

## Stuck and Exploited

Refugees and Asylum Seekers in Italy Between Exclusion,  
Discrimination and Struggles

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# Women Victim of Trafficking Seeking Asylum in Italy An Ethnographic Perspective on the Regularisation Processes

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**Abstract** This study, drawing on ethnographic observations of the regularization processes of two migrant women victim of human trafficking and who claimed for international protection in Italy, aims at contributing on the debate on the intersection between the asylum system and the anti-trafficking projects, focusing on how it concretely works in a specific local context and highlighting open challenges and critical issues. The first woman is hosted in a reception centre for asylum seekers, the second one in a shelter of the anti-trafficking project in North-East Italy. During their migratory trajectories, both women were recruited and transported in order to be sexually exploited and both (self-) identified, at different stages of their regularization process, as victims of trafficking. In our analysis, we will focus both on the positioning of the asylum seeker women and on the perspective of the operators, trying to understand in which situations these perspectives converged or diverged, in term of choices, power hierarchies and strategies of resistances.

**Keywords** Forced migrant women. Trafficking in human beings. Referral system. Socio-legal operator. Gender-based violence. Credibility assessment.

**Summary** 1 Introduction. – 2 Women Seeking and Holding Asylum in the Italian Context: Changing Trends and Evolving Challenges. – 3 The Intersection of Antitrafficking Programmes and the Asylum System in Italy. – 4 Gladys: The Challenges Related to Late (Self-)Identification as Victim of Trafficking. – 5 Abena: The Difficult Narration of Experiences of Gender-Based Violence. – 6 Conclusions.



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## 1 Introduction

The intersection of asylum and trafficking in human beings is an issue that has been largely debated at juridical international level and, in Italy, the overlapping experiences of forced migration and exploitation emerge since the first decade of 2000, especially in the trajectories of West-African migrant women victims of sexual exploitation, but also in cases of forced migrant men exploited in agriculture (Degani 2011). From 2011 onwards, the issue of identification of potential victims of trafficking and exploitation among asylum seekers and refugees acquired increasing relevance, with the growth of mixed migration flows to Italy (Baldoni et al. 2014). This changing phenomenon, while challenging the rigid categorisation and distinction of trafficking and smuggling categories, also urged to reinforce the collaboration of the anti-trafficking programmes and the international protection systems. Crucial issues at the intersection of these two fields are indeed related to the process of identification and regularisation of potential victims of trafficking, but also pertain the strategies to support the beneficiaries' empowerment processes, and the evaluation of the social inclusion programs, both from the beneficiaries and operators' perspectives. The UNHCR guidelines (2021), published in 2016 and recently updated, facilitated and pushed to reinforce the collaboration between the two, clarifying the juridical framework and providing operational guidelines for the cooperation between institutions involved in the asylum and the anti-trafficking fields.

This chapter aims at contributing at the debate of the intersection of the two systems, focusing on how it works in practice in a specific local context. Drawing on ethnographic observations of one of the authors, who has worked for several years both in the asylum and anti-trafficking system as socio-legal operator, it focuses on the regularisation processes of two migrant women who sought asylum, that lasted several months between 2018 and 2020. The first woman was hosted in a reception centre for asylum seekers, the second one in a shelter of the anti-trafficking project, in North-East Italy. During their migrant trajectories, both women were sexually exploited and (self-)identified, at different stages of their regularisation process, as victims of trafficking, but they also expressed their need of asylum. In our analysis, we will focus both on the positioning of the asylum seeker women, and on the perspective of the operators who are

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The here proposed analysis is the result of a collective reflection of both the authors, who share a common background both as social anthropologists and legal operators. We warmly thank the INSigHT research team and Equality Cooperativa Sociale for creating a stimulating environment in which some of these reflections developed. Serena Scarabello wrote §§ 1, 2, 3, 6. Devisri Nambiar wrote §§ 4, 5. We are grateful to Sara Barausse for the language revision of the whole chapter.

in charge of supporting the regularisation process – referred to as legal or socio-legal operators, they can be present in the asylum and in the antitrafficking projects – trying to understand in which situations these perspectives converged or diverged, in terms of choices, power hierarchies and strategies of resistances. The methodological posture here adopted, which implies a positioning in the field and in the writing process both as women, socio-legal operators and anthropologists, constitutes the specific perspective through which the women’s experiences have been analysed. This perspective focuses on the women’s feelings and choices in the several steps of their self-identification processes both as victims of trafficking and as asylum seekers, but also on their space of action within highly-complex legal procedures, in which several actors are involved and which imply a continuous negotiation of strategies aimed at guaranteeing some form of protection.

## **2 Women Seeking and Holding Asylum in the Italian Context: Changing Trends and Evolving Challenges**

As in other European countries, from 2015 onwards the number of asylum requests in Italy has significantly risen, reaching 130,000 applications in 2017, the highest figure in the past twenty years. Data on international protection in Italy has shown that a significant proportion of asylum seekers are women, both within reception centres and as applicants of international protection. Even taking into account the reduction of applications since 2018, the percentage of women among asylum seekers gradually increased, from 15% in 2016 (18,000) to 23.8% in 2019 (11,000) and only slightly reduced in 2020 (21%, 5,000 in total) (ISMU 2020). The quota of women sheltered in SPRAR/SIPROIMI<sup>1</sup> has also increased: while from 2010 to 2014 the percentage decreased steadily each year (from 24% to 12%), in 2016 the trend reversed, until in 2019 19.5% of the beneficiaries were women, mostly due to the flows from Nigeria and Somalia. Women are also the main beneficiaries of projects sheltering people with specific vulnerabilities: minor age, mental health issue, single-parent families, physical disability (SIPROIMI 2019). Finally, as for the results of the asylum request procedures, between 2016 and 2019 the status of refugee was granted to an increasing number of women, although

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**1** In Italy, from 2011, a double-track reception system for asylum seekers and refugees was established: the ordinary (SPRAR, then renamed in SIPROIMI and now SAI) and the extraordinary (CAS, *Centro di Accoglienza Straordinaria*, ‘Extraordinary Reception Centre’). For a more extensive analysis, see Sempredon and Caroselli contribution in this book. We here report the data available for the SPRAR/SIPROIMI system, while the data relating to the CAS system are not easily accessible.

the percentage was substantially lower than in other forms of protection, when a protection was granted. However, it is significant to note, that the percentage of recognition of refugee status is higher among women than men (26% compared to 7% of men in 2019) as well as the rejection quota is higher among men (69% of men were denied any form of protection, compared to 50% of women) (ISMU 2020).

Interestingly, in the period from 2017 to 2018, Italy ranked second among the EU-27 Member States - in which a total of 14,145 people were registered as victims of trafficking - by number of registered victims and the second with the highest proportion of female victims (after France, and UK in the EU-28) (EU Commission 2020). Among the registered victims with EU citizenship in the EU-27, nearly three quarters (74%) were female. As for the non-EU countries of citizenship of victims, the one with the highest share of female victims (92%) is Nigeria, which has also the highest proportion of victims of sexual exploitation trafficking (68%). In 2017, nearly half of the victims with Nigerian citizenship were registered as victims in Italy (and nearly one quarter in the United Kingdom) (EU Commission 2018).

The increasing attention on the specificity of female experiences in forced migration at an international level, and relevance on the gender approach in term of analysis of hierarchical and political dimension of social processes - which, as often emphasised, is not the mere recognition of the feminisation of migration flows (Pinelli 2019) - is found also in the literature on forced migrants in Italy. The main focuses in the analysis of female subjective experiences in the Italian context can be found at the intersection of reception centres and the procedure of asylum request. Scholars stress how power hierarchies, which emerge at the landing points, with the first actions of control and identification, and continue in the control measures carried out in the reception centres, are based on and legitimised by urgency and emergency (Sanò 2017; Sanò, Spada 2018) and when women are involved their effect have some peculiarities (Pinelli 2017a; 2017b; 2018). The processes of othering and the circulation of stereotyped and racialised imaginaries on migrant women may impact on the daily life relationship between operators and women in reception centres (Toffanin, Pasian 2018) and their autonomy, empowerment and future trajectories, also in terms of labour inclusion. The difficulty in appreciating and supporting women's agency may indeed lead to a 'failure' of the so-called integration project - as defined by the reception structures programme - thus increasing the risk of social marginalisation for women, which may also enhance the exposure to trafficking and exploitation (Caroselli 2018). In case of asylum seekers who are also mothers - often lone mothers - other challenges may come into play in the social arena of the reception centres and, more generally, in the relation with local social services (Della Puppa et al. 2019). By reproducing an approach that create a dependency cul-

ture and by imposing gender models considered, from their perspectives, more appropriate to the inclusion of mothers in a local socio-cultural context, social services may interfere not only in parenting practices and relationships, but also in the migrants' self-perception as women and mothers (Pinelli 2011; Marabello 2017; Taliani 2019).

As for the specific experience of the asylum application procedure, the socio-anthropological literature focuses also on the analysis of the refugees' strategies to speak up in the relation with the institutional actors involved in the assessment (Sorgoni 2011; 2013; Eastmond 2007; Vacchiano 2005; 2011). It stresses how the labelling processes inherent in the asylum recognition – which directly questions the humanitarian approach of institutional practices (Fassin 2008; 2012) – leads to a dialectic of “conformity and conformation” between asylum seekers and state institutions (Serughetti 2017; Zetter 1991; Van Aken 2005). The process of assessment of consistency and of internal and external credibility of asylum seekers' narratives is based on social and juridical categories, which establish whether one deserves some form of protection. These labels categorise people as ‘victims’, representing them only on the basis of their needs (Malkki 1996, 24), as well as labelling them as ‘true’ or ‘false’ refugee, which lead refugees to performative acts, in order to meet these ideal-types identifying who is eligible for protection. The labelling process may be also based on gender stereotypes, which can, for instance, divide women into “vulnerable” or “dangerous” (Freedman 2015), thus reproducing the classic binary opposition of negative and positive stereotypes assigned to migrant women from the Western society (Bimbi 2011). As all other labels assigned to refugees, also the categories of ‘vulnerable’ and ‘victim of human trafficking’, often applied to women, do not always match their sense of agency or self-identification (Giudici 2016; Pitzalis 2020; Serughetti 2017) and may produce “biographical borders” that allow or impede the access to rights, jobs, mobility (Mai 2016).

By adopting a gender approach, the literature on forced migrant women experiences provides, indeed, some crucially relevant analytical and theoretical lenses, that bring the focus on the political and hierarchical dimension of mobility processes, underlying the importance of considering the relation between subjects and forms of power in a specific social, historical, political and economic context (Scott 1991; Butler 1997; Pinelli 2019). It also fosters a reflection on gender-based violence and the importance of the concept of intersectionality, which is rooted in the black and postcolonial feminist approach and which calls for a perspective on social phenomena that takes into due consideration the many intersections between race, gender and social class, but also age, sexual orientation, disability in individual experiences of discriminations (Crenshaw 1989; 1991; Hancock 2007; Walby 2012). As noted by various authors, this perspective proves to be a valuable tool for understanding gender violence,

and its connection to the different symbolic, structural and political aspects of the migration experience, both in the context of origin, transit and arrival (Pinelli 2019; Ribeiro Corossacz 2013; Semprebón et al. 2021). Scholars point out that, in the trajectories of forced migrant women, violence should be considered as an “experiential continuum” (Scheper-Huges, Burgois 2004; Freedman 2015; 2016) both in temporal and geographical terms. The experience of violence in the countries of origin and of transit adds, indeed, to the structural violence (Farmer 2004) implicit in socio-legal eligibility in the countries of destination, i.e., the extent to which women have access to certain services. This structural dimension is particularly evident in the experiences of trafficked and exploited asylum seeker women, and calls for a political and legal recognition of violence, occurring both in private and public spheres (Pinelli 2019), which is still difficult to legally identify (Boiano 2014; Rigo 2016).

### **3 The Intersection of Antitrafficking Programmes and the Asylum System in Italy**

From the legal and procedural point of view, the intersection of the anti-trafficking programmes and asylum systems in Italy came gradually into practice. Women victims of trafficking can not only be granted the Art. 18 (Legislative Decree 286/98)<sup>2</sup> residence permit, but also international protection. Until few years ago, this was not as evident because, in the common practice, the two systems were completely disconnected, despite the first guidelines of the UNHCR dating back to 2006 and pointing to the fact that membership in a ‘social group’<sup>3</sup>

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**2** Art. 18 (Legislative Decree 286/98) gives people who are victims and potential victims of trafficking the right to be issued a residence permit ‘for social protection’ and the right to access protection and labour inclusion program, not only whereby people report their exploiters to the police (judicial procedure), but also if they do not so and yet have been identified as victims of trafficking and exploitation (social procedure) by competent stakeholders. For in-depth and historical analysis of the antitrafficking projects in Italy see: Castelli 2014; Degani 2019; Semprebón et al. 2021.

**3** “Membership of a particular social group” is one of the five grounds enumerated in Art. 1A (2) of the 1951 Convention relating to the Status of Refugees. It is the ground with the least clarity, since it is not defined by the convention itself. It has been invoked with increasing frequency in refugee status determinations, with States having recognised women, families, tribes, occupational groups, and homosexuals, as constituting a particular social group for the purposes of the 1951 Convention. The 2002 UNHCR guidelines adopted a definition, that incorporated both the ‘protected characteristic’ and the ‘social protection’ approaches: “A particular social group is a group of persons who share a common characteristic other than their risk of being persecuted, or who are perceived as a group by society. The characteristic will often be one which is innate, unchangeable, or which is otherwise fundamental to identity, conscience or the exercise of one’s human rights”. The interpretation and the application of this ground is still a highly debated issue both at academic and juridical level.

concerns also gender, and that gender membership can be associated to forms of discrimination in terms of abuse, harassment, violence, which includes also trafficking.

Both the European and the Italian legislation have gradually taken account of the phenomenal overlapping that have been taking place regarding the aforementioned overlapping between the systems of trafficking and international protection.<sup>4</sup> In 2016, UNHCR and the Italian National Commission for Asylum published specific guidelines, updated in 2021, targeting in particular, but not only, Territorial Commissions for the Recognition of International Protection,<sup>5</sup> on the referral and identification of people victims of trafficking, especially in the international protection procedure. The National Anti-Trafficking Action Plan, adopted for the years 2016-2018 (the new Plan has not been published yet) by the Italian Department of Equal Opportunities,<sup>6</sup> in transposition of the 2011/36/EU Directive (Trafficking Directive 2011),

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**4** Victims and potential victims of human trafficking were not explicitly mentioned in the list of vulnerable people indicated by the EU directives, until the 2011/95/EU and 2013/33/EU (called 'Qualification and Reception Directive'), in which trafficked persons have been explicitly included in the list of vulnerable people, with specific needs. Upon transposition, Italy has addressed the need for harmonisation of the anti-trafficking and the international protection systems and an important change was introduced for example with the coming into force of Legislative Decree 142/2015, transposing the EU Directives 2013/32/EU and 2013/33/EU.

**5** The Territorial Commissions for the Recognition of International Protection (Commissioni Territoriali per il Riconoscimento della Protezione Internazionale) are administrative bodies, under the Ministry of Interior, competent to examine asylum applications and to ascertain if a person has the requirements for international protection. The Territorial Commissions are established under the responsibility of Prefectures; the law foresees the creation of 20 Territorial Commissions and up to 30 sub-Commissions across the national territory. Legislative Decree 220/2017, entering into force on 31 January 2018, reformed the functioning and composition of the Territorial Commissions: each Territorial Commission is composed by at least 6 members, in compliance with gender balance. These include: 1 President, with prefectural experience, appointed by the Ministry of Interior; 1 expert in international protection and human rights, designated by UNHCR; 4 or more highly qualified administrative officials of the Ministry of Interior. In 2018, 250 specialised members were appointed by public tender and another 162 were added during 2019. Following the 2017 reform, interviews are conducted by officials of the Ministry of Interior and no longer by UNHCR. The decision-making sessions of the Commission consist of panel discussions composed by the President, the UNHCR-appointed expert and two of the administrative officers, including the one conducting the interview. Under the Procedure Decree, the decision on the merits of the asylum claim must be taken at least by a simple majority of the Territorial Commission, namely 3 members; in the case of a tie, the President's vote prevails. Throughout 2020, EASO deployed 208 different experts in Italy, also in support of Territorial Commissions, with file preparation and support with Country of Origin Information research. Recently, EASO moved its main support to Tribunals for the first degree of judgement (see also EASO operating plan to Italy: [https://www.easo.europa.eu/sites/default/files/OP-Italy-2019\\_0.pdf](https://www.easo.europa.eu/sites/default/files/OP-Italy-2019_0.pdf)).

**6** The main goal of the National Plan is the definition of national strategies of intervention against human trafficking and serious exploitation and victims' protection, through the coordination and the harmonisation of the systems of interventions conducted by the national, regional and local actors involved in anti-trafficking field.

has also addressed the need to reinforce the collaboration between the anti-trafficking and international protection system, both in the identification and in the assistance of potential victims of trafficking. It clarifies that victims of trafficking may also be asylum seekers, and accordingly to the needs expressed, may be assisted in one system, or another. Following Art. 1 of Legislative Decree 2014/14, it also introduces methodologies of referral between the two systems, included the National Referral Mechanism.<sup>7</sup>

The decision about which regularisation path to follow is ultimately the trafficked person's choice, while the operators involved in the process should understand the different paths, recognise which could be the attractive and the undesired factors in each path for the single case and consider that the two paths could not be, to a certain extent, mutually exclusive. The concerns and the debate among operators about how to consider every single situation at the intersections of the two regularisation processes and systems are still relevant, and the pieces of information that the operators give to the person, and the ways they are made comprehensible, are an important element in the person's choice.

Art. 18 has constituted and still constitutes an important juridical instrument capable of simultaneously pursuing the objective of combating crime (whether the trafficked person collaborates with the judicial authorities or not, since freeing a person from the control of a criminal organisation weakens it and it reduces its income) and of the protection of victims (Castelli 2014; Degani 2019; Sempredon et al. 2021). On the other hand, international protection can be the most appropriate solution in certain cases: the person who has suffered trafficking may have a well-founded fear to return to the country of origin due to the trafficking that characterised her/his migratory path, as well as for other reasons related to the refugee status or the subsidiary protection. Moreover, being persecuted in the country of origin can lead the person to experience trafficking as a (more or less conscious) way to flee the country or as an element of vulnerability used by traffickers in the recruitment, with the aim of exploiting her or him.

The recognition of the international protection by the Territorial Commission is not based on the adhesion to the anti-trafficking protection and inclusion programme, conversely it is a necessary requirement for the granting of a residence permit pursuant to Art. 18.<sup>8</sup>

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<sup>7</sup> As defined by OSCE-ODHIR (2014, 15), "a National Referral Mechanism (NRM) is a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, coordinating their efforts in a strategic partnership with civil society".

<sup>8</sup> Art. 27 of D.P.R. 394/99 includes the social assistance and integration program and the foreigner's adhesion to it among the documents that the *Questore* must necessarily acquire for the issue of the Art. 18 residence permit. *Questore* is the head of the *Questura*.



The possibility that an asylum seeker identified as a victim of trafficking does not adhere to the assistance referred to Art. 18 has raised, and still raises, many concerns regarding the possibility that the refugee status can be granted to people who have not completely cut the ties with criminal organisations, hence favouring the organisation who can continue exploiting its victims without concerns for their legal status or perhaps granting a legal status to a person involved, in some degree, in the criminal organisation. However, these concerns, which can be shared in order to provide adequate protection for victims, cannot be a sound reason for a denial of international protection and must, in any case, leave room for consideration of personal situations and of many variables. Relevant reflections include the observation that many forms of marginalisation, including the irregular presence in the host state, can be used to increase exploitation and control over the victim, as well as the consideration that a victim of trafficking can find the strength to escape the exploitation network thanks to his/her own regularisation in the territory.

The concrete cooperation between institutions, that includes also *Questura*<sup>9</sup> and Law Courts, is still challenging: there is, indeed, a variability of referral practices at a local level, that should be monitored, implemented and formalised, in order to favour an early identification and effective protection of potential victims of trafficking and serious exploitation (Nicodemi 2017; Santoro 2018). The empirical studies on the intersection of the two systems in Italy are still very few (Baldoni et al. 2014; Semprebon et al. 2021). A recent research, conducted in the specific context of Veneto Region (North-East of Italy),<sup>10</sup> provides an in-depth analysis on the concrete cooperation of two systems, increasing from 2016, both in terms of informative activities held by antitrafficking operators in reception centres for asylum seekers and refugees, and in terms of a collaboration between antitrafficking programmes and the Territorial Commissions (Semprebon et al. 2021). Following UNCHR guidelines, when the Territorial Commissions identify indicators connected to trafficking and severe exploitation, they have to offer asylum seekers the possibility of meeting an anti-trafficking operator and to consider whether to start a protection programme. In these referral processes, some discordances between approaches of the antitrafficking operators and the procedures of the Territorial Commissions emerged. For instance, while the Territorial Commissions need to focus on the coun-

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**9** *Questura* is the office of the Dipartimento della Pubblica Sicurezza (Department for Public Safety), with provincial competence, and it responds to the Ministry of Interior.

**10** In the framework of the INSigHT project (Building capacity to deal with human trafficking and transit routes in Nigeria, Italy, Sweden), EU/ICMPD-Mobility Partnership Facility, coordinated by SIIMM UNESCO Chair, University IUAV of Venice. <https://www.insightproject.net/>.

try of origin and, in particular, on the reasons why a person has fled their country, the antitrafficking operators focus on the present situation of the person, to understand whether there is any on-going situation of risk. Another critical issue raised by antitrafficking operators is the request to identify a person as a victim of trafficking in a defined span of time, as requested by the Territorial Commissions, while identification is considered by antitrafficking operators as a process and persons may not be ready, in such a time frame, to disclose openly about their traumatic experiences.<sup>11</sup>

#### **4 Gladys: The Challenges Related to Late (Self-)Identification as Victim of Trafficking**

The issue of the early identification of victims of trafficking is still a crucial (Giammarinaro 2018) and, as the story of Gladys here shows, in case of late identification several juridical actors, such as lawyers and judges, may come into play, thus forcing asylum seekers and operators to a continuous positioning and decision making processes. Moreover, the uncertainty connected to a late identification process and the shifting legal framework may preclude the participation of women in a legal procedure that may grant them a permit of stay or even the recognition of the refugee status.

Not long after Gladys had arrived in Italy in 2016 she applied for asylum and, she has been hosted in several reception structures for asylum seekers in Veneto, before arriving in a CAS project for single women and women with children. When she entered this programme, she had already appealed against the decision of the Territorial Commission.<sup>12</sup> During the first months in the new reception centre, she took part in informative workshops held by anti-trafficking operators. The operators remember her sitting in the front row during the meeting, firmly concentrated and showing a high level of self-control: her eyes were emotionless and, in the following days, she never shared her thoughts on the workshops with the operators.

Accidentally, some crucial elements for her asylum request emerged in the following months. While sorting through the medical documents received by the previous reception structures, an operator found out that in a gynaecologic check-up report there was a mention of Female Genital Mutilations (FGM): aware of the rele-

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<sup>11</sup> The new UNCHR guidelines were written also taking in considerations all the critical issues related to the referral practice, also revising indicators of trafficking.

<sup>12</sup> Here a description of international protection procedure in Italy: <https://asylumineurope.org/reports/country/italy/asylum-procedure/procedures/regular-procedure/>.

vance of this document, he took it to the socio-legal operators. They verified that the medical report was very generic: it referred to a general gynaecologist visit, and the report of the FGM was not very clear (and included some misspellings in the Italian language).<sup>13</sup> At the same time, while acknowledging that Gladys had always told that she wanted to manage her asylum claim with her lawyer, without involving the operators, they decided to inform her on the relevance of FGM in international protection procedures. Gladys was actually surprised when the operators asked her whether she had ever talked to the Territorial Commission or to her lawyer about her FGM experience: it was clear that she did not know, and she had not been told in her long experience in different centres, that FGM can be considered a form of violence and persecution as a member of a social group, thus an important basis for her own asylum claim (UNHCR 2002; 2019; Caroselli 2018). This event raises the issue, highlighted by some scholars (Marchetti 2016; Bolzoni et al. 2015), of the lack of homogeneity in the reception facilities standards, also in terms of legal support, across the country and in local regions, and across different types of structures, such as SIPROIMI and CAS.

Gladys accepted to have a new gynaecologist exam, which was planned by the operators with a doctor who used to collaborate both with asylum and anti-trafficking contact units. Gladys was accompanied by the socio-legal operator who explained to the gynaecologist the use of medical/psychological certificate in the asylum application (Fassin, d'Halluin 2005; Costantini 2015). The gynaecologist certified the presence of FGM, describing them as incisions, explaining that they were not deep and that she could not see signs of stitches.

At the end of the visit, when the operator told Gladys to take the document to the lawyer, she asked them to read it once again. Having the certainty that the gynaecologist observed that the FGM were slight, she told the operator: "She is right, and this is actually why I left my country, but I never told anyone because of the oath". She told the operator that her boyfriend's father, when he found out that her FGM were not profound, asked her to undergo a more incisive mutilation even though she was pregnant. She refused, was repudiated, and she ended up alone, since she was an orphan, having to raise her son all by herself. After some years, she found "someone who would make me travel",<sup>14</sup> while asking her to keep their agreement secret, and she considered it an opportunity to improve her situation, one of poverty and marginality.

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**13** The generic use of term 'circumcision', instead the technical term Female Genital Mutilation. Moreover, there was also a misspelling in Italian language: *circoncizione* instead of *circoncisione*.

**14** Expression often used when referring to the Madam.

Gladys confirmed to the socio-legal operator that she was still in contact with the Madam, and that she was still paying her, thus confirming the ongoing exploitation. In an improvised meeting, after some informal comments on the phenomenon of trafficking, Gladys described her personal experience and showed she was starting to trust the operators. Once informed, Gladys accepted to talk with the antitrafficking operators and she also showed the free toll antitrafficking number card,<sup>15</sup> that she had always kept with herself, since the moment in which the Territorial Commission gave it to her during the interview. She had always had the feeling that the contact number could have turned out useful, but only in that moment – in which the self-identification as victims of several forms of violence, from FGM to trafficking, was becoming clearer and stronger – she was starting to understand how. Until that moment, she had never clearly realised the legal eligibility of her violence experiences, and all her efforts were on negotiating and resisting the pressure of the Madam, without involving the asylum operators. She, indeed, negotiated both the distance and the payment: she had never joined her, negotiating the possibility to pay back her ‘debt’ sending small amounts each month while staying in the reception centre. She was informed on the possibility of collaborating with judicial authorities but she said that she did not want to report her trafficking experience, as she was afraid of the consequence on her son in Nigeria. She stated that she was not afraid for her safety in Italy at the moment and that, for the time being, she did not intend to enter a protected shelter run by an antitrafficking organisation, which would mean moving once again. Instead, she confirmed she wanted to continue with the international protection application and she asked, primarily, support in that.

At that point, the interlocution between the lawyer supporting her appeal, and the socio-legal and antitrafficking operators started. Based on the emergence of new elements the operators considered presenting a reiterated asylum request, discussed with the lawyer advantages and disadvantages of a reiterated request or of proceeding with the appeal and informed Gladys about the possible choices. The lawyer suggested continuing the procedure in court and presenting before the hearing the elements on the two new claims, related to FGM and trafficking. Eventually, the court date was anticipated and Gladys decided to adhere to her lawyers’ position and explain her experience to the judge. Before the hearing, the antitrafficking project presented a report on the evaluation process. A few months later, the court released the judgement, where Gladys was recognised

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**15** <https://www.osservatoriointerventitratta.it/il-numero-verde-800-290-290/>.

a humanitarian protection<sup>16</sup> and refused the refugee status, on the ground that the lawyer had not asked for it, while depositing the appeal nor during the hearing, despite the dialogue with the socio-legal operators and the antitrafficking project, and the judge felt not compelled to examine the possibility.

The operators had an exchange with the lawyer and organised a meeting with Gladys, in order to discuss the outcome of the legal procedure. At that time, she was already working, albeit without a regular contract and she was pregnant. The lawyer and the socio-legal and antitrafficking operators had different view on the best strategy to support Gladys' regularisation process. The lawyer suggested to accept the result, unless she wanted to proceed with a further level of appeal which would have few chances of success, while the operators supported the option of presenting a new request for asylum because of the strong elements for a refugee status that had not been evaluated. On the latter possibility, while the operators were exploring the immediate consequences of the choice, the *Questura* also took position. It claimed that Gladys should have renounced to the permit for humanitarian protection and receive a new permit as asylum seeker, while the legal consultant of the operators maintained that her right to humanitarian protection, and to such a permit, would not be questioned by a new request for international protection.

The uncertainty related to the permit of stay was not the only crucial issue impacting on Gladys' choice. The possibilities of accessing reception centres was also an issue. In case of a reiterated request, indeed, the reception in CAS centres is not granted; as Gladys was also recognised as a victim of trafficking, the antitrafficking pro-

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**16** Humanitarian protection is a residual form of protection, granted to citizens of a third country whose request for international protection was denied but who anyhow were found in objective and serious personal conditions that did not allow their removal from Italy. Law Decree 113/2018 had abolished the status of humanitarian protection: the government justified the abolition of humanitarian protection with the need to limit the issuance of this residence permit, circumscribing the humanitarian reasons to certain hypotheses and introducing, for this purpose, some new residence permits that can be released directly by the *Questura* in 'special cases' (*casi speciali*): for those in need of medical care, for victims of domestic violence or serious labour exploitation, for those coming from a country that is in a temporary situation of disaster and for those who have performed acts of high civil value. Law Decree 130/2020 and Law 173/2020 reintroduced the need for territorial commissions to consider, in rejecting international protection, the existence of constitutional and international obligations, and changed the substance of the special protection (*protezione speciale*) permit that can be granted when the hypothesis of non-expulsion or refoulement rises. This permit is granted for a duration of two years and is renewable, upon favourable opinion by the Territorial Commission, and convertible to labour residence permits. International protection permits for both refugee status and subsidiary protection, instead, are granted for a period of 5 years. In Gladys's case, since she had sought asylum prior to the abolition of humanitarian protection, her asylum was granted even though in the meantime the protection was abolished and hence she had the right to have a substantially equivalent permit of stay.

gramme decided, exceptionally, to allow her to stay on a transitional basis, in a protected shelter, until the final response of the Territorial Commission. The antitrafficking programmes, in fact, normally do not host lone mothers with children, because the funding for children is not included by the National Antitrafficking Plan, even though some projects add funding and start specific projects for lone mothers with children (Semprebón et al. 2021; Semprebón, Caroselli 2021). Moreover, in that period, normative changes occurred with Law Decree 113/2018,<sup>17</sup> which excluded people with permits for asylum seekers or for humanitarian reasons from the access to SIPROIMI project.<sup>18</sup> Therefore, even though SIPROIMI did have the resources for taking care of single and two-parent families, Gladys could not ask for reception because of her legal status.

In the middle of all the efforts carried out by operators in order to sustain her right to international protection, and to explain her the relevance that the refugee status may acquire for her and her family inclusion path, she decided to give up. Gladys explained that she considered it too painful to repeat her story in the framework of the asylum procedure and that she could not accept again a new condition of uncertainty, in relation to the permit of stay and the reception facilities. She, thus, decided to leave the reception structure and move to her boyfriend's house. As for the exploitation, at a cer-

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**17** Law Decree 113/2018, implemented by Law 132/2018, had brought a drastic change to the design of the Italian reception system, with consequences still affecting the accommodation system even if the law, in 2020, has again reformed it. It included the reorganisation of the reception system, with the abolition of the SPRAR and the creation of the SIPROIMI (Protection System for Persons with International Protection and Unaccompanied Foreign Minors), which differs from the SPRAR as it provides access to refugees, holders of subsidiary protection and unaccompanied minors only, while asylum seekers, are destined to lower standard CAS structures, thus conceived as first reception centres for asylum seekers. Moreover, the tender specifications schemes for the first reception services had drastically lowered the costs of the first reception phase, eliminated services and provided for a negligible number of operators compared to the number of persons accommodated. In the meanwhile, SIPROIMI expanded its target group to holders of other permits: victims of exploitation or trafficking, victims of domestic violence, health reasons, victims of labour exploitation, calamities, acts of particular civil value. Law Decree 130/2020 has again conceived the reception system as a system for both asylum seekers and beneficiaries of international and special protection, even if organised in progressive phases with differentiated services. The accommodation system (former SPRAR, from 2001 to 2018, then SIPROIMI, from 2018 to 2020) is now called SAI (Reception and Integration System).

**18** SIPROIMI, as the previous SPRAR and the subsequent SAI systems, decentralises reception activities throughout Italy. It is based the voluntary participation of local municipalities, that implement the local reception and integration projects in strong collaboration with NGOs. Municipalities are also free to choose the type of reception services to be provided in their area and the recipients to be supported, that may include individual adults, but also families, single pregnant women, unaccompanied minors, and people suffering physical or mental health disorders; however, they are required to respect specific guidelines and standards in order to be funded.

tain point she interrupted the payment. She seemed to have found a way to be safe, threatening to report the Madam and his brother (the one in charge of collecting Gladys' money) to the police in case they would still ask her for money.

From the procedural and juridical point of view, the case of Gladys could have been important in that it could have brought different agencies and actors together, interacting in order to assure the access to international protection, but people do not always agree to play this role, finding the struggle for their right for asylum no longer reconcilable, at a certain stage, with the search for some form of stability.

## **5 Abena: The Difficult Narration of Experiences of Gender-Based Violence**

Another important issue that often emerges in the intersection between anti-trafficking and asylum is, thus, gender-based violence and the difficulty in recognising it both by social operators and within the framework of asylum application. Even though several reports and guidelines state that gender-based violence (which includes domestic violence, genital mutilation, rape, forced pregnancy and forced abortion, trafficking in human beings, forced marriages, sexual slavery) is considered a push factor that can lead women to leave their country, as well as a risk forced migrant women may be exposed to during their migratory pathway (UNHCR, UNFPA, WRC 2016; Freedman 2016), the experience of Abena, described below, shows some of the difficulties that operators and asylum seekers may encounter in supporting its recognition in the asylum request process. This effort implies, indeed, a continuous negotiation between individual social, cultural and legal needs and institutional requests, within which socio-legal operators often play a crucial role.

Abena is a woman from a West African country, aged 40 and with a biographical experience characterised by multiple forms of violence. She is an asylum seeker and she has been hosted in an anti-trafficking shelter since she was identified as victim of trafficking for sexual exploitation. When she was 17 years old, she was forced to marry an aged man, who died a few years later and thus, according to the tradition of her context, she was married to his son, a very violent man. She had a child from the first husband and two from the second. In her effort to escape her condition of violence, she asked for help to different institutions and social actors, from her parents and friends to the health centres and the children's schools, but she never found effective support. She tried defending herself by attacking the man, she was charged guilty in court, served the sentence and sent back to his house by her family. After many years and several attempts, she took the initiative to escape to another city, leav-

ing her children to her parents. In this period, she started a relationship with a woman: she did not feel the need to find a definition for her sexual orientation, but it led her to recollect and interpret feelings she had experienced since adolescence. Unfortunately, a few years later the husband traced her and in the same period her partner's parents discovered the relationship between the two women, and the situation became seriously dangerous for her. She escaped to Italy with a tourist visa, thanks to a family member who was already living there. When she arrived, this relative asked her to prostitute herself in order to pay the expenses of the travel and the family-related permit of stay that would be requested, as well as for other debts dating years back.

At that point, Abena escaped once again and was referred by an association to a lawyer who suggested her to apply for asylum. In the formalisation of international protection,<sup>19</sup> the lawyer registered a form of vulnerability related to the violence incurred, that implied a priority hearing at the Territorial Commission. Simultaneously, the lawyer also referred the case to the antitrafficking project, that started the evaluation of Abena's experience of trafficking and exploitation.

The collection of Abena's narration and the reconstruction of her experience was a long process, given the complexity of her story. Her asylum request is based on three interrelated claims: domestic violence (including forced marriage and intimate partner violence), human trafficking and sexual orientation. On the one hand, it was indeed challenging to explore and document the specific tradition of forced marriage in her country of origin<sup>20</sup> as well as the interconnection of the forms of gender-based violence and her recruitment, on the other hand her experience of trafficking was unusual and not connected to the most known routes and criminal networks. Nevertheless, the antitrafficking operators recognised a very present risk of exploitation and offered her protection in the project's shelters.

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**19** That consists in filling the so-called C3 form, that includes personal data, other background and migratory information and the possibility of declaring 'specific needs' or being identified as 'vulnerable person', as defined in a non-exhaustive list in Law Decree 140/05, transposition of EU Directive 2003/9: "minors, disabled persons, elderly persons, pregnant women, single parents with minor children, persons for whom it has been ascertained that they have undergone torture, rape or other forms of serious psychological, physical or sexual violence". The form is filled in *Questura* and transmitted through VESTANET system (the informatic system and case database managed by Ministry of Interior) to the Territorial Commission, that subsequently summons the asylum seeker for the hearing. The possibility of (self-) identifying a person with specific needs is meant to have consequences in the access to specific shelters and to a prioritised and faster procedure of assessment of international protection.

**20** This tradition has been documented, by socio-legal operators, with COI (Country of Origin information). For more information on COI see [https://easo.europa.eu/information-analysis/country-origin-information#:~:text=Country%20of%20Origin%20Information%20\(COI,in%20the%20field%20of%20asylum](https://easo.europa.eu/information-analysis/country-origin-information#:~:text=Country%20of%20Origin%20Information%20(COI,in%20the%20field%20of%20asylum).



When dealing with the regularisation processes, after the meeting with the socio-legal operators who informed her about the two non-exclusive options of Art. 18 and the international protection, Abena clearly recognised herself in the definition of refugee, since she was aware of the impossibility of going back to her country, as well as the risk of forced marriage also for her daughter and a need for a permit that could facilitate family reunion. Moreover, she knew she would never report the relative who trafficked her to Italy and, even though informed about the possibility to receive Art. 18 even without collaborating with judicial authorities, she decided to proceed exclusively with her asylum request.

The operators and Abena, thus, asked the Territorial Commission to postpone the interview, in order to continue the evaluation process and avoid to the Commission the need for the referral procedure for potential victims of human trafficking, which includes suspending the interview and summoning the woman a second time. Within the complexity of the events Abena was narrating, the claim related to the sexual orientation was a challenging issue in the asylum procedure. As Carnassale (2020, 191) clearly exposes in his works, it is often difficult to legitimise claims of asylum seekers related to sexual orientation or gender identity, as it is difficult to recognise and it is easier to misunderstand their experiences and discourses. Abena told the operators that the lawyer who helped her formalising her asylum request, had suggested her to see a psychologist who could declare whether her homosexuality was innate or if it was related to the violence she had experienced. Once contacted, the lawyer confirmed her suggestion on the method to support the authenticity of a claim that is difficult to prove, and on the usefulness of a document issued by an Italian mental health professional. Abena, anyhow, did not follow the lawyer's suggestion nor the operators who took charge of her regularisation agreed it was appropriate. Presenting a document that could be ambiguous, as it can be read as an attempt to certify something that cannot be certified and objective, risks to distract from the person's first-hand narration. In fact, the grounding expression, contained in the Geneva Convention, that relates the refugee status to a 'well-founded fear' of return, stresses the importance of the subjective perception of the risk of persecution, within an objective context. Eventually Abena showed, during the meetings preceding the interview, to understand the context in which she would have to retell her story, the need of the Commission to understand elements related to persecution and the importance of narrating both events of sufferance and romantic moments with her lover. Her narration was clearly expressing her fear of return, with its subjectivity and referring to elements that could be found in renowned international reports on the country's context, and no written document regarding her sexual orientation was eventually presented.

On the day of the audition, Abena managed to position herself with the subjects who were present from the first moments. The explanation of the rights of asylum seekers and of the procedures was conveyed by the interpreter, without the presence of the member of the Commission, based on a written summary prepared for the purpose. While listing the reasons for persecution that fall within the refugee definition, the interpreter added that domestic violence is not included: Abena specified that she experienced domestic violence and that her story cannot be understood without that element, and the interpreter amended and told her to “tell everything”. The interview proceeded in the presence of the official, Abena answered the initial general questions and then narrated her story starting from her childhood until the present days. The interview lasted six hours, during which Abena refused to take breaks. Responding the initial questions on the composition of her family, while naming her children Abena started crying and she continued during the whole interview. In a particularly sensitive part of her free narration of her vicissitudes, the functionary told Abena that she did not need to go into details, that could have been asked later if necessary, but Abena answered that she was willing to explain everything she went through if that could help her release from her burden. Eventually in the evening, after Abena had explained chronologically the events, giving elements sustaining all the three claims but at the same time exposing all the present actors to her sufferance, the interview was closed.

A few months later, Abena received a notice from the Commission which was not the decision on her asylum request: she was summoned for a second interview. According to the procedures related to credibility assessment, as was explained later to the operator by members of the Commission, the asylum seeker’s narration had to be evaluated according to its external credibility (in relation to reports by international organisations or by specialised institutions) and its internal consistency.<sup>21</sup> The latter should be evaluated in two ways: in the free narration and through the responses to specific questions. In the first meeting with the Territorial Commission, only her own narration had been collected, so the members intended to ask her specific questions. During the second interview, conducted by a different official and with a different interpreter, Abena was asked questions related only to one of the claims, as the refugee status can be based also on a single claim. In particular, the Commission explained that they intended to explore the context of domestic violence within which, several years earlier, Abena had committed the crime against her husband, to understand

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**21** See <https://www.unhcr.org/51a8a08a9.pdf>.

if it could be considered an exclusion clause for the refugee status.<sup>22</sup> The official, hence, asked details about particularly violent events that were impressed in her memory, about the effects on the children who had witnessed, and about her suicidal thoughts. She also asked about the miscarriages that she had as consequences of her husband's attacks, how she realised that she was having a miscarriage and what concretely she saw. The exposure of the violence experienced by Abena turned, during the two interviews, into further violence.

All the actors present during the two interviews expressed, in different manners, the pain of witnessing the suffering and the second interpreter, a man, apologised for his difficulties in translating, explaining that he was aghast, not being used to hearing such stories. Abena showed, all along the process, different reactions. After narrating her experience with the anti-trafficking operators, exposing it in the Commission for the first time was for her an exhausting experience, but she saw it as an opportunity of freeing herself once and for all, thus giving a personal meaning to the procedure and re-signifying the setting. When she was summoned a second time, though, she considered also other difficulties she was having with housing and work, feeling that bigger things were beyond her control and, no matter how hard she tried, she was powerless. Also, she perceived being considered 'non-credible' as a violence and this led to a negotiation by the socio-legal operators and the cultural mediators that took charge of the regularisation process and accompanied her along it. The operators, indeed, were aware that these credibility assessment procedures were a form of trauma implementation and re-victimisation for Abena, and they had to position themselves between informing her of the actual possibilities of a refugee status she would be granted by going through it and legitimising a violent act.

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**22** The exclusion clauses are carefully enumerated in the 1951 Convention, and describe those situations in which persons who fulfil the positive requirements of recognition as refugees are nonetheless constrained from being recognised as such, by reason of serious transgressions committed, in principle, prior to seeking asylum. The primary purposes of these exclusion clauses are to deprive the perpetrators of heinous acts and serious common crimes of such protection, and to safeguard the receiving country from criminals who present a danger to that country's security. Art. 1F of the 1951 Convention specifies the categories of excludable acts and crimes: crimes against peace, war crimes and crimes against humanity, serious non-political crimes, and acts contrary to the purposes and principles of the United Nations. These acts may include: genocide, murder, enslavement, extermination, torture and persecution committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, religious or racial grounds. See <https://www.unhcr.org/publications/legal/3f7d48514/guidelines-international-protection-5-application-exclusion-clauses-article.html>.

## 6 Conclusions

The migrant trajectories of Gladys and Abena are marred by a spiral of violence experienced in different relational contexts, located in the countries of origin, transit and arrival. Domestic violence, genital mutilation, forced marriage, persecution because of sexual orientation, trafficking, and sexual exploitation have slowly emerged and become explicit in front of all the actors involved in the evaluation process of their asylum request. At the same time, while the multiple dimensions of their experiences of violence (Speed 2014; 2016) became increasingly clear, their political and juridical recognition was not completely defined, when the late identification of the indicators of violence - included the ones related to trafficking and sexual exploitation - hampered the access to the refugee status. Other forms of violence, in their stories, are less visible and explicit: the economic one, that makes them dependant from violent men in their country of origin, from whom they both managed to escape, after some attempts, only by relying on traffickers, and the violence - as it was perceived by the women themselves - resulting from the long processes of evaluation of their asylum request. The condition of uncertainty produced by the bureaucratic timing in the evaluation process (Caroselli, forthcoming), the perception of being considered 'non-credible' and the repeated narration of biographical painful experiences, several times and to several different actors, were difficult to sustain for the two women. In the case of forced migrant women victims of trafficking, the timing and the actors that may come into play are, indeed, multiplied, since several institutions and specialised operators are called to analyse biographical experiences and identify indicators of trafficking and the actual risk of exploitation. In this complex framework, the adhesion of Abena and Gladys to the regularisation path or to the inclusion programmes proposed by operators was not to be taken for granted: their agency, indeed, emerged in autonomous and unexpected ways (Pinelli 2019), which included also the refusal of the juridical logics and the empowerment strategies proposed by operators and institutions, and the decision to prefer to embody the role of 'mother' and 'wife', as an alternative to being the 'beneficiary' or 'asylum-seeker'. Their choices, in our perspective, must be collocat-ed in continuity with their continuous positioning, all along their stories of migration, acted in relation to exploitation networks, but also to institutional actors. As they were able to negotiate a space of action within trafficking networks and violent relationships, similarly they evaluate what was convenient and sustainable for them, within the strict path of the regularisation processes and of the local socio-economic structures. As feminist scholars stressed, women's agency does not necessarily follow the 'Western-based' idea of female emancipation (Abu-Lughod 1993; Mahmood 2001).

Going back, in conclusion, to the intersection of antitrafficking and asylum field, we have seen how several institutional actors, such as Territorial Commissions, *Questura*, lawyers and judges, may come into play, with different perspective and competences, and the strong impact of their action on women's life trajectories, and future perspectives. Although the cooperation and the dialogue among all these actors has been reinforced, also with the tool of the National Referral Mechanism, there is still room to improve and to share methodological strategies, especially in this a socio-historical moment characterised by increasing exclusionary practices of national policies (Della Puppa, Sanò 2020, Della Puppa et al. 2020; Gargiulo 2017) and by fragility of antitrafficking programmes (GRETA 2019). As stressed by several experts, this cooperation should be oriented to favour the early (self-) identification of victims of trafficking among forced migrant's flows - in order to prevent exploitation and effectively contrast criminal network. Nevertheless, strengthening cooperation among the systems requires also taking into due consideration the intersections of different dimensions of violence, vulnerabilities and disadvantages - included the economic ones - when building a relation with women and when evaluating their credibility and trafficking indicators. From this perspective, we agree with scholars that stress the importance of the concept of intersectionality - as an approach that may point to the intersection between race, gender and social class, but also age, sexual orientation and disability, in individual experiences - at the operational level, thus adopted by the whole spectrum of professionals cooperating in support of women exposed to persecution, violence and exploitation (Degani, De Stefani 2020), as well as in their identification and evaluation as victims of trafficking and refugees. But we also believe that this effort of disseminating an intersectional approach at operating level should be accompanied by the recognition of the lived hierarchical and power relationships between forced migrants, operators and institutions involved in these fields. Power hierarchies should be, indeed, systematically considered and deconstructed in the process of self-reflexivity of all these actors, starting from operators of the asylum structures and antitrafficking programmes and socio-legal operators, that appear as those who are in the position to mediate the needs of all these actors, maintaining the focus on the women's past and present lived experiences, as well as on their aspirations for the future.

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