outside of the Portuguese shelter assistance system.

Why is direct contact between research and persons with experience with trafficking so rare? Are the criminal nature and the relatively reduced size of the problem in Portugal sufficient to explain the silence of trafficked persons? In Portugal, why does research remain nearly exclusively outside the shelters and constantly meet with a ‘reluctant’ reaction from human trafficking survivors?

To develop a better understanding, it may be helpful to begin with a review of the data on THB in Portugal.

The hidden side of numbers

As stated above, in Portugal, debate and research focused primarily on sexual trafficking, and its victims were primarily sought within the sex industry. However, research results related to female prostitution in the first years of this century suggest that the numbers were relatively low compared with the alarming figures declared by the national media at the time, including within Portugal (see, e.g., Manita and Oliveira, 2002; Riberio et al., 2005, 2007). In turn, the statistics produced annually at the government level also reveal a relatively low number of trafficked persons.

According to the Portuguese Observatory of Trafficking in Human Beings of the Ministry of Internal Administration (OTSH/MAI), during the 2008-2014 period, 1110 ‘presumed victims’ were reported,⁵ of whom only slightly more than 25% were confirmed as such by law enforcement agencies.⁶ This refers to 282 ‘confirmed victims’, primarily of foreign origin and defining Portugal as the THB destination country.

Of the 974 ‘presumed victims’, whose origins are known and not protected by statistical secrets, 71% reported being European (primarily of Romanian origin); 22% came from South America (in particular, Brazil), and 7% came from Africa. Portugal was also a country of origin, and a constant number of Portuguese nationals (approximately 25% over the reference period)

⁵ As a component of the Portuguese trafficking monitoring system, the expression ‘presumed victim’ is used with reference to a person regarding whom there are strong indications of the existence of a trafficking experience. The ‘confirmed victim’ classification is designated by law enforcement agencies (Judiciary Police or Immigration and Borders Service) to a person as a result of a police investigation. The ‘not confirmed victim’ classification is designated by law enforcement agencies to a person who was either a victim of another crime (commonly THB associated crimes) or to other situations such as ‘case filed’ because of lack of proof or the non-existence of a crime.

⁶ Figures personally processed from data supplied by OTSH. Updated in April 2015.

were exploited within Portuguese territory (approximately 41%) and/or in neighbouring states (approximately 59%), particularly in Spain.

Data distinguished by different forms of exploitation for all seven reference years indicate that the majority (approximately 43%) of the persons were signalized as being trafficked for labour exploitation,⁷ approximately 39% for sexual exploitation and approximately 8% for all other forms. When we consider only the total of 282 ‘confirmed victims’ over the same period, the distance between the two primary forms of exploitation increases, and sexual exploitation decreases to 21% whereas labour exploitation increases to nearly 75%. These numbers indicate a trend that is contrary to that occurring in European countries: according to EUROSTAT (2013, 2015), between 2008 and 2012, the majority of ‘identified and presumed victims’ were trafficked for sexual exploitation (between 62% and 69%), and trafficking for forced labour comes in second (approximately 25%, dropping to 19% between 2010 and 2012).

The clear predominance of labour exploitation in Portugal relates to a prevalence of male ‘confirmed victims’ (approximately 64%) compared with female ‘confirmed victims’ (approximately 36%). Once again, these figures indicate a trend that is contrary to that occurring in Europe, where the vast majority of all ‘victims’ (80%) are female and only 20% are male (EUROSTAT, 2013, 2015).

For a better understanding of these statistics, it is useful to remember that the Portuguese THB monitoring system is the first stage of a wider ‘Reporting - Identification - Integration’ system of trafficked persons. The Portuguese system also specifies that any police force, NGO, ‘presumed victim’ or member of the public can report possible cases of trafficking to the monitoring system managed by OTSH, which is within the Ministry of the Interior and works in close cooperation with the police. Regardless of who reports the ‘presumed victim’, identifying trafficked persons is the responsibility of the police forces, and trafficked persons’ rights are officially subordinated to collaboration with police investigations.⁸ For example, residence permits for trafficked persons of non-European origin are subject to article 109 of Law 23/2007, which states that a permit can be issued but is subject to three essential conditions: the person must clearly express his intention to co-operate with the authorities to facilitate the investigation, the potential benefit of the trafficked person’s presence for investigation purposes and

⁷ The total number of persons signalized as trafficked and whose form of exploitation is not covered by statistical secrets is 1064. The form of exploitation is unknown in 9%.

⁸ When justified by the trafficked person’s situation and particularly in cases of high vulnerability, the National Rapporteur may ask the Ministry of the Interior to grant victim status and the associated assistance. However, conversation with the National Rapporteur confirms that this procedure has never been implemented.

criminal proceedings will be taken into account, and the person must cease all relations with the persons suspected of having committed the offences concerned.

Two of these elements – the formal identification of trafficked persons by the police force and cooperation with the police and the judicial authorities as a condition for access to the rights connected with victim status – have been a reason that some NGOs are reluctant to report trafficking cases based on the greater interest of the trafficked persons (see also GRETA, 2013; Santos Neves and Pedra, 2012). Distrust in the police and the justice system raises concerns that victims' participation in police investigations could expose trafficked persons to their traffickers. Moreover, in the absence of formal identification, trafficked persons exit the system, receive no formal or informal assistance, and risk being invited to return to their countries of origin. In the words of the director of a Portuguese NGO working on prostitution who was interviewed for this study,

In the collaboration with the police, cases of re-victimisation can occur. The person has already been through a very painful situation due to the trafficking experience and then passes through an additional painful situation as a trafficking victim. The process necessary to obtain a residency permit is extremely complex and requires considerable time (...). The victims are afraid to return to their countries of origin and do not want to go back. The problem becomes that of bypassing the law, of finding an article of law that can help these persons.

The deafening silence of trafficking persons in data on THB in Portugal appears first to be an indictment of an enforcement-led approach to counter trafficking, i.e., it represents a form of resistance to this approach of some organizations of civil society. In many countries, many provisions express the difficulty of reconciling the identification and protection of trafficked persons with the criminal justice objectives of securing successful prosecutions of traffickers and immigration control. As noted by Maggy Lee, the treatment of trafficked persons must often address the 'double identification of trafficked persons as "victims" and irregular migrants, deemed both "at risk" and "risky" to the state, to be "rescued" through welfare-cum-criminal justice interventions, yet whose suspect mobilities have to be contained within an immigration control framework' (2011: 59). Concerns regarding irregular migration and false claimants have encouraged many states, including Portugal, to refuse to provide unconditional assistance and protection to trafficked persons and to render support measures conditional on their cooperation in testifying in judicial proceedings against their traffickers. Consequently,

notwithstanding the rhetoric of victims' rights and protection, the actual practices of intervention and assistance frequently remain far from the experiences, expectations, and capacity of trafficking victims (Lee, 2011; GAATW, 2007; Zimmerman et al, 2003) and can expose those persons to a 'secondary victimisation' within the criminal justice system (Campbell, 1998; Shapland et al., 1985).

In reality, in Portugal, civil organizations do not always express, nor have they developed, a clear position with regard to this approach. However, the same organizations that compose the protection network for victims of trafficking (RAPVT)⁹, with the goal of prevention, protection and the reintegration of these victims, have not always directly intervened for trafficked persons. In some cases, concerns regarding the mechanisms for identifying and assisting trafficked persons derive from the experiences of other organizations or from the literature on the subject.

This enforcement-led approach to counter trafficking is currently being challenged by some abolitionist NGOs. In this case, rhetorical care for the interests of some trafficked persons is associated with the claim to care for and speak on behalf of 'their victims', excluding any possibility of the victim's reporting to competent authorities or of constructing a research path with the victim's involvement. In the words of an interviewee from a Portuguese NGO,

We transmit any knowledge and we are here, available.... I am here with you at this moment, but we have never made the women and the women's testimonies available, partly because of a question of principle, and because of the values of the institution.

The values indicated by the representative of the organization I met are the values of abolitionist feminism, which defines all sex work as exploitation and prostitution as an embodiment of patriarchal male privilege (see, e.g., Barry, 1979; Pateman, 1988; Jeffreys, 1997, 2009).

However, the need to distinguish sex work from sexual exploitation - often seen in rigid opposition - appears to leave sex workers' rights organizations in a substantially marginal position with regard to the Portuguese anti-trafficking system and the associated debate.

It must be stated that CIG, the entity coordinating trafficking policies through the National Action Plans that have occurred over the years, is an institution with a known abolitionist position. A strong institutional prudence appears to inspire the relations of this institution with non-abolitionist organizations. Despite their presence in the field, this group remains largely

⁹ Pursuant to measure No. 30 of the second Portuguese National Action Plan to Prevent and Combat THB.

outside the numerous cooperation protocols and memorandums of understanding signed with NGOs and other bodies to report trafficking cases and the wider assistance and integration system of trafficked persons. Conversely, the same sex workers' rights organizations, primarily engaged in sexual risk reduction interventions, appear to be primarily concerned with stating that the act of selling or buying sexual services as a consensual transaction is not violating human rights and is not to be conflated with trafficking. Most likely also for this reason, the question that traditionally follows my contacts and interview requests to these organizations is, 'You know, don't you, that trafficking and sex work are not the same thing?'

The result is that the trafficking data collection system receives the great majority of its input from the police (see also GRETA, 2013). In the field, the police also collaborate with state services such as ACT, the Working Conditions Authority, under the direct administration of the State Ministry of Labour, Solidarity and Social Security, which has among its functions controlling compliance with labour standards and the law in the private activity sectors through inspections and not according to proximity.

This set of circumstances—the limited involvement of the different organizations with experience in intervention with sex workers and the resistance of some of these organizations to an enforcement-led approach to counter trafficking—combines to drive the scarcity of sexual exploitation and female trafficked persons in ministerial statistics and, more generally, the relatively small number of trafficked persons reports.

What would occur if there were greater NGO participation in reporting THB cases?

Research conducted by the Institute of Strategic and International Studies (IEEI) (Santos Neves and Pedra, 2012) provides some points for reflection. With the collaboration of an informal network of NGOs, researchers calculated triple the number of trafficked persons, reaching a level of 250-270 trafficked persons per year, and suggested forms of exploitation that are somewhat different from the forms described by government figures. Consistent with European trafficking estimates, these data showed a prevalence of sexual exploitation cases (67%) compared with labour exploitation (30%); female trafficked persons (80%) were far more numerous than their male counterparts (20%). IEEI also discovered a considerable difference in routes and provenance, with a significant flow of trafficked persons from Nigeria and Asian countries.

Comparing IEEI and OTSH data presents several problems. The data do not refer to the same periods: IEEI estimates cover the period from June 2010 to July 2012, whereas the OTSH estimates refer to a three-year period between 2009 and 2011. The most important difference relates to the data collection criteria of IEEI, as their estimates include, for example, nearly 80

cases reported by fellow victims with whom the victims supposedly travelled during transport or with whom the victims lived during exploitation.

However, according to IEEI researchers, at the time of their study, only six organizations of the thirty in contact with potential trafficked persons were reporting trafficked persons to the Portuguese Observatory of trafficking. Such choices were, in certain cases, openly opposed to crime prosecution and the trafficked persons' assistance systems established in this country. In any case, it appears to always be other people who speak for trafficked persons and decide what is best for those 'victims'. The latter remain outside of the research, the data and the anti-trafficking prevention strategies; and trafficked persons' assistance and reintegration models continue to be designed in an 'empirical vacuum' (Goździak, 2014).

The deafening silence of trafficked persons

The complex and controversial process of recognizing the trafficked persons' identity as a 'victim' in Portugal can lead us closer to an understanding of the silence of trafficked persons in research and data and, thus, in the definition of the policies and intervention practices relating to those persons.

As suggested by Jacoby (2014), whereas 'victimization' is an act of harm perpetrated against a person/group, 'victimhood' is a socially constructed identity based on that harm. Victimhood depends on a 'choice' to use the experience of harm as the basis for identity, and this choice is mediated by the politics of the underlying political context. Victimization and victimhood share common characteristics in all societies, and based on these characteristics, Jacoby proposes a sequence of five stages that injured persons experience from the act of victimization to the recognition of victim-based identity: (1) structural conduciveness (2) political consciousness (3) ideological concurrence (4) political mobilization and (5) political recognition.

From the late 1990s to the early 2000s, the consolidation of a democratic regime, integration with the European Union and significant economic growth combined to create the structural conditions for trafficking victim identity recognition in Portugal. During this first stage of 'structural conduciveness', international and European policies stimulated the 'choice' to begin a process of trafficking victimhood recognition.

In particular, this choice discovered a means of expression after 2003-2004 when, through European funding, the current CIG of the Portuguese Presidency of the Council of Ministers mobilized various institutional representatives and promoted some activities that

played a decisive role in directing public debate and policies on THB in Portugal.¹⁰ The trafficking victim identity was moulded during this stage of ‘political consciousness’, duplicating the European political-institutional model and/or the experience of other countries (see, e.g., Bordonaro and Alvim, 2011; Campani and Garosi, 2003). The problem did not become a research focus by local governments, NGOs, or research centres until 2004; therefore, the problem was not well known.¹¹ At this stage, first of all, NGOs had to learn to identify the trafficked persons and to address the complexity of trafficking crimes. Organizations are quite cautious in reporting trafficked persons. Only slowly and in a manner conducive to the objectives of the government’s political agenda did some NGOs with experience in the field of sexual and reproductive health or in assisting victims of crimes extend their activities to include THB. The result was that the ‘political mobilization’ to recognize the rights of trafficked persons was primarily managed at the institutional level, circumspectly, by NGOs and without widespread involvement on their part in the planning and implementation of anti-trafficking measures (see also GRETA, 2013; Santos Neves and Pedra, 2012).

Political consciousness and mobilization were characterized by the lack of both direct experience with trafficked persons and victim profiles and accounts of trafficking as a form of violence against women. During the first international seminar on the theme mentioned in the previous pages, one of the participating organizations stated,

The women who are prostitutes come from run-down neighbourhoods, overcrowded homes, large families and alcoholic parents. They suffered maltreatment, abandonment, rape, and incest. They went hungry. They did not feel loved. They worked in their childhood... They did not go to school... They grew up fast... They had boyfriends too soon; they got pregnant too soon... They were abandoned (AA.VV., 2000: 145).

The representative of the same organization, during the panel entitled ‘Rehabilitating and “Building” a New Image for Women’, added, ‘I met women who were trafficked to Spain, France, Germany. They suffered violence, various tortures. They were watched over during the

¹⁰ In particular, the definition of trafficking crime and trafficked persons’ rights was sustained by the activities established from 2004 within the sphere of the Cooperation, Action, Research, Worldview (CAIM) Pilot project. The project was funded by the EQUAL Community Initiative and is traditionally described as a crucial element for its contribution to developing the THB prevention and combat policies established in Portugal from 2007 through the National Plans against Trafficking that were defined over the ensuing years.

¹¹ In reality, the CAIM project did promote a study (Santos et al., 2007); however, the research was concluded only in July 2007, following the creation of the First Plan against Trafficking, adopted in June 2007, amidst the deafening silence of the trafficked persons.

day and the night. They did not report the situation. Fear permeated her inner self' (AA.VV., 2000: 144).

At the institutional level, the current CIG actor who promoted the meeting recognized that 'often the concepts of trafficking and prostitution appear...as interconnected. This automatic connection should be avoided' (AA.VV., 2000: 173); conversely, the same actor argued that,

prostitution as disfigurement of woman reduced to the status of sex object, of merchandise in a world market, must and can disappear (...). The drawing up of a plan of action is necessary to combat persons who defend prostitution and its regulation, who have precise and defined projects and arguments to base it on and the means to concretise it' (AA.VV., 2000: 190-191).

These attitudes of institutional actors and civil society towards prostitution and trafficking have played a strategic role in the process for the 'political recognition' of the victimhood of trafficked persons and the development of anti-trafficking policies in Portugal. Against the backdrop of dramatic descriptions of traumatic and violent stories from trafficked persons was made an effort to increase awareness and help the country adapt to international and EU policies on the subject. Narratives of abuse and suffering, often framing prostitution-as-sex-trafficking as 'an unqualified evil', fuelled the Portuguese 'moral crusade' (Weitzer 2007) and trafficking as a public and political responsibility.

A broader debate calls for prudence with regard to images that do not reflect the complex social and economic trajectories of migrants working in low-wage sectors, particularly women in the sex industry (see, i.e., Andrijasevic, 2010; Brennan, 2004; Mai, 2013, 2016). However, after more than ten years, stereotypical and disempowering images of trafficked migrants and their trafficking experiences persist, even in Portugal. Such images contribute to a situation in which there are people who deny any agency of the trafficked persons, even among the organizations that run shelters for trafficked persons¹² and that – with a certain political caution and a little financial apprehension – interpret trafficking as a form of labour exploitation connected with strict migration policies (see, e.g., Agustin, 2007; Andrijasevic, 2010; Doezema, 2010; Kempadoo and Doezema, 1998). Dialogues with persons at one of these organizations confirmed a long-standing resistance to the possibility of conducting research with

¹² There were three government-funded, NGO-run shelters available for trafficked persons in Portugal, one for male victims and two for female victims.

trafficked persons because of a form of reluctance on the part of the persons or because of special attention focused on ‘their victims’ interests (see also Alvim, 2013). Once again, the result is a persistent absence of a strategy to include trafficked persons in the process of constructing their victimhood or in any research that concerns them.

Meanwhile, as amply highlighted by critics of the violence-against-women agenda, only those trafficked persons who adhere to simplistic narratives of extreme suffering and abuse are likely to identify themselves or to be identified as ‘victims of trafficking’. Not considering the real cost of migration, the expected needs, or the consumerist and hedonistic aspirations of the trafficked migrants themselves does not facilitate Jacoby’s definition of an ‘ideological concurrence’ of the trafficked persons and police and immigration officials. The reduced number of ‘confirmed victims’ in Portugal, particularly of trafficked migrant women for sexual exploitation, appears to refer first to the possibility that women with experience selling sex adhere to the image of ‘complete victimization’ (Doezema, 2000). A representative of the Portuguese Criminal Police explained, with regard to sexual exploitation, the connection between ‘victim’ and ‘fickle’:

Women’s cooperation in criminal police investigations is more difficult and inconstant. They are difficult [persons], whose collaboration is difficult. They do not want compromise; they do not want to be “victims”: life taught them how to survive and to be smart. They are people with a propensity to another type of work, different from normal jobs.

Undoubtedly, trafficked migrants in the sex industry do not easily correspond to the image of the ‘innocent’ (Kempadoo and Doezema, 1998), ‘ideal’ victim (Christie, 1986; Hoyle et al, 2011). Formal recognition of a trafficked person’s victim identity does not constitute a constructive strategy for these women; conversely, these women are not easily considered worthy of the status of the victim in a criminal trial. Sex-trafficked migrants are deserving victims, and the juxtaposition of the ‘perfect victim’ (Uy, 2011) and the real victim marks a boundary between citizens and non-citizens (Andrijasevic, 2007).

The process of identifying trafficking victims, characterized also in Portugal by the appropriation of a humanitarian discourse within a security-centred discourse, contributes to a better understanding of the deafening silence of trafficked persons in research and data. An identity as a ‘victim’ may be strategically important to increase awareness; however, there are limitations imposed by this type of identification. Alternative processes of identifying trafficked

migrants as active subjects with complex trajectories may contribute to their reporting and identification, to the development of better assistance strategies, and, ultimately, to their presence in research and data.

Conclusions

The urgent necessity for Portugal to become aligned with international and European anti-trafficking laws and policies has helped to stimulate research on this subject. However, knowledge of the topic remains limited to statistics produced at the government level and provided by the police force. Critical reflection and empirical research involving trafficked persons, offenders and other actors remain the exception. These limitations result in a macrosociological description of the problem in which the different subjectivities remain in a subordinate position.

Careful analysis of the literature suggests the need for a greater effort to be made to understand THB in Portugal through in-depth qualitative research focusing attention on the various actors involved. A strong focus should be placed on a microsociological description of the problem, which, in response to the suggestions stimulated by international reflections (see, e.g., Weitzer, 2014) and provisions by the Portuguese National Action Plans against THB, should provide richer insights into THB. Special attention should be urgently focused on Portuguese nationals exploited within the country or in neighbouring states.

Nearly ten years after establishing the current assistance and support system for victims and the prosecution of trafficking crimes, conditions should be ripe for critical reflection on the experience that has developed in Portugal. Recent experiences regarding the complex problem of THB demand the reciprocal construction of identity for the ‘victim’ as much as for the people who provide assistance. A greater participation by the various actors in the field, such as the different organizations with experience with sex workers, and the independent nature of the research could encourage critical reflection on current anti-trafficking policies, assistance and the reintegration experiences of trafficked persons. An aspect closely linked to these research perspectives is the imperative necessity for studies on THB to be translated into concrete proposals able to influence policies.

None of these aspects must be considered distinct from the urgent need for research to shape its agenda and to increase collaboration and alliances with the various players in the relevant political and social context in Portugal. Research on this topic, until now primarily financed by government bodies through numerous European funding programmes, also faces the challenge of independence within the dialogue. No less demanding is the dialogue within

independence: are Portuguese GOs and NGOs ready to support research on THB issues outside the programmes and projects that they manage directly?

Among other aspects, there is an urgent need in research for clear discussions concerning methodologies, data collection methods and ethical dilemmas, which, in Portugal, have only partially been the object of shared reflection and only in exceptional cases. This aspect could help promote the construction of more appropriate human-rights-based strategies in research on trafficking without limiting the possibilities of conducting research and producing knowledge.

Acknowledgements

This work was funded by the Portuguese Foundation of Science and Technology (FCT) via the post-doctoral grant SFRH/BPD/93923/2013.

References

- AA.VV. (2000). *Tráfico e Exploração Sexual de Mulheres. Actas do (01) Seminário Internacional*. Porto: CIDM.
- AA.VV. (2007). *Headway - improving social intervention systems for victims of trafficking project*. Warsaw: Noktus.
- Andrijasevic, R. (2007). Beautiful Dead Bodies: Gender, migration and representation in anti-trafficking campaigns. *Feminist Review* 86, 1, 24-44.
- Andrijasevic, R. (2010). *Migration, agency and citizenship in sex trafficking*. New York: Palgrave Macmillan.
- Agustin, L. (2007). *Sex at the margins: migration, labour markets and the rescue industry*. London: Zed Books.
- Aradau, C. (2004). The perverse politics of four-letter words: Risk and pity in the securitisation of human trafficking. *Millennium: Journal of International Studies*, 33, 2, 251-277.
- Aronowitz, A. (2009). *Guidelines for the collection of data on trafficking in human beings, including comparable indicators*. Vienna: IOM and Federal Ministry of the Interior of Austria.
- Barry, K. (1979). *Female sexual slavery*. Englewood Cliffs, New Jersey: Prentice Hall.
- Best, J. (1999). *Random violence. How we talk about new crimes and new victims*. Berkeley: University of California Press.
- Bordonaro, L.; Alvim F. (2011). Tráfico de mulheres em Portugal: a construção de um problema social. In P. G. Silva et al. (edited by), *Etnografia e intervenção social. Por uma*

praxis reflexiva (61-83). Lisboa: Colibri.

Brennan, D. (2004). *What's Love Got to Do with It? Transnational desires and sex tourism in the Dominican Republic*. Durham and London: Duke University Press.

Campbell, R. (1998). The community response to rape: Victims' experiences with the legal, medical, and mental health systems. *American Journal of Community Psychology*, 26, 3, 355-379.

Christie, N. (1986). The Ideal Victim. In E. A. Fattah (edited by), *From Crime Policy to Victim Policy* (17-30). London: Macmillan.

Doezema, J. (2000). Loose women or lost women? The re-emergence of the myth of white slavery in contemporary discourses of trafficking in women. *Gender issues*, 18, 1, 23-50.

Doezema, J. (2010). *Sex slaves and discourse masters: The construction of trafficking*. London: Zed Books.

Dragiewicz, M. (2014). *Global human trafficking: Critical issues and contexts*. New York: Routledge.

EUROSTAT (2013). *Trafficking in human beings*. Luxemburg: European Commission.

EUROSTAT (2015). *Trafficking in human beings*. Luxemburg: European Commission.

Global Alliance Against Traffic in Women (2007). *Collaterale Damage: The impact of Anti-Trafficking Measures on Human Rights around the World*. Bangkok: GAATW.

Goździak, E. M.; Bump, M. N. (2008). *Data and research on human trafficking: bibliography of research-based literature*. Washington DC: Georgetown University.

Goździak, E. M. (2014). *Empirical Vacuum: In Search of Research on Human Trafficking*. In R. Gartner; W. McCarthy (edited by), *The Oxford Handbook on Sex, Gender, and Crime*. New York: Oxford University Press.

Goździak, E. M. et al. (2015). *Bibliography of research-based literature on human trafficking: 2008-2014*. Washington DC: Georgetown University.

GRETA (2013). *Report concerning the implementation of the Council of Europe Convention on action against trafficking in human beings by Portugal*. Strasbourg: Council of Europe.

Hoyle C.; Bosworth M.; Dempsey, M. (2011). Labelling the Victims of Sex Trafficking: Exploring the borderland between rhetoric and reality. *Social & Legal Studies*, 20, 3, 313-329.

IOM (2008). *Human trafficking: new directions for research*. Geneva: IOM.

Jacoby, T. A. (2015). A theory of victimhood: politics, conflict and the construction of victim-based identity. *Millennium: Journal of International Studies*, 43, 2, 511-530.

Jeffreys, S. (1997). *The idea of prostitution*. North Melbourne: Spinifex.

- Kelly, E. (2002). *Journeys of jeopardy: a review of research on trafficking in women and children in Europe*. Geneva: IOM, Migration Research Series, 11.
- Kempadoo, K.; Doezema, J. (1998) *Global sex workers: rights, resistance, and redefinition*. New York: Routledge.
- Laczko, F.; Gozdzia, E. M. (2005). *Data and research on human trafficking: a global survey*. Geneva: IOM.
- Lee, M. (2011). *Trafficking and Global Crime Control*. London: Sage.
- Mai, N. (2013). Embodied Cosmopolitanisms: The subjective mobility of migrants working in the global sex industry. *Gender, Place and Culture*, 20, 1, 107-124.
- Manita, C.; Oliveira A. (2002). *Estudo de caracterização da prostituição de rua no Porto e Matosinhos*. Porto: CIDM.
- Monteiro, R. (2013) Feminismo de Estado Emergente na Transição Democrática em Portugal na Década de 1970. *DADOS – Revista de Ciências Sociais*, 56, 4, 841-866.
- Neves, A. S. A. das (2011). Women trafficking for sexual exploitation in Portugal: life narratives. *International Journal of Humanities and Social Science* 1, 17, 186-192.
- Pateman, C. *The sexual contract*. Cambridge: Polity Press, 1988.
- Peixoto J. et al. (2005). *O tráfico de migrantes em Portugal. Perspectivas sociológicas, jurídica e políticas*. Lisboa: ACIME.
- Salt, J.; Hogarth J. (2000). *Migrant Trafficking and Human Smuggling in Europe: A Review of Evidence*. Geneva: IOM.
- Santos, B. de S. (1991). State, wage relations and social welfare in the semiperiphery: the case of Portugal. *Oficina do CES*. 23.
- Santos, B de S et al. (2007). *Tráfico de mulheres em Portugal para fins de exploração sexual*. Coimbra: CES/CAIM.
- Santos, E. (2014). *Tráfico de seres humanos e mendicância forçada: the third sector against pushed begging. Relatório nacional-Portugal*. Porto: EAPN.
- Santos Neves, M.; Pedra, C. (2012). *A Proteção dos direitos humanos e as vítimas de tráfico de Pessoas. Rotas, métodos, tipos de tráfico e setores de atividade em Portugal*. Lisboa: IEEI.
- Uy, R. (2011). Blinded by red lights: why trafficking discourse should shift away from sex and the 'perfect victim' paradigm. *Berkeley Journal of Gender, Law and Justice*, 26, 1, 204-219.
- Vermeulen, G.; Paterson, N. (2010). The measurement of human trafficking, sexually exploited & missing children in the European Union. The MONTRASEC model – The Great Leap Forward?. In L. Pauwels L.; G. Vermeulen (edited by), *Actually Strafrecht en Criminologie. Update in de criminologie V*. Maklu: Antwerpen-Appeldoorn,.

- Weitzer, R. (2014). The social construction of sex trafficking: Ideology and institutionalization of a moral crusade. *Politics and Society*, 35, 3, 447–475.
- Weitzer, R. (2014). New directions in research on human trafficking. *The ANNALS of the American Academy of Political and Social Science*, 653, 1, 6-24.
- Zhang, S. X. (2009). Beyond the 'Natasha' story – a review and critique of current research on sex trafficking, *Global Crime*, 10, 3, 178-195.
- Zhang, S. X. (2012). Sex trafficking in Latin America: dominant discourse, empirical paucity, and promising research. *Global Crime*, 13, 1, 22-41.