

Trafficking for Prostitution in Italy

Possible Effects of Government Proposals for Legalization of Brothels

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This article gives an overview of the problem of trafficking for prostitution in Italy and notes different trafficking dynamics according to countries of origin of the victims. It examines changes in trafficking patterns, various activities carried out by the Italian government and nongovernmental organizations (NGOs) to assist victims, the Italian legal framework used to combat trafficking, and the recent government proposal to legalize brothels. In conclusion, the article suggests strategies to combat prostitution and trafficking. The main emphasis is on the trafficking of Nigerian women and girls to Italy.

Keywords: *legalization; Nigerian women and girls; prostitution in Italy; trafficking*

The international trafficking of persons, especially of women and children for prostitution and other purposes, is a global scourge and a worldwide problem of monumental scope. Trafficking and prostitution are literally embodied in the use of women and young girls for commercial sexual exploitation. The commercialization of women's bodies is tolerated and indeed encouraged to satisfy male sexual needs and desires and defended as a resolution to problems of male sexuality and sexual identity and the relational problems of men. Prostitution, mistakenly defined as the so-called "oldest profession," is and continues to be accepted as an integral part of the social exchange between men and women, while the inherent violence contained in such an exchange is often denied and left to perpetuate itself.

Legal trends, particularly in some European countries, actually or potentially legalize or decriminalize the system of prostitution and sanction it as a normal part of the social order.¹ In several countries, this means regulating prostitution and thus ensuring

its survival and the continued abuse of women and children who are its greatest victims. In other countries, prostitution has been and is being increasingly proposed as an alternative employment outlet for women. State regulation of prostitution, or outright legalization, is often supported by progressive political parties and advocates who claim that some form of legalization/decriminalization/regulation of prostitution will provide social and economic benefits to women in prostitution industries.²

This article examines the insidious nature of prostitution and argues that it is impossible to combat trafficking where prostitution is legally sanctioned. Those who call for an end to the trafficking of women and children and yet support the legalization and thus the expansion of systems of prostitution send contradictory messages. This article illustrates that we cannot end trafficking unless we first put a stop to the commercialization of women's bodies in prostitution. As long as prostitution is tolerated, and governments permit it to be practiced as a legal and valid employment alternative, trafficking in and violence against women will continue.

Trafficking of persons in Italy involves adults and minors trafficked for sex—mostly young women and girls—and adults and children trafficked for labor. Minors are exploited in various illegal activities, which include begging, stealing, illegal international adoptions, pornographic activities, and a possible trading in children for organs. Without any hope of regularizing their legal status, workers are exploited in jobs where they are compelled to labor in subhuman conditions and often employed in criminal activities. Most women and young girls are exploited in prostitution.

The phenomenon of foreign women and girls who line the roadsides of Italy, having been sold into prostitution, has become a notorious fact of Italian life. Most of the women and girls come from Africa and from Eastern Europe where they have been lured into prostitution with the promise of higher earnings. Others may think they are coming to work in nightclubs as dancers or entertainers.

Nigeria is the main country of origin for women and girls who are sold into prostitution in Italy. The highest numbers of trafficked women and girls into Italy come from Nigeria and

continue to grow (Turin Municipal Council, 2002). A smaller number of women and girls originate from Kenya, Ghana, and the Ivory Coast. Outside Africa, other countries of origin from which the highest numbers of women are trafficked are Romania, Albania, Moldavia, Russia, and Bulgaria (Turin Municipal Council, 2002). There are various differences in the modalities of trafficking between those women and girls trafficked from Africa and those trafficked from Eastern Europe.

As president of the IROKO Association (Associazione IROKO O.N.L.U.S.), a multicultural nonprofit organization founded in Italy in 1998, I have provided direct assistance to many victims of trafficking and prostitution. IROKO's services include protected accommodation facilities and temporary economic assistance; cultural mediation and accompaniment of immigrants to various social, health, and assistance services; free legal counseling; translation of personal documents and interpretation; defense and promotion of immigrants' rights; and preventive intervention. IROKO collaborates with local and international groups and associations to further assist victims of trafficking and prostitution in searching for jobs and housing, learning the basic concepts of the Italian language for easier communication, providing psychological sustenance, which makes use of cultural aspects in assisting victims of trafficking, and preventing trafficking through the use and diffusion of informative materials on the real situation of girls and women who accept fantastic unspecified so-called jobs abroad.

IROKO also carries out primary research on trafficking and violence against women and children. Much of the information in this article about the situation of Nigerian victims of trafficking comes from case studies gathered from direct service work with victims of trafficking in a network of social services in Italy; and from IROKO's research on trafficking from Nigeria titled "Research and Case Studies on the International Trafficking of Nigerian Women and Girls for Prostitution in Italy" (E. Aghatise, 2001). This research includes information on the political, social, and cultural motivations behind the sex trafficking of young girls and women from Nigeria and Eastern European countries to Italy, obtained from interviews with families, young people, and government officials.

TRAFFICKING FOR PROSTITUTION FROM NIGERIA

The trafficking of Nigerian women and young girls into Italy for prostitution began in the second half of the 1980s following the increasing economic problems caused by structural adjustment programs imposed at the time by the Nigerian government on orders of the International Monetary Fund (Ekeoku, 1985). The economic problems of Nigeria as a direct cause of trafficking are complex, and it is outside the scope of this article to address them. Suffice it to say that one of the economic effects was and remains the migration in large numbers of young girls who fall prey to vicious prostitution rings. Young men, of course, also leave the country in search of greener pastures.

Women and girls started leaving Nigeria for Europe on promises of fantastic well-paying jobs to be obtained in factories, offices, and farms. They arrived in Italy only to find themselves lured into prostitution and sold into sexual slavery to pay off debts, which they were told they incurred in being "helped" to come to Europe. A number of those who came to Italy during the 1980s ended up as madams who later perpetuated the sex trade by becoming exploiters of their countrywomen.

Beginning in 1995 and 1996, many women and girls trafficked to Italy were often aware that they were unlikely to work in a regular job and might be involved in the sex industry. However, most Nigerian women had no idea what prostitution really meant because the majority of them had never been in prostitution in Nigeria. Most women had no understanding of the conditions under which they would have to work, nor the violence that prostitution entails. However, because many women knew that they might have to engage in prostitution, traffickers claim that they were approached by their victims, therefore they did not force or coerce the women into prostitution (E. Aghatise, 2001).

Most victims are induced to travel abroad by the promise of high effortless earnings in a short time period. Most Nigerian victims of trafficking are illiterate and have never had any experience of urban life before they find themselves in the enormous city centers of Turin, Milan, and Rome. When they arrive at their destinations, they are told what they are expected to do and how

much money they must pay to regain their freedom. Only then do they realize they are in some form of bondage to their traffickers when it is usually too late and almost impossible to refuse or run away. They find themselves having to cope with a new situation, country, language, and social context without any friendly or family support network. They are subjected to violence, exploitation, and an existence that they never imagined.

Nigerian women and girls are made to believe that they have been sponsored to come to Italy to work. They are told that the madam who paid for the trip is in Nigeria, whereas the person they are to stay with in Italy is an acquaintance of the madam who is giving them hospitality. The reality is that the madam in Nigeria and the hostess in Italy are accomplices in trafficking and prostitution. Most madams are women once enslaved as victims of trafficking who, when they succeed in paying their debt, continue in prostitution and earn enough to buy a girl who becomes their slave. The girl or young woman is obliged to prostitute and pay the madam a fixed amount of money exactly as the madams themselves were made to do. However, the Nigerian victims believe that their exploiters are extending a helping hand to take them out of the misery in which they had been living. Only when they are subjected to violence and degrading acts, stripped of their clothing, money, and dignity, and made to endure physical hardship and beatings do they realize that the deprivation they had lived with in Nigeria was better than the violence, humiliation, and misery they are subjected to on a daily basis in Italy.

The traffickers, usually men who transport women and girls on commission for the madams, or who traffic their own set of women and girls, sell them to the highest bidder. When the girls and women are sold, they are made to undergo specific magic juju rites, during which they swear never to reveal the identity of their traffickers and madams to the police and to pay their debts without creating problems. Juju practices are black magic rites in which intimate clothing, body tissue, fragments, or fluids of the women (e.g., pubic or head hair, finger nails, or menstrual blood) are taken and placed before traditional shrines. Sometimes, prostitution is induced by magic rites and potions in which women and girls are forced to drink the water used to wash a dead person's body as part of the ritual. The young women are made to

swear an oath not to disclose the origin of their trip abroad, pay their debts (usually not stated at the moment of stipulating the blood contract), and never to report to the police. These rites have great significance for the victims because they strongly believe that harm will come to them or their families if they do not repay their debts (E. Aghatise, 2001). The Italian police have noted that Nigerian women and girls require much less physical control from their exploiters compared with other foreign women and girls trafficked into prostitution because the rites they are made to undergo impose psychological control on them (E. Aghatise, 2001).

The debts, imposed by the traffickers when victims arrive in Italy, are large amounts that range from about 31,000 to 62,000 euros. In recent times, these sums have doubled. Trafficked victims are now required, in most cases, to pay between 62,000 and 124,000 euros to obtain their freedom. The debts have to be paid in a matter of a few months, at the risk of violence being used against them or their families in Nigeria. It should be noted that men who buy women for the sex of prostitution pay an average of 10 to 15 euros per session and at times, as little as 5 euros. Moreover, victims are also required to make an advance payment each month of minimally 516 euros to rent the roadside spot where they work. Victims must also pay a weekly sum of 36 euros for food, purchase expensive provocative clothing for prostituting that is usually sold to them by the madam or by her friends, and buy regular and expensive gifts for their madams each month (E. Aghatise, 2001). The last few years have seen an increasing number of very young girls trafficked to satisfy the ever more exigent requests of buyers.

Victims suffer many psychological consequences from being trafficked and prostituted. Many of them end up having serious psychological problems as a consequence of the magic juju rites and the mental and physical violence to which they are subjected. Because they believe that they are being helped by those who traffic them, the realization that their helpers are exploiting them in vicious ways is often the cause of great psychological suffering.

Exploiters use various and cruel forms of violence: verbal and physical abuse; rape; burning women and girls with hot irons if they refuse to prostitute; making them continue prostituting on the road even when they are ill, menstruating, or pregnant;

forcing them to undergo abortions without anesthetics; forcing them to risk their lives by having unprotected intercourse; taking away their children as leverage to make them submissive; and attacking their families in Nigeria as a way of pressuring them to continue prostituting. As part of the psychological pressure, victims are told lies, such as stories of how the Italian police shoot at girls without residence permits. The list of humiliations and violence is endless.

Traffickers prey not only on the poverty of Nigerian victims but also on the breakdown of social and cultural values, the disintegration of family structures, and the lack of valid, efficient social reference models that replace traditional models. In this context, sending female children abroad, in most cases, has become a status symbol for some families. Subscribing to a consumerist model that is widely publicized on television and in magazines with messages of high living in the West, and in the oral reports of "been-tos" (a popular nickname in Nigeria given to those who have been to Western Europe, Canada or the United States), many families believe that it is easy to obtain wealth abroad, and that earning money, in whatever way, will be quick.

From informal interviews with women and girls who have used the services of IROKO, respondents reported that families were familiar with accounts of what happens to young girls who go to Europe in search of better jobs. Most of the families in the South Central Zone of Nigeria that IROKO interviewed (E. Aghatise, 2001)³ appeared to accept the idea of prostitution as one solution to extreme poverty or financial disadvantage. However, when faced with graphic accounts of trafficked women and young girls who had experienced great harm, respondents believed that these consequences could not happen to their children or relatives and that they were exaggerated.

Our studies also showed that some families actively encourage their daughters to accept offers from traffickers who take the young girls and women abroad. Some victims have been thrown out of their homes when they refused to follow their families' wishes. Other families encourage daughters to remain with their exploiters and pay off their debts as a way of avoiding reprisals from traffickers (E. Aghatise, 2001).

SOCIAL, POLITICAL, AND ECONOMIC ASPECTS OF TRAFFICKING FROM NIGERIA

Nigeria is one critical example of a developing country that started off on the path of development but whose so-called development crashed before the country attained any significant infrastructure, services, and resource base (Abbott, 1979). Bad management, lack of foresight, chronic corruption, nepotism, tribal divisions, and the inability to create a sense of national identity, along with a 4-year civil war that left hundreds of thousands dead and mutilated, and the disaster of multiple military dictatorships, coupled with the even more disastrous first civilian government after the civil war, all led to Nigeria's downfall (E. Aghatise, 2001). The arrival of the first civilian government saw an enormous increase in loans and a huge change in Nigeria's debt/credit balance, transforming the country from one that had relatively underborrowed to a major debtor (I. O. Aghatise, 1992; Ekeoku, 1985).

The beginning years of Nigeria's economic boom from petrol dollars left the legacy of a people who had acquired a taste for a high standard of living and a consumer society that no longer had the means to satisfy its purchasing habits but was not ready to admit or accept it. During this period, earnings from the Nigerian petroleum industry accounted for more than 90% of Nigeria's income (Ekeoku, 1985). Nigeria became unable to lay the foundation for a sustainable standard of living for its citizens, despite its immense human and mineral resources. The failure of Nigerian development goals, coupled with the real economic difficulties brought on by the fall of petrol prices, the heavy debt burden left behind by years of mismanagement and corruption (Ojo, 1989), and the subsequently imposed International Monetary Fund (IMF) conditions for the restructuring of Nigeria's debt, brought people to a point of resignation and despair (Oyejide, Soyode, & Kayode, 1985).

The galloping rate of inflation and weak strength of the naira resulted in great economic difficulties and a turbulent political situation that have also led to a breakdown of social structures generally. Financial difficulties significantly affected social services

such as health care and education. Children are regularly pulled out of school by parents, who cannot afford to pay their fees. Crime continues to increase, and the general, informal, social interdependence and welfare system of self-help has collapsed. The family has become a weak point of reference, and the ruling values of money and consumption have replaced cultural values. Role models for youth are superficial icons who embody the message that money is to be had at any cost (E. Aghatise, 2001). In such a setting, it is not surprising that corruption also reigns. Traffickers use corrupt police and public agencies who arrest and attack members of the victims' families to obtain submission from them.

CULTURAL ASPECTS OF TRAFFICKING FROM NIGERIA

Of Nigerian women and girls trafficked into Europe, 80% come from the midsouth region and belong to the Edo ethnic group (E. Aghatise, 2001). Traditionally, prostitution is not socially accepted among the Edo, where what has been regarded as promiscuous behavior has been traditionally sufficient to ostracize any young girl or woman from her family and from society. The social stigma has been such that a prostituted woman could never aspire to marry within her social group and would remain an outcast if she did not leave town. For a married woman, it was taboo for her to be touched even in the most innocent way by a man who was not her husband. When a married woman was inadvertently touched by another man outside her home, she was obliged to report the incident to her husband and carry out special purification rites to cleanse her from the cursed action of the strange man.

Within the Edo ethnic group, traditional role models for women are built on a system of polygamy. Most of the women trafficked into prostitution in Italy are from polygamous homes (E. Aghatise, 2001). In a polygamous family setting, the patriarchal structure generates ongoing conflict and competition. The wives are in continuous struggle for recognition and for a share of the family resources for themselves and their children. Children share in the conflict because they are forced into the same struggle for a role within the family and to obtain their share of the family resources.

In the specific social setup of the Edo ethnic group where polygamy is common, most men abdicate caring for their families and abandon the task to women. Even if the men do have a job, their earnings are not enough to provide for the needs of the whole family. This has led to a situation in which each wife has to provide for her own children, with the husband imposing the role of breadwinner on his multiple wives. Because many men continue to marry more than one wife, it is women who are expected to assume more and more responsibility for families. In addition, women traditionally play an adhesive role in the social context of the Edo ethnic group. The success or failure of a family in its individual and collective projects is usually attributed to the women in the house. Thus, the greater responsibility is implicitly that of the women.

During the initial period of trafficking from Nigeria to Italy in the 1980s, most Nigerian trafficked women were married or separated and needed to provide for their families. In this context, women became prey to traffickers who convinced them that selling their bodies was a fast and fruitful way to earn a living. Husbands colluded in this arrangement and were prepared to close an eye to cultural values, rules, and regulations as long as they benefited from the earnings of their wives.

Those who were later trafficked in the 1990s are mainly much younger girls who set out on a job search to help their families. Their plan was to go abroad to suffer for a few months, earn huge sums of money, and return home extravagantly successful and pull their families out of poverty. The reality, of course, is much different from this scenario of success. Even when Nigerian women and girls are freed from their exploiters and enter the social services nexus in Italy, one of the main factors causing grave psychological suffering is that they move from one community house (government-subsidized housing) to another without any immediate means of sending support to their families. The failure of their initial plans, which prompted them to leave Nigeria, usually throws them into a serious psychological crisis. At times, some women return to their exploiters as a desperate way of realizing their original plans (E. Aghatise, 2001).

A further function of the magic juju rites is the exaggerated sense of obligation owed to their perceived benefactors and the residual fear that these rites generate. Victims live in fear, even

after they succeed in paying off debts to their exploiters, of some unmentionable misfortune happening to them or members of their family. Each and every misfortune they may suffer is attributed to the rite they were made to undergo. In the worst of cases, this fear becomes a major psychological condition that can result in destabilizing the already weak mental equilibrium of the woman or girl.

PSYCHOLOGICAL ASPECTS OF THE TRAFFICKING OF NIGERIAN WOMEN

The physical and mental stress that victims suffer at the hands of their traffickers has often led to psychotherapy and, in the worst of cases, to a mental health ward (Frantz Fanon Centre, 2000). Violence is involved in all aspects of a victim's journey from Nigeria to Europe, whether on foot, by road, ship, or air.

The Frantz Fanon Centre in Turin (Centro Frantz Fanon) is a psychosocial and psychotherapeutic institute of the Turin Local National Health Service Zone, which gives social, psychological, and psychiatric assistance to immigrants. In 2000, it compiled information resulting from its pilot project on the trafficking of Nigerian women and girls into Italy. These clinical reports document that cultural shock and, in many cases, the inability of women and girls to adapt to the sociocultural context in which they are introduced increases the victims' ordeal. In addition, some have been subjected to personal trauma dating back to infancy. Moreover, their acceptance of work in Europe, and their reluctance to ask questions about the job being offered, often have roots in a desire to escape the complex of financial, family, and social problems of which they are often not aware, much less ready to admit (Frantz Fanon Centre, 2000).

Organizations that provide assistance to Nigerian trafficked women and girls face an extremely complex situation. They may feel compelled to actively encourage victims not to pay their debts and to report their exploiters to the police. However, having taken a blood vow to pay off her debt and to withhold the identity of her traffickers, the victim understands this advice to violate her vow and put her life at risk. Initially, a service provider may be viewed as the enemy and not as a friend by the victim. It is only when

victims begin to understand their exploitation that their beliefs change.

TRAFFICKING FOR PROSTITUTION FROM EASTERN EUROPE

Trafficking of women and girls from Eastern Europe is, in many aspects, similar to that of Nigerians, especially the physical and psychological violence to which they are subjected. The dynamics of trafficking are, however, quite different.

The model of trafficking used by Eastern European traffickers is industrial in contrast to the helping model used by Nigerian traffickers (E. Aghatise, 2002; Turin Municipal Council, 2002). In the majority of cases, criminal organizations operating in these Eastern European countries are quite violent and aggressive. The victims are controlled physically, kept under surveillance, and easily sold from one gang to another, often with the collusion of girlfriends who may either be currently or formerly in prostitution, and who monitor the fresh recruits who are made to prostitute on the roadside.

In the Albanian context, traffickers belong to microcells of criminals. Following the end of the east-west divide and the opening of the former east European countries to the west, Albanian women and girls began to arrive in Italy. Unscrupulous men promised many of the trafficked Albanian women and girls marriage and a rich life in western Europe.

Albanian women and girls often come from traditional patriarchal societies, where family honor and purity of the girls at marriage are very strong values. By manipulating these values, as well as by playing on relationships of trust and affection, male exploiters obtain the consent of the women and girls' families to take them abroad to what their families believe are better opportunities. When in Italy, the Albanian men who have convinced the women and their families that they will marry the women on arrival are the same men who then turn them to roadside prostitution. The men plead sudden economic difficulties and cajole the women into believing that they can only obtain money through the women's temporary prostitution. For love of their men, the victims end up selling their bodies on the roadside (E. Aghatise, 2002).

More often than not, the same man has three or four other women and girls in separate apartments, who are already on the road, and who have fallen for the same story. The emotional relationship, which ties the woman or girl to this man, becomes the instrument by which he exploits her. It is often difficult to convince the victims to report their exploiters to the police because of their misplaced sense of loyalty and love.

Women and girls from other east European countries are often recruited from topless bars, where they are already engaged in sexually exploitative situations and are earning very little money. Scouts pick them up in the clubs and traffic them to Italy with promises of earning much more in a short time. Believing that they are going to earn at least 258 euros a day, victims find they are hardly able to put together a living because they must pay hotel bills and many other expenses.

Some victims trafficked from Bulgaria and the Ukraine report that they were abducted on their way home from school or work (Turin Municipal Council, 2002). Trafficking from Romania is conducted mainly by Romanian men, with the involvement of some Italian men. Until the Romanian victims become sick or die, whatever they earn is handed over to their exploiters. Driven by their inability to keep any of the money they net from prostitution, and following the availability of services and protection for victims of trafficking under Article 18 of Italian Immigration Law 40/1998 (Law Decree N° 286/98), a large number of Romanian victims escape from their exploiters and seek assistance. Because of the high incidence of escapes, some of the Romanian traffickers have now agreed to let Romanian victims keep a part of their earnings.

CULTURAL ASPECTS

Many of the Albanian women and girls are bound culturally by the notion of family honor. Under fear of death, they are compelled not to dishonor the family name. Many of the victims cannot phone their families and divulge where they have been taken and what has been done to them. Their agreement to leave home was under the guise of marriage, promised by the very men who traffic and sell them into sexual slavery. These same men return to Albania and tell the victims' families that the women or girls have run away and are involved in dubious activities. If the girls gain

the courage to call home, they often discover that the men have ruined their good names, and their families feel disgraced. Victims thus find themselves deceived in love and marriage, with reputations destroyed, and repudiated by their families and society. Victims are told not to return home, and those who attempt to return risk being killed by male members of their own families for having dishonored the family name.

The psychological effects of the trauma that eastern European women endure are not much different from those suffered by Nigerian victims. Both groups are often not able to speak to their family members. In cases where the women are not allowed to have contact with the children they left behind, this is often the source of great psychological suffering.

THE LEGAL FRAMEWORK FOR COMBATING TRAFFICKING IN ITALY

With the passing of the law on immigration in 1998, a legal framework was created for assisting victims of trafficking under Article 18 (Italian Law 40/98). Until 1998, there was no specific legal framework within which social protection and services could be given to victims of trafficking. A previous law, Article 5 of Law Decree 477/96, granted special 1-year residence permits to non-European citizens exposed to serious peril in Italy, if they cooperated with the police and made legal declarations during the course of preliminary investigations or a trial in a penal proceeding. However, Article 5 was not accompanied by present measures of social protection and general assistance to victims, now provided by the 1998 Article 18 of the law on immigration.

Various NGOs and religious organizations assisted victims of trafficking, prior to the passage of the 1998 law and Article 18. Heads of government departments, especially in the medical field, were utilized to obtain minimum medical assistance for victims. Prior to 1998, the Turin Municipal Council had also set up the Office for Foreigners and Nomads of the Turin Municipal Council (Ufficio Stranieri e Nomadi del Comune di Torino) to give assistance to immigrants without legal status in Italy, including victims of trafficking. These organizations used available resources to aid victims who managed to escape from their ex-

exploiters; however, there was no systematic assistance program or protection for victims, and decisions were often made on an ad hoc basis.

Currently, the Turin Municipal Council's office collaborates with organizations, associations, and religious and private volunteer services that offer accommodation and other services to victims of trafficking. Some of the cases of trafficking handled by the IROKO Association pass through the Turin Municipal Council's Office for Foreigners and Nomads, and all interventions are facilitated in collaboration with a network of organizations. Reintegration and reinsertion programs for victims include placing women in community housing, beginning in the initial emergency period and, subsequently, granting them temporary employment through a scholarship program. When victims do obtain regular jobs, they are provided with guided independent single housing before they are able to gain their own residence facilities. The social assistance program also provides for Italian language courses and technical training in accordance with the needs of each woman or girl. Organizations within the network of NGOs providing social assistance also accompany the victims to police headquarters where they are required to make a report about their exploitation to obtain a temporary residence permit. When they find permanent employment, this permit is usually converted to a regular renewable residence permit.

The most significant consequence of Article 18 has been to help reintegrate women and girls into society by providing a comprehensive set of social services to victims of trafficking. From a legal viewpoint, Article 18 has also helped to increase the number of victims who denounce their exploiters. In the past, when a victim denounced her exploiters and obtained a residence permit, she was left on her own without any assistance and often found herself back at the starting point. After Article 18 was passed, a more comprehensive and structured program of assistance was made available to victims of trafficking, and they are assisted up to the point of obtaining independent living and social autonomy.

There is close collaboration between the police and the network of NGOs offering services to victims. NGOs directly manage the assistance offered to women and girls in the reintegration process, monitoring the victims' progress and social reinsertion. Before the police issue a residence permit, NGOs and the victim must

present an agreed-on program of reintegration. After 6 months, there must be a review of the program. Because a victim is not usually independent after this short time, the 6-month period is usually considered as a first review period. However, if at the 6-month review, the woman is already independent and no longer in need of support from an organization, the NGO must write a letter informing the police that her assistance program has ended. The police will then issue a regular residence permit for independent employment, and the woman is considered to be no longer under the jurisdiction of any agency or authority.

If there are problems during the review of the victim's program, or if the NGO handling a victim's program refers a problem to the police, the police will call the woman and try to find out why her program is not proceeding in a satisfactory manner. After due consideration, the police may advise the woman that her behavior and activities are not compatible with the provisions of the law for reinsertion into society. This may prejudice her right to remain in the program and lead to the loss of her residence permit.

A negative aspect of police involvement in trafficking cases relates to the present government's attempts to repress what they call the moral degradation of social life, which is often blamed on the presence of foreign women in prostitution in Italy (E. Aghatise, 2001, 2002). This attitude encourages increased police repression of foreign women and girls engaged in roadside prostitution. Especially if the women and girls do not collaborate with the police, refusing to reveal or give comprehensive information about their exploiters, they may be picked up by the police along the roadsides and deported to their countries of origin. The police regard these deportations as penalizing the exploiters, not the victims themselves, because the police maintain that such actions cause a financial loss to the criminal organizations and traffickers who lose at least one week of a woman's earnings. Although some of these women and girls may be trafficked back into Italy to engage in prostitution, as in the case of the Albanians, the police think that deportations still represent a financial setback for the traffickers requiring additional expense to bring the women back into Italy.

The police also make a distinction between those who are really victims and those who exploit others while passing themselves

off as victims. Because the 1998 law and Article 18 have been well publicized, the police maintain that foreign women who remain in Italy and who do not denounce their exploiters or cooperate in police investigations are not really victims (E. Aghatise, 2002). They disregard the fact that it may not always be possible for the victims to correctly identify their exploiters, or that victims must be helped to cooperate.

Unfortunately, police repression through deportations of victims does not strike at the criminal groups and traffickers, as the police claim. The victims who are deported are those with the least possibility of defending themselves. NGOs and the police know that traffickers have the resources to obtain residence permits, and that most of the madams are legally resident and no longer in prostitution. NGOs and the police also know that most women and girls on the streets are victims who must earn a set amount of money and hand it over to their exploiters. Yet the police continue to strike out against the women and girls.

In the spring and summer of 2003, hundreds of Nigerian-trafficked victims were deported. In the southern part of Italy, 100 Nigerians who had been held in one of the special detention centers without residence permits were identified as prostitutes, put on a chartered flight to Lagos, and deported as illegal immigrants (Comboniani Missionaries, 2003). Unfortunately, the victims were not given any chance to explain their situations, and in obvious violation of Article 18 of the Immigration law, they were not given any information about possibilities of obtaining assistance under the trafficking protection program. The tragedy is that women and girls are likely to be trafficked again and will be required to pay a second debt to their exploiters, which doubles their debt burden.

PROPOSALS TO LEGALIZE PROSTITUTION IN ITALY

In 1958, brothels were abolished in Italy by Law 75/1958 formally known as the Abolition of the Regulation of Prostitution and the Fight Against the Exploitation of the Prostitution of Others (*Abolizione della Regolamentazione della Prostituzione e Lotta Contro lo Sfruttamento della prostituzione Altrui*), and more popularly called "Legge Merlin" after the woman

parliamentarian who proposed the law. This followed Italy's signing of the 1949 United Nations' *Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others*. Italy has also ratified the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. National ratification of any UN convention means that Italy agrees to bring its legislation into agreement with the international obligations expressed in these conventions.

The 1949 convention, in its Preamble, states, that "prostitution and the accompanying evil of trafficking for the purposes of prostitution are incompatible with the dignity and worth of the human person" (United Nations, 1949, p. 1). The 1949 convention expressly prohibits the establishment of brothels and advocates punishment of anyone involved in keeping, financing, managing, or renting a building for purposes of prostitution (Article 2). Thus the reopening of the brothels in Italy would be incompatible with its international commitments.

State regulation of prostitution in Italy would also violate Article 6 of the 1949 convention, which states that ratifying countries cannot regulate prostitution or subject women in prostitution to registration or other administrative controls. In the context of legalization, brothels would have to be regulated and supervised and introduce registration requirements for persons in prostitution. Article 6 is explicit about the prohibition of such supervision, registration, and administrative control of prostitution (Marcovich, 2002).

Before the 1958 law came into force, prostitution was regulated by the State in Italy, and those in prostitution were governed by rules that subjected them to obligatory sanitary controls and checkups and obliged them to practice prostitution in places determined by law. The Merlin law did not explicitly prohibit prostitution *per se*, so that prostituted women would not be penalized, but instead prohibited the exploitation of prostitution.

In keeping with the 1949 convention, the 1958 Merlin law decriminalized the woman in prostitution. Theoretically, a woman could engage in prostitution activities in private, as long as these activities did not involve the exploitation of other persons, and as long as she was not exploited by third parties. In addition, the philosophy behind abolishing pimping and the

brothels was meant to prevent violence against women. The brothels had proved to be oppressive places where abuse of women in prostitution was widespread. Instead of reducing the incidence of sexually transmitted diseases (STDs), as was originally claimed, brothels were concentrated centers of STDs where such diseases were most likely to be contracted. The brothels were difficult to control, and the medical and social regulations that were supposed to make them easier to manage were impossible to enforce. Rightly so, the brothels were seen to abuse human dignity and rights.

The 1958 decriminalization of individual women in prostitution and the closing down of the brothels were seen to safeguard the interests of women in prostitution and to protect them from police harassment and exploitation by third parties. It was thought that these initiatives would remove pimp control of women's bodies and give greater autonomy to the women in prostitution (Vitale, 1996).

If a woman was caught prostituting in the streets, she could be and was charged with committing obscene acts in public places, or acts against public morality. State repression, invoked under Article 1 of the Police Special Powers Laws Against Terrorism, consisted of police harassment, booking the women, confinement, forced residence, special surveillance, revocation of driving licenses, and expulsion orders from parts of Italy. An expulsion order usually meant that a woman charged with engaging in prostitution would not be allowed to enter the territory from which she had been expelled for at least 2 years. The effect of such an expulsion provision amounted to the woman, as an Italian citizen, being denied her citizenship in a portion of Italian territory. The expulsion order was later to become the main instrument used against foreign women involved in prostitution who, because they are not Italian citizens, are usually without identification papers and legal status in Italy and therefore are more easily expelled from Italian territory.

The recent call for the explicit legalization of prostitution and for the reopening of brothels in Italy is partly the result of significant changes in the prostitution situation of the past 10 to 15 years. Following government repression, Italian women retreated to apartment, massage parlor, and nightclub prostitution. Those who remained on the streets were a small contingent

of women addicted to drugs who prostituted to feed their habit. The end of the 1980s and the early 1990s brought the arrival of massive numbers of foreign women to the roadsides and changed the face of prostitution in Italy. Initially, foreigners in prostitution were trafficked from Latin America and Southeast Asia. These groups gave way to a massive influx of trafficked women from eastern Europe, especially from Albania and Romania; and from Africa, predominantly from Nigeria and Ghana, although many Ghanaian-trafficked women enter Italy with Nigerian passports. Today, Italy has a majority of Nigerian women in prostitution, with fewer women from Albania and other countries in eastern Europe, and large numbers of very young women and girls from different countries. Currently, foreign women and girls make up more than 95% of street prostitutes (E. Aghatise, 2002). This has made prostitution much more visible, especially considering that the highest number of women and girls are from Africa.

The high visibility of foreign women and girls in street prostitution reopened the call for legalization of brothels and for the control and regularization of street prostitution. Public protests have been organized in many northern Italian cities against street prostituted foreign women, beginning in the early to middle 1990s. The tendency has been to blame foreign women for the moral degradation in Italian cities, as embodied in street prostitution.

In 1990, calls for legalization of prostitution were made by European proprostitution groups, using arguments that decriminalization of the sex industry would better protect the health and security of women in prostitution. So-called prostitutes rights groups in Italy have called for the decriminalization of all aspects of prostitution, including brothels and pimping, because they allege that any regulation of prostitution interferes with women's freedom of movement and association. They also maintain that all laws against prostitution negatively affect the women and prevent them from organizing and from working together to extend protection to each other.

The major objectives put forward for legal changes and state control of prostitution include

- that women in prostitution will be able to organize themselves into syndicates to protect their employment interests, thus eliminating pimping and forming cooperatives to sell their services,

thereby enhancing their right to active participation in social life as respected workers;

- that state control would safeguard the interests of women in prostitution;
- that women in prostitution could obtain proper medical assistance;
- that state-legitimated prostitution would prevent violence, abuse, and exploitation of women in prostitution; and
- that legalization of prostitution and decriminalization of the sex industry would stop trafficking.

It was in this climate that the Italian Parliament formally reopened the debate in 2001 on Legge Merlin, and on the regulation of prostitution and the reopening of brothels, which many groups called for as solutions to foreign street prostitution. Groups and individuals have been deeply divided, with these disagreements cutting across party lines and affiliations. There have been a number of proposals put forth that are varieties on the theme of legalization/decriminalization of the prostitution industry.⁴

Many proposals call for the legalization of all aspects of prostitution, separating prostitution from trafficking and supporting the reopening of state-regulated brothels as an alleged way of controlling the spread of STDs and eliminating abuses in prostitution. Those who support this position see women in prostitution as being responsible for the spread of STDs, despite evidence to the contrary, and call for obligatory health controls and checkups for prostitutes. All the proposals call for elimination of street prostitution that some allege will disappear if brothels are reopened. Others argue that only prohibition of prostitution will eliminate street prostitution.

A greater number of left-wing politicians have called for explicit legalization of prostitution and reopening of brothels under state control and regulation, and for the designation of specific areas as prostitution zones. A member of the left-wing democrats has proposed that prostitution be regulated by labor law and treated as an employee/employer activity and also advocates the creation of cooperatives of women in prostitution (Grillini, 2002). Other proposals call, in various ways, for state involvement in regulating prostitution and for the explicit legalization of prostitution as an acceptable employment possibility for women. Only a couple of proposals call for the prevention and abolition of prostitution and for the provision of alternative employment possibilities for women in prostitution.

PROPOSAL NO. 3826

The main proposal (Law Proposal N° 3826, p. 9) is presented by Minister of Equal Opportunities, Stefania Prestigiacomo, and supported by the government and a majority in Parliament. The Proposal is based on the changed reality of prostitution in Italy during the past 10 years, with promoters maintaining that the 1958 Merlin law must be brought into line with these changes. Others argue that the involvement of criminal organizations, the increase and visibility of street prostitution, and the spread of serious STDs necessitate the legal changes contained in Proposal No. 3826.

Proposal No. 3826 aims to shift prostitution from the streets to private apartments, permitting prostitution in private places, and sanctioning what would amount to private brothels in condominiums. It prohibits prostitution in public places but allows a woman to practice prostitution in a private apartment, with the assistance of anyone else who is in prostitution. Any person in prostitution who gives assistance without profit or gain to another person in prostitution is not considered a pimp. Rather, this is considered a form of self-help, and persons in prostitution are allowed to assist other women in their prostitution activities.

Promoters of Proposal No. 3826 contend that they are not calling for the legalizing of prostitution or of brothels. Yet the situation of allowing women to assist each other in apartments is, in fact, an endorsement of the current Nigerian trafficking situation in which Nigerian women are recruited and exploited in prostitution by madams who were in prostitution themselves and now assist their countrywomen into prostitution in Italy.

In presenting Proposal No. 3826, its advocates state that it respects the 1949 UN convention. However, the Proposal removes the penalties for renting apartments at market rates for purposes of prostitution and allows condominium owners and associations to vote affirmatively that units within their buildings can be used for prostitution purposes. This violates Article 2 of the 1949 convention that binds ratifying countries to punish any person who “knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.”

Because prostitution is outlawed in public places, public solicitation is a crime. Proposal No. 3826 penalizes clients who solicit sex from street prostitutes as well as women who sell sex in public

places. On a first offense, both are subjected to administrative sanctions in the form of fines. However, on a second offense, the women can be charged, arrested, and imprisoned, whereas the buyers are only subject to increased fines.

In a rather contorted exercise of legal reasoning, Proposal No. 3826 introduces a section titled "Evaluation of the Degree of Guilt" (*Valutazione del grado di colpa*), which addresses illnesses or death alleged to be transmitted by those in prostitution. This article, to be added to Article 590 of the Italian Penal Code, states,

In cases provided for by Articles 589 and 590, where death or illness is caused by pathogenic agents, which have been sexually transmitted by subjects who usually exercise prostitution, the Judge, in evaluating the degree of guilt (of the accused person), shall take into consideration the medical check-ups undertaken (by the accused) and the frequency of such check-ups. (p. 9)

Implicit in the wording of this provision is an indirect obligatory requirement for women in prostitution to undergo frequent medical checkups, controls, and tests because, otherwise, they risk being convicted of culpable homicide or culpable personal injury to a client who may die or fall ill from STDs.

Supporters of Proposal No. 3826 contend that Article 590 is worded in such a way as to respect the Italian government's commitment to the 1949 convention, particularly Article 6 that forbids "any exceptional requirements for supervision or notification" of persons in prostitution. However, the effect of Article 590 can easily be interpreted to mean exactly that which it claims to avoid—a requirement that obliges women in prostitution to ensure that their medical checkups are current and frequent. Technically, the State is mandating current and frequent medical checkups for women in prostitution if they want to avoid culpable homicide or culpable personal injury to a client who may die or fall ill from STDs.

Although Proposal No. 3826 does not explicitly mandate medical monitoring of women in prostitution, it sends the message that women who do not undergo frequent checkups can be held more liable for the transmission of illness or death to their clients. Thus, such a provision makes medical examinations obligatory in an indirect sense. More to the point, this provision blames only women for the transmission of STDs that may cause illness or

death, ignoring the fact that most STDs are transmitted to women in prostitution by their male buyers.

Parliamentary Proposal No. 3826 is an indirect way of monitoring women in prostitution and of reopening brothels in Italy. Most apartment owners will likely not allow prostitution to be practiced in residential buildings in which they own apartments, if for no other reason than a feared reduction in property values. It follows, then, that whole buildings would emerge in specified areas that would become central concourses of prostitution activities, permitted in multiple apartments throughout the buildings, thus re-creating brothels that the proposal purports to avoid. Although the proposal does not explicitly provide for direct state regulation of prostitution, the effects of its implementation would amount to that. Ensuring that women engage in prostitution activities in private apartments in concentrated apartment buildings devoted to prostitution would entail further regulations.

Within the context of the international trafficking of women and girls for prostitution in Italy, these arguments are especially deceptive because they do not have any basis in human rights or in practical solutions to prostitution and trafficking (Raymond, 2003). Studies from Australia, where some states have legalized brothels, have shown that legalization of brothels has not ensured rights or protections for women, nor do women in prostitution control the sex industry. The introduction of legal brothels in Australia, begun as small-scale enterprises, has mushroomed into megabrothels, led to increased exploitation of women and children, and contributed to a higher incidence of trafficking for prostitution, creating a range of other problems (Sullivan & Jeffreys, 2001).

The argument that regulation of prostitution better protects women in prostitution is deceptive. Prostitution itself is a form of violence against women and a negation of women's fundamental human rights. Studies have shown that women in prostitution, whether in private apartments, hotel rooms, sex clubs, massage parlors, or in large megacenters of prostitution activities, still experience many forms of violence (Raymond et al., 2002). In a male-dominant culture, prostitution denies equality to women by treating the female body as an instrument of commerce.

On a practical level, to allow for the creation of brothels by other names would mean that traffickers would have the possibility of legally importing what in Italian are called *manodopera* (work hands) to fill the brothels. Women and girls could thus be brought into the country with regular employment contracts and shut away in private apartments where they could be made to work until death or disease releases them. With the Nigerian women, the fear instilled in them by the voodoo rites and the physical violence to which they are subjected would certainly be used to encourage further trafficking of women and minors into prostitution. It is also easy to imagine how trafficking, which would now be legitimated as "migration for sex work," would become better organized and less difficult for the traffickers, carried out with the blessing and legal support of the government.

Localizing and locating prostitution in private apartments would also have the effect of further driving the victims underground. Currently, women in roadside prostitution can at least meet people on the streets who may be willing to assist them. Because women in prostitution come into contact with individuals, NGOs, and the police, they may also come into contact with information about how they can obtain assistance. The current ability of victims to access Article 18's Social Protection Programs has often been made possible by people willing to help them. In some cases, police intervention on the road has also helped women escape their pimps and madams.

If apartment brothels are legalized, trafficked women and girls could be regularly put out of view, thus not coming into contact with police or members of the general public. Nigerian or eastern European women do not speak Italian, have no contacts in Italy other than that of their exploiters, and have had their travel documents seized. Under the regime of Proposal 3826 or other forms of legalization, they would have far fewer possibilities to exit untenable brothel situations. Reopening of apartment or other brothels would drastically reduce the positive effects of programs currently being used in Italy to protect victims and might even cause these programs to cease because under these proposed legal regimes, victims would be presumed to be voluntary "sex workers" who need no protection.

**THE WAY FORWARD:
STRATEGIES FOR COMBATING AND
PREVENTING TRAFFICKING AND PROSTITUTION**

The Italian Social Protection Program (Article 18) has been a primary tool in assisting victims. It has been successful because it is based on the reality of women's lives in prostitution, and the fact that the system of prostitution is a form of modern slavery. Instead of trying to legalize and regulate prostitution, the Italian government should work to make the social protection program better and fill certain holes in the system.

For example, in the Italian model, the collaboration between government agencies, NGOs, religious institutions, and the police is a good example of the networking necessary to combat trafficking. The investigation and prosecution sides of the Italian model, however, are not so satisfactory. Considering the gravity of offenses committed by traffickers, terms of imprisonment are too lenient. Victims, who risk their lives to cooperate in investigations, overcoming fear of facing the police and reporting their traffickers, find that in a matter of a few months traffickers can get out of jail having succeeded in negotiating the terms of their sentencing.

In addition, the Turin Municipal Council and NGOs that manage victims' cases should be able to obtain redress on behalf of victims and also sue for expenses because the costs of working with victims are very high. The property of the exploiters should be seized to give financial aid to victims and help pay for victims' legal services. Also needed are more community housing facilities, better funding of agencies and NGOs working with victims, and more education and employment programs that integrate language and writing skills to equip victims to speak and read in Italian.

The process of obtaining residence permits for victims should also be expedited because currently the magistrates take too much time to issue residence documents. It is also a grave injustice that at the same time that victims are expelled from the country, traffickers and madams who have been tried in court, found guilty, and sentenced continue to live in Italy with residence permits and the possibility that they may traffic victims again.

Prevention is the best way to combat trafficking, warning potential victims and others about the methods of traffickers and the ways in which they are able to create victims. It is necessary to carry out more information campaigns in the victims' countries of origin using films and information jingles to warn people of the dangers they face in going abroad to work. IROKO's project to combat trafficking and prostitution, in collaboration with the network of other NGOs in Italy and the social protection program for victims, will not be effective unless there is a corresponding level of antitrafficking activity in the victims' countries of origin.

Preventing trafficking in countries such as Nigeria will not succeed unless official corruption, which fuels trafficking, is addressed. Intergovernmental collaboration should also make it possible for the criminal records of traffickers who are penalized in Italy to be made available to authorities in Nigeria.

In the context of prevention, the hardening of immigration laws now in force in countries of destination will worsen matters for victims. Regularized legal migration is one way of reducing trafficking by promoting more liberal legal entry and sustainable work for migrants to western countries. It is also necessary to initiate more employment projects in countries of origin to help people remain at home instead of leaving their countries. Of course, all antitrafficking measures will be short term without long-term solutions to female poverty that make women and girls vulnerable to the persuasions of traffickers.

It is also hoped that countries will follow the example of Sweden in penalizing the men who buy women for commercial sexual exploitation. As part of a larger Violence Against Women Act, Sweden has passed a groundbreaking law on prostitution outlawing the purchase of sexual services (see Ekberg, 2004). Sweden's law focusing specifically on the male customer, titled the Act Prohibiting the Purchase of Sexual Services, is unique and innovative.

Coming initially from the Swedish women's movement, which had been pressing legislators for almost 2 decades to make the prostitution buyer criminally liable, the Act carries a 6-month maximum sentence, while the minimum sentence is a fine, equivalent to 50 days' income. The law is gender neutral; however, all cases reported so far have involved male customers of women in prostitution. The law has made trafficking an unprofitable activ-

ity in Sweden because it has had a chilling effect on the male demand for prostitution, making it very difficult for traffickers to do a flourishing business there (National Criminal Investigation Department, 2003).

This article maintains that prostitution is violence against women just as battering, rape, and sexual exploitation outside the context of prostitution are forms of violence against women. In fact, prostitution could be said to be a more egregious form of violence against women because battering, rape, and sexual exploitation are intrinsic to the act of prostitution. We need a global recognition that prostitution is a violation of women's human rights and is inherently a violation of women's dignity as persons.

The legitimation of prostitution and its promotion as an employment option have been direct causes of the international trafficking of women and children for prostitution. In a global patriarchal society, which tolerates male use of female bodies as disposable commodities, to express outrage and call for an end to trafficking of women and children is contradictory and incoherent unless we first put a stop to the commercialization of women's bodies in prostitution.

NOTES

1. The Netherlands, Germany, Austria, Denmark, Greece, and Switzerland have various forms of legalized or decriminalized prostitution. Italy is debating legalization.

2. Although Italy's recent initiative to legalize brothels was launched by the conservative center-right National Alliance Party of Silvio Berlusconi, legalized prostitution is supported by the left-wing Italian Communist Party (Partito Comunista), the Reformed Communist Party (Rifondazione Comunista), the Green Party (Verdi), the left-wing Democratic Party (Democratici di Sinistra), the Ulivo Party, and La Margherita Party.

3. Twenty families in different parts of Nigeria were interviewed in this study. Fifteen of the families are from the South Central Zone of Nigeria from which most Nigerian trafficked victims come.

4. See Proposals No. 2885, 2323, 3826, 2385, 2358, and 2359 on the Italian Parliament Web site, www.parlamento.it

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