



# Ge.M.I.C.

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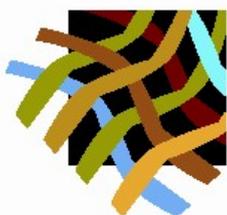
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Gender, Migration and intercultural Interaction  
in South-East Europe  
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# Thematic Report “Intercultural Violence” (WP8)

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FYROM, Cyprus, Greece, Romania

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## Introduction

This research study departs from the main premise of the theoretical framework of WP8, according to which violence is suffered when an experience of trauma occurs, which is by contemporary psychoanalysis defined as something that is by definition difficult or almost impossible to render as Language, create a narrative of that would make immediate sense in terms of mainstream discourse. In the case of this particular study, by mainstream discourse we mean the dominant and normative discourse on politics, culture, gender, sexuality and migration. Hence, our research has aimed toward identifying the occurrences of trauma in the narratives of the interviewed “victims” (persons who have been subject to violence) and NGO activists as well as professionals working in the area, while comparing them to policy documents, both national and EU, related to migration and issues of violence in migration context. The comparative reading of the two types of discourses (the personal narratives and policy discourses) renders visible their differences in the perception of violence, and, hence, of the means of its prevention. Oral history method<sup>1</sup> was chosen as a main methodological tool exactly because of its potential to grasp personal experiences and memories, rendering the cultural and historical context legible through the individual and particular, which is utilized here in the treatment of various instances of human vulnerability. As an international team, we have been looking at the personal narratives of victims of trafficking, migrant women workers/mothers and other narratives where the issues of gender, migration and culture crosscut. Our goal has been to explore and interpret the gendered interactions between dominant cultures and those of the marginalized communities (the cultural context they originate from and the renditions it displays in the context of a migrant community). Trafficking is an overarching concept that aims to integrate the variety of forms of gendered, migration-related and intercultural violence. Since it is in the shape of the so-called “trafficking,” which equals to a contemporary form of gendered slavery, that the variety of gender-based, cultural and political exclusion researched here takes place. Violence can take place not only through physical means, but also psychological which are produced by such labor conditions that the physical integrity of women (and in the cases of the mothers, of their children too) is endangered and life is radically precarious. Our choice to unravel the heterogeneity of what is understood by trafficking aims at unveiling the fact that migration related policies are insufficient to put a stop on the violent realities of contemporary forms of slavery, that are gender and culturally based.

Working with the methodologies of the interdisciplinary field of gender studies, and more specifically, combining Judith Butler’s philosophy, i.e., her theory of violence with Lacanian psychoanalytic theory, the theoretical framework the international team shares is based on the founding presupposition that the greatest trauma occurs when discourse (of justification, ascribing meaning to the suffered experience) fails. But this is a failure of normalization and dissonances in the narrative are the signal – or symptom – of the Real of the Trauma.

All the national research teams participating in the WP8 have shown that the limits of the dominant discourse on trafficking (in the above presented sense of a non-monolithic and a heterogeneous notion) focusing on security and crime rather than on the experiences of violence and trauma prevent successful narratives on the issues of trauma and suffered violence. Our international team shares the conclusion, to which it has arrived through the analysis of policy documents and personal narratives, that the concept of “victim” (linked to issues of patriarchal morality, entailing questions of innocence and guilt regarding sex work), as well as a few other concepts we deem formative of the dominant discourse on trafficking,

prevent assigning importance – and thereby addressing – the issue of violence itself. It remains an illusive category outside the discourse legible to the European policy makers. We nonetheless argue for its centrality and for policies that should address and sanction precisely the instances of gendered intercultural violence related to migration, exemplified in the form of trafficking. (Other forms of violence, including gendered labor related migration producing a form of labor based slavery, producing subject positions rather similar or almost identical to those of the trafficked women, ought to be addressed with the same focus on the suffered trauma).

We have concluded that the legal documents, by way of insisting on the notion of “victim” (the person’s unawareness of the fact that one will engage in forced prostitution and deprivation of the right of freedom of movement), harbor patriarchal moralism, and imply issues of innocence or guilt regarding sex work. They also imply the possibility of individual choice, and hence responsibility.

Nonetheless, the personal narratives we have examined support the thesis according to which individual choice (and “consent”) in terms of trafficking is impossible: even those who claim it, in their personal narratives, display a deeply socio-culturally conditioned life “choices.” The concept of victimhood is something that also represents real obstacle to social workers and NGO professionals, whose task is to protect and counsel the trafficked women, in identifying of and *with* the suffered violence, establishing empathy and thereby offer effective support (which entails emotional support not merely technical). This type of moralism is at the heart of patriarchal view and modes of normalization on female sexuality. In the issue of trafficking, we are facing a problem which is radically gendered. The issues of victimhood and of guilt presuppose purely individual responsibility, rather than that of the patriarchal society that produces subject positions such as trafficked women for the purposes of prostitution, or sex work in the context of perpetual violence.

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Chapter 4 of the Report draws on the extensive fieldwork conducted by the participating teams. EU-BAL team conducted 7 interviews out of which 2 represent oral history personal accounts of young women, victims of trafficking related to prostitution; 3 other are interviews with refugee from Kosovo, still holding the status of “refugees;” and 2 accounts are of transgender persons belonging to ethnic minority. The team have also conducted a mini-focus group of in depth discussion with the activists and professionals working at shelters (“La Strada”), and a personal narrative (conducted according to oral history method) with one of the NGO activists who participated in the mini focus-group. UPSPS team conducted 14 interviews with professionals involved in the implementations of policies of trafficking. The summary of the interviews and the comments are adopted in this report. In addition to this, the team collected 3 narratives of migrants who have been through traumatic experiences of different forms of violence (labour union activist who suffer extreme physical gender violence; Zimbabwean woman, a domestic worker, who suffered psychological violence and captivity; and a Nigerian woman, victim of sex trafficking), which are presented and analyzed in this report. UDJG team collected two types of narratives: a) by professionals or activists working directly with the “victims” or involved in policy making (one focus group with the researchers and representatives of different institutions involved in the implementation of policies concerning trafficking in human beings, and 4 interviews), b) by the “victims” themselves (4 interviews recorded the actual lived experiences of women who migrated to Italy (3) and Spain (1) to seek employment as illegal domestic workers, while 2 others focused on the

traumatising experiences of victims of trafficking exploited for sex (a young girl barely of age) and for beggary (an ethnic minority boy with disabilities). UCY team interviewed 8 migrant Filipinas who had children in Cyprus, and conducted a participant observation. Additionally, 4 oral history narratives of victims of trafficking were collected. In order to use the variety of research results in the best manner, this report focuses on the analysis of the participant observation, while briefly presenting two personal stories as well.

## **1. The Theoretical Framework and General Hypothesis**

“All attempts to address the question of violence in relation to gender and migration stumble upon the sheer complexity and diversity of possible acts of violence and subjects that may be considered. Gender violence targeting migrants may range from trafficking, police detention, harassment, rape, and domestic violence to structural, economic social inequalities, psychological pressure, and racial-sexualized stereotyping. Simultaneously these may potentially include a vast range of female and male subjects, victims, and victimizers from different social, economic, and cultural backgrounds. In the face of this complexity and diversity, defining the issue of violence, gender, and migration requires some understanding of the social and political conditions. Namely, it is also the structural violence we will be mainly looking at.”<sup>2</sup> Violence, defined as suffered trauma, is hardly possible to be linguistically presented in a form of a narrative that is generally legible, that would make sense to most of the people. Its meaning can be grasped only by those who can identify with the experience in question. If this is an experience of a cultural and gendered minority, its narrative is even less intelligible to the mainstream discourse (or the discourse of normality). As Judith Butler argues in *Undoing Gender*,<sup>3</sup> in specific social and political circumstances, some acts of violence will be considered as more significant, more tragic, or more meaningful, while others will remain insignificant, trivial, or impossible to comprehend. This distinction will reflect also diverse representations of some victims of violence as worthy of grief and others as “unrepresentable” and “ungrievable.”

Acts of violence are in a continuum with processes of normalization that constitute the bodies of the victims that are marked by signs of violence.<sup>4</sup> These include strategies of abiding to sexual norms, but also strategies of conforming to racial and ethnic norms “given the racial differential that under-grid the culturally viable notions of the human.” According to Butler, this continuum between acts of violence and processes of normalization of sex and race can be grasped at the level of discourse.<sup>5</sup> Because they are not (yet) “normalized” in the cultural, political and social life of the state, newly arriving migrants in Europe constitute unrecognizable, impossible to define subjects. Gradually through processes of normalization of migrant bodies, which include the medical and administrative “filtering” taking place in border camps and “reception centres,” regularization procedures, entering the labour market in positions reserved for migrant labour, language learning and education, adopting local identities and cultural habits or even taking part in integration projects, migrant lives may become recognizable, identifiable, and “grievable.” According to Kambouri,<sup>6</sup> their suffering gains visibility, and, therefore, calls for action as soon as their status is policed, normalized, gains some form of legality. All those who are illegal migrants, workers, and participate in the radically gendered illegal labour market, including prostitution whose perception is conditioned by moralism concerning female sexuality, remain invisible. Their suffering is impossible to identify with, since their discourse and the “humanity” they represent is impossible to identify with.

The focus on women is legitimized mainly by statistical and structural claims. Women are more likely to become victims because of the structural inequalities that position them in more vulnerable positions than male migrants. The Beijing Platform for Action: “violence against women is a manifestation of the historically unequal power relations between men and women which have led to domination over and discrimination against women by men and to the prevention of women’s full advancement.”<sup>7</sup> Since “women migrants” share with all other women this condition of inequality, they are by definition “more vulnerable” to violence because of gendered inequalities in their countries of origin and destination, as well as in the process of migration. In other words, they are “doubly disadvantaged.” Although different categories of acts of violence and subjects are specified in different UN documents, including physical, psychological, rape, sexual harassment, this anchoring of the question of violence to the vulnerability of women is preserved, concludes Kambouri.<sup>8</sup>

A task that this report ambitiously sets is “to establish modes of public seeing and hearing”<sup>9</sup> that might respond to the cry of the victims – mostly women – in the process of migration and lend them proper representation that would prevent – if not, at least diminish – the perpetuation of a certain state of legal, social, and cultural blindness to their victimisation.

## **2. The Context**

### **2.1. European Context**

As elaborated in the GeMIC Policy Analysis Report,<sup>10</sup> the European Union has no competence in matters of violence against women. Legislation and policies in this area are made mostly at the state level.<sup>11</sup> On the contrary, the EU has developed an extensive policy making mechanism in the area of migration, which has long been criticized for its gender-neutral approach to migration from a gender mainstreaming perspective.<sup>12</sup> What many critics, however, have failed to see is that migrant women have indeed been selectively included in EU migration policies as “victims.” They have been, thus, selected for their vulnerability as paradigmatic, but also exceptional, subjects to be protected, assisted and aided. This has been mainly done with regards to family reunification, where women are included as “dependent” members and in trafficking, where women are included as “victims of sexual exploitation.”<sup>13</sup> In both cases, the EU framework on migration has adopted a static and narrow conception of gender relations as an opposition between men and women, within which the inclusion of migrant women could only be possible through gender victimization.

EU policies on violence, gender, and migration have been mainly focused on trafficking, which constitutes an area of EU competence where harmonization has advanced fast, and even candidate and prospective member states have begun the process of incorporating the EU Acquis into their national legislations.<sup>14</sup> More specifically, in 2002 there was a Council Framework Decision<sup>15</sup> on the harmonization of the penal legislation with regards to trafficking in different European countries. In 2004, a Communication was published, which settled issues of residence permits, protection and minimum contemplation periods for the victims who collaborated with the authorities against trafficking networks.<sup>16</sup> In 2005, a Council EU plan was issued, whose aim was to establish common standards and procedure across the existing and prospective EU member states.<sup>17</sup> Funding for specific short-term projects was distributed to member states through programs, such as DAPHNE and “Prevention and Fight against Crime.” According to a recent report by an expert group commissioned by the EC, however, the aim of existing EU policies has been mostly to enforce crime control objectives. These were pursued at the expense of human rights and the protection of migrants. “Up till now, States have concentrated predominantly on measures in the area of crime control and migration policies, rather than on victim assistance and protection. To effectively tackle trafficking, this imbalance needs to be redressed... The neglect of the area of assistance and protection to trafficked persons forms both an obstacle to effectively address trafficking and falls short of the obligations that States have under international human rights law.”<sup>18</sup>

This neglect of “human rights” has been mostly prompted by the fact that protection and assistance in the EU is premised upon “the willingness or capacity to testify against their traffickers.” The report notes that “those trafficked persons who do not wish to make a declaration as witnesses – or are not required as witnesses because they possess no relevant information or because the perpetrators cannot be taken into custody in the destination country – require equally adequate protection measures as trafficked persons who are willing and able to testify.”<sup>19</sup> In other words, the only victims constituted as worthy of protection and assistance by the state were the ones who could be useful in the policing of migration.

The criticism of the experts' group points out to the problematic nature of the project of criminalizing trafficking, but does so only from a gender neutral perspective. By invoking the abstract notion of human rights, this type of recommendation makes generalizations about human rights that are insensitive to gender and other specific identity positions. Kambouri points at two fundamental questions: What if certain categories of victims are already constituted as "non human" in discourse? What if their reality is already denied in the social and political context of the EU?

At once too broad and too narrow, the discourse of "trafficking" condenses the social and political dynamics of violence, gender and migration in the EU. Having (re)emerged during the 1990s on the occasion of the collapse of the communist regimes in Eastern Europe, the discourse of trafficking became a means of responding to a perceived "security crisis." The securitization of migration came to be interlinked with the efforts to protect the human rights of the victims in a state of generalized uncertainty and risk.<sup>20</sup> Kambouri cites Berman, who argues that the emblematic figure of the white, young and pure Eastern European prostitute was paradigmatic of the European crisis of borders, identities and citizenship.<sup>21</sup> The representation of Eastern European women as vulnerable to violence served as a means of containing this widespread sense of crisis and risk looming over European societies. As Andrijasevic has argued, large scale anti-trafficking campaigns by IOM in Eastern Europe promoted images of migrant women as beautiful, powerless, victimized, and static bodies. The public exposition of migrant women's vulnerability to violence responded to voyeuristic desires, but also to anxieties over a perceived collapse of ethnic and gender boundaries. "The female body is, as IOM campaigns show, the site where control over gender hierarchies and the control of geographical territories meet. Just when EU citizens are encouraged to undertake greater labour mobility, one of the key attributes of the European community, IOM's counter-trafficking campaigns criminalize the labour mobility of women from eastern European non-EU member states and encourage them to remain at home."<sup>22</sup>

Although these representations were gradually broadened to include different nationalities, colours, ages, and ethnic groups of mainly women – but also increasingly children as well - the overwhelming emphasis on female migrants as victims of violence is a persistent feature of trafficking discourse in the EU. This extends beyond official EU policies and touches upon the micropolitics of government agencies, national, transnational, and international NGOs. These micropolitics, according to Kambouri, can be understood best within the context of a growing global tendency to victimize migrants in order to protect them from potential human rights violations. In that sense, the vulnerability to violence normally attached to feminine identities extends nowadays beyond women to include also males, who are feminized and treated as impotent in the face of global violence. As Augustin argues, this victimization "trend, which began as a way of drawing attention to specific forms of violence committed against women, has now become a way of describing everyone on the lower rungs of power."<sup>23</sup> While the construction of migrants as "trafficked victims" strips them of any power to make decisions over their movements, it legitimizes acts of violence on the part of states, such as repatriation or deportation as "benevolent acts" of protection.<sup>24</sup>

## **2.2. National Contexts**

### **2.2.1. FYROM: National Context**

#### **2.2.1.1 *Legal Framework and State of Affairs Regarding Migration Flows***

According to the official data of the Statistical Office collected by the Ministry of Internal Affairs, the net flow of international migration is positive, which means that due to immigration the population of FYROM should be growing. The sample which is limited to the Macedonians confirms this trend: for the past years Macedonians were mostly coming back instead of emigrating. The exception is the period from 2005 to 2007 when emigration of Macedonians increased. Still, these are not big figures – the outflow in 2005 was equal to 758 persons only. It should be stressed that these figures are questionably representative of the actual flows although there is a legal obligation to register in case of emigration/immigration, considering the gray zone of temporary migrations. Yet again, according to the data made available by the United Nations, FYROM could be recognized as a country with significant emigration, brain drain and short-term labour migration.<sup>25</sup> The permanent emigration flows are predominantly directed toward Canada, Australia and the US. The most significant manifestation of the problem of illegal migrations in FYROM is the issue of human trafficking. Trafficking of human beings as one of the forms of illegal migration in the FYROM is demonstrating a strong gender orientation.<sup>26</sup> U.S. State Department Report ranks FYROM among countries that fully meet standards in fight against human trafficking.<sup>27</sup> There still remains the issue of internally trafficked girls (from one part of the country to another, i.e., from East to West, marked by the predominance of different ethnic groups respectively). Due to the laws on immigration and readmission as well as other met criteria,<sup>28</sup> EU introduced visa liberalization for the Macedonians on December 19<sup>th</sup> 2009.<sup>29</sup>

#### **2.2.1.2 *Harmonization of the Laws and Policies with the EU Acquis***

With the granting of candidate status to the FYR of Macedonia, the EU has set many conditions concerning migration. It is demanded to reduce illegal migration flows, ensure safe return of illegal migrants, and build capacity to better manage migration. The country had to set a central database for all aliens covering asylum, migration, and visas. As for migration, the EU commission stressed that 2002 population census did not cover registration of emigrants and immigrants hampering the determination of net migration. To some extent this gap is covered by the Labor Force Survey conducted regularly.

One aspect of migration policy that is often ignored, but is a consequence of the multidimensional nature of the issue is the bureaucratic nature of the process, which treats this issue as merely criminal, rather than complex gendered and human rights issue of cultural vulnerability. Rarely is migration policy the responsibility of a single government ministry or department. Thus, to speak of “migration policy” as if it were a homogeneous and uncontested entity is deceptive, entailing the danger of essentializing it into a unity that obfuscates the intrinsic tensions and contradictions.<sup>30</sup> The new laws on migration regulate and develop the EU minimum standards on: entry and admission; stay and residence; expulsion and voluntary return; irregular migration; trafficking in human beings and migration statistics and data protection.<sup>31</sup> A new Law on Employment of Foreigners was enforced (April 2007) is on the line with the EU Acquis and follows the Migration Strategy. It deals with the details regarding the regularization of the status of the foreign nationals residing and working in the territory of the Former Yugoslav Republic of Macedonia.<sup>32</sup> Law on Movement and Residence of Aliens (“Official Gazette of the Republic of Macedonia,” Nos. 36/92, 66/92,

26/93 and 45/02), which regulates: the entry of aliens, visas, residence of aliens, travel and other documents for aliens, sojourn and residence of aliens, records of aliens and offences against aliens. The Government of the Former Yugoslav Republic of Macedonia has formally adopted the Law on Foreigners (adopted in February 2006; into this law "The Law on Asylum," adopted in 2008, has been integrated).

With these acts, the country aligned its migration legislation with the EU Acquis. In addition to the aforementioned regulations, migration is also regulated by bilateral agreements. FYROM signed readmission agreements with a number of countries, and continues to do so. In the context of migration, the National Action Plan on Migration and Asylum (NAP) of the FYROM is of a significant importance. All these new laws, and issuing policies, as well as the introduction of biometric passports have been the condition made for visa liberalization in December 2009. It remains to be seen how this novelty will affect the migration flows in the region, in particular from the aspect of gender.

### **2.2.1.3 Trafficking**

The Former Yugoslav Republic of Macedonia holds the status of predominantly transit country, with the growing tendency of becoming a country of origin and one of internal trafficking, according to the latest Department of State Report.<sup>33</sup> The same Report also praises FYROM for successfulness in the combat against human trafficking.

In terms of legal provisions, in the Former Yugoslav Republic of Macedonia, trafficking in human beings is a criminal offence punishable by the Criminal Code (Articles 148a, 148b, 148c and 148g). A "Law for witness protection" was also introduced ("Official Gazette of the Republic of Macedonia," No. 04/02.) Prostitution is not a criminal offence, but an administrative offence. Mediation in conducting prostitution (Criminal Code Article 191) provides sanctions against a person who recruits, instigates, stimulates or entices another to prostitution, or a person who, in any kind of way, participates in turning over a person to another, for the purpose of prostitution. In 2008 the Law was amended to include one new article: Article 418 (g): Trafficking of juveniles, which provides sanctions against a person who recruits, instigates, stimulates or entices minors to prostitution, or a person who, in any kind of way, participates in turning over a minor to another person, for the purposes of prostitution; pardoning is granted if a member of the group will disclose the group before he/she commits a crime as its member or on its behalf. ("Official Gazette of the Republic of Macedonia," Nos. 36/92, 66/92, 26/93, and 45/02).

### **2.2.2. Greece: National Context**

Public debate, law, and policy making on violence in relation to gender and migration in Greece has been almost exclusively focused on trafficking. This is partly linked to the overall development of public perceptions, rhetoric, and policies on the issue of gendered violence.<sup>34</sup> As a study published in 2005 concluded, the issue of gender violence remains relatively marginalized in public debates. Even when gender is debated in public, representations of women as powerless victims are dominant.<sup>35</sup> Furthermore, whenever the issue is debated in parliament or in the media, it is approached from a moralistic perspective.<sup>36</sup> As a result, violence against women in Greece is not considered as a gender issue, but rather "as an issue of public responsibility and refers to the organization of citizenship since violence threatens the institutions of democracy."<sup>37</sup>

This framing of the problem also characterizes public rhetoric and policy making on violence in relation to gender and migration. This is manifest into two antithetical tendencies. On the one hand, there is a public projection of trafficking as a moral question of the utmost importance for national security and morality, advanced by both policy making and media rhetoric. It is worth noting that as the Greek border is increasingly considered to be a European border, issues of trafficking become of national importance. The second legislative act after 1985 to address the issue of violence against women in Greece was the 3064/2002 law on trafficking.<sup>38</sup> Following this law, trafficking has become the sole area, where issues of gender and migration have been dealt with systematically at the policy and legal level.<sup>39</sup> This privileging of trafficking has not been prompted by gender mainstreaming or by the need to address violence against women per se, but rather by foreign policy and security objectives. The voting of the law responded mostly to a generalized sense of insecurity over porous borders and anxieties over crime associated with migration flows that prevailed during the 1990s.

Furthermore under the pressure caused by the publication of the 2001 and 2002 State Department "Trafficking in Persons Report," according to which Greece was ranked at the third tier in the fight against trafficking, the Greek Ministry of Foreign Affairs took responsibility for the coordination and financing of anti-trafficking initiatives. The Report stated that "The Government of Greece does not fully comply with minimum standards for the elimination of trafficking and is not making significant efforts to do so" and urged the Greek government to adopt new laws and intensify security measures to combat trafficking networks and assist the victims.<sup>40</sup> The policies that the Ministry of Foreign Affairs introduced in response consisted mainly of activities within the Greek territory, such as the funding of shelters and NGOs dealing with protection of victims, prevention and information, which were outside its formal responsibilities.

The decision to transfer the responsibility for trafficking to such a Ministry presupposed an understanding of migration in general as a "threat to security," and migrant women as victims of the processes of criminalization of international borders. In a 2003 report, the Ministry of Foreign Affairs defined trafficking as one of the negative phenomena prompted by large "refugee" influxes that contributed to the "dramatic rise" in criminal activities in Greece. "Many people (mainly migrant women)," the report explained "in search of better living and employment opportunities are trapped and end up in prostitution."<sup>41</sup> In this framing of the problem, the question of gender violence is considered only as far as it is contributing to international criminality, while female migrant sex workers are treated as the "victims par excellence" of international criminal networks.

On the other hand, however, there is also a persistent silencing of the gender aspects of domestic violence, discrimination and harassment at work with regards to migrants. In this context, it is striking how the issue of domestic violence against migrant women has remained altogether outside public debate, law and policy making although according to a quantitative study 16% of the women who resort to the counselling centres and shelters of the General Secretariat of Gender Equality are migrant women.<sup>42</sup> Also the cases of violence against migrant domestic workers reported in academic studies and in social movements have failed to reach public debate and remain mostly outside the scope of the existing policy framework on gender and migration in Greece.<sup>43</sup> It is no accident that a recently formed network of mainly Greek groups and NGOs that assist and support migrant women has adopted the title "ΔΕΣ Με" (Des me), which is an acronym but also literally translates into the phrase "look at

me.”<sup>44</sup> What this term implies is that migrant women are invisible in public debate – something which is not entirely accurate since there is abundant information on migrant women as trafficking victims in Greek discourse. As the GeMIC policy analysis report argues, “while women have become a privilege policy object in matters of security and border control (trafficking), feminized informal sectors (such as domestic or sex work) have been excluded almost entirely from migration policies. There is a gendered dimension therefore to the constant tension between their over-representation as paradigmatic victims of trafficking and the strategic denial to accept their role as workers.”<sup>45</sup>

### **2.2.2.1 Legal Framework and State of Affairs Regarding Migration Flows**

The feminization of migration flows in Greece has been characterized by diverse patterns according to the different nationalities of migrant women. According to a 2007 quantitative study, most migrant women in Greece originate from Albania (67,2%) and other Balkan countries, which are now EU member states, i.e. Bulgaria and Romania (11,3%) and the former Soviet Republics (16.5%). Polish and Philippino women constitute also a significant segment of the migrant population (5,1%). While amongst Albanian women family migration is more common, all the other nationalities have a very large percentage of independent migration.<sup>46</sup> Despite this tendency, gender-mainstreaming has remained outside the scope of the Greek law and policy making on migration. All legislative acts have adopted a gender neutral approach and language, ignoring the specific conditions experienced by female and male migrants as well as the ways in which gender, class, ethnicity, and sexual orientation.<sup>47</sup>

### **2.2.2.2 Harmonization of the Laws and Policies with the EU Acquis**

As it is analysed in the National GeMIC policy report, Greece has harmonized its legislation in most policy areas, including trafficking and migrant integration. The recent amendment of the citizenship law, which provides for the first time for granting the Greek citizenship to migrants and in particular to second generation children, born and raised in Greece and the right of migrant to vote in municipal election transforms the general legal framework.<sup>48</sup> Although there are several restrictive measures that may undermine the implementation of the law to large numbers of migrants, it has open up a possibility, which was previously absent in Greece, to acquire a stable and temporary legal status – which was previously closed for all those who are not of Greek origin.

### **2.2.2.3 Trafficking**

Trafficking is one policy area where the seemingly gender neutral language of the law silences the inequalities of gendered power relations. According to the introductory of the trafficking law report, the law was a response to “new forms of slave trade” that turn primarily against three vulnerable groups: women, children, and migrants.<sup>49</sup> The identity of the victim attributed to migrant women implies from the onset the marginalization of gender violence against male and transgender migrants, which is automatically made invisible, along with gender violence against women migrants who do not fit the criteria of victimhood described by the law. In addition, the overwhelming emphasis and gender stereotyping of violence in relation to sex work, obscures other forms of gender exploitation that involve coercion in different fields of employment and in domestic spaces.

Furthermore, the law reproduces the tight link between policing and control analysed above in the European context. In the first part, the law refers to the criminalization and punishment of trafficking acts (including penalties of up to ten years imprisonment) and in the second part to

the protection of and assistance provided to the victims of trafficking. Presidential decree 233/2003 specified the conditions for the recognition of the status of the victim and the institutions responsible for the protection and assistance to victims.<sup>50</sup> In accordance with international and EU directives the trafficking laws were adopted within the context of border control and anti-immigration policies, which in most European states, served to “either create or exasperate existing situations that cause or contribute to trafficking in women.<sup>51</sup> In 2003, Presidential Decree 233 was adopted, implementing a program for the assistance of victims.<sup>52</sup> The decree provides for shelters for victims, imposes a duty on law enforcement institutions to assist victims, and delays deportation of victims so that they are entitled to state assistance. A subsequent amendment of the law on trafficking, occurred with Law 3386/2005, which adopted EU Directive 2004/81/EK, making the collaboration with the police authorities against the perpetrators of the crime a prerequisite for the granting of recognition, state assistance, protection and support to the victims (articles 46-52).<sup>53</sup>

After “a period of contemplation” (the Greek law has adopted the minimum possible contemplation period of one year), during which the victims are allowed to decide whether they want to collaborate with the police (without the privilege of a residence permit however), they have to prove that they are not willing to work again for the criminals who forced them into illegal work and are prepared to testify against them. Even when these conditions are met, the victims are only entitled to a twelve months residence permit, which can be revoked whenever the police authorities judge that the victim no longer collaborates with them. Law 3536/2007 states for the first time that recognized victims of trafficking should not be deported and any judicial or administrative decision for the deportation is annulled. In practice, the Greek legislation marginalizes the human rights of the principle subjects that it purports to protect.

### **2.2.3. Romania: National Context**

#### **2.2.3.1 Legal Framework and State of Affairs Regarding Migration Flows**

The status of post-1989 Romania can be unmistakably described as that of a sending, transit and receiving country at the same time. However, out-migration flows have been by far the most representative (as statistically proven<sup>54</sup>). Several stages can be distinguished in the evolution of migration trends in this respect. Initially, the liberalisation of passport administration and international travel brought about noteworthy modifications in the outflows of ethnic minority migration and asylum-seeking, which largely lost political connotations in favour of prominently economic ones. During early 1990s migration was dominated by the Germans, the Hungarians, and the Jews who settled in the countries they were culturally attached to, and partly by the Roma and/or Romanian asylum-seekers to Western Europe, while the late 1990s witnessed the parallel development of various trends of permanent/temporary, legal/illegal migration. Apart from student migration (vacillating, according to the case, between legal permanent and legal temporary migration), in the context of the Romanian economy decline entailing, at its best, relatively low wages and, at its worst, high rates of unemployment, two tendencies in out-migration grew more prominent: on the one hand, Romanians holding high qualifications chose to join special emigration programmes organised especially by Canada and the USA (but also by Australia and New Zealand); on the other hand, more and more mainly semi-skilled and unskilled Romanians assumed the risks of illegal migration to different (particularly European) countries; the illegal migrants' favourite destinations changed over the years from Germany, France, Israel and to some extent Turkey, to Italy and Spain (in particular). Given the scarcity of bilateral

agreements to guarantee a legal framework for labour migration, and despite all efforts by NGOs like OIM to encourage legal labour migration, most migrant workers took the risk of finding employment either via private, not always reliable agencies, or on their own on the black market of the destination country, often as part of informal social networks of “recommendation systems.”

The elimination of the Schengen visa requirement in 2002 encouraged the rapid growth of circular migration: Romanians could travel freely to an EU country of their choice and take advantage of their three-month legal stay, at the end of which they were to return home. In time, several international migration trends were established, with different factors related to the migrants’ age, native area, education, religion and gender differences influencing the migration outflows. Two of these factors are worth particularly insisting upon. Thus, the migrants’ level of education and qualification turned out to be of outmost importance, but gender differences also seemed to contribute to shaping migration trends (men have been dominating construction sector, women have been preferred for domestic services).

Faced with the mass exodus of Romanian – mainly illegal – migrants, both the Romanian and the European authorities aimed at implementing efficient policies meant to reduce the wave of illegal migrants, tighten up on border control, and encourage legal migration. Yet, the endeavours of harmonising the Romanian legislation and policies with the EU recommendations and requirements with a view to Romania’s accession to the EU before 2007 and to its better integration as an EU member after 2007 (e.g. the recent introduction of biometric passports), though successful to some extent, still could not prevent many migrants from falling victims of violence when crossing national and cultural borders. Romania has been a transit and source country for trafficking in human beings throughout the whole post-1989 period and, over the years, different forms of violence circumscribed to this phenomenon, perceived as simultaneously related to organised crime and illegal migration, have affected a wide range of victims, women and children (mainly) as well as men.

Steps have been taken at national level to prevent and combat trafficking (whether external or internal) and statistics indicate the relative progress made by the implementation of anti-trafficking strategies and national plans that follow the trends in international and European frameworks; yet, Romania still ranks among the countries of the second tier – according to the classification enclosed in the US. State Department Report<sup>55</sup> – in terms of the efforts to enforce laws against trafficking, to protect victims, and to prevent trafficking.

### **2.2.3.2 Harmonization of the Laws and Policies with the EU Acquis**

#### *2.2.3.2.1 Border Control*

Harmonisation of the Romanian legislation with the EU requirements with respect to border control covered several stages. Firstly, in agreement with Council Regulation EC no. 1683/95 setting a uniform format for visas, and Council Regulation EC no. 2317/95 determining the third countries whose nationals must be in possession of visas when crossing the borders of the Member States, amended by Council Regulation EC no. 539/2001, Romanian Government Ordinance no. 65/1997, approved by Law no. 216/1998, completed and amended by Government Decision no. 84/2003, stipulated that Romanian citizens could travel abroad if in possession of a valid Romanian passport and of visa granted by the embassy/consulate representatives of the country of destination. Reference should also be made, at this point, to the fact that the Romanian legal framework regarding border control was further improved – in the context of a more general concern with illegal migration as a

security issue at the turn of the millennium – with provisions regarding penalties for illegal border-crossing and smuggling of migrants (Art. 70, 71, 73 – Government Ordinance no. 105/27 June 2001 on control of Romanian state borders). New changes were occasioned by Romania's successfully introducing the Schengen Information System (SIS). After 2002, Romanian citizens were exempted from visa when travelling to the Schengen states for a maximum of 90 days, owing to the harmonisation of the Romanian policy and legal framework with the EU requirements, which was best epitomised in the reorganisation of the Passport and Border Police Departments as well as in the stipulations of Law no. 248/ 2005 regarding the free movement of Romanian citizens abroad.

Further improvements added over the coming years: on the one hand, Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) was implemented and adopted as one of the main legal instruments regulating the activity of the Romanian border police (see <http://www.politiadefrontiera.ro/>); on the other hand, after Romania's becoming an EU member state, Law no. 248/2005 was modified with regard to (among other things) the introduction of biometric passports meant to create an unrivalled level of security and protection against counterfeit and fraudulent identification papers (in accordance with Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States).

#### 2.2.3.2.2 *Labour Migration*

Romania made significant progress in the implementation of the National Strategy for Migration (Government Ordinances no. 616/21.04.2004 and no. 1122/ 18.09.2007) following the main lines of the EU policies in the field (controlled migration, illegal migration prevention, asylum, social integration of foreigners), and of improved asylum regulations (See, for example, Law no. 122/2006 enclosing updated definitions of asylum-seeker, asylum application, alien, country of origin, asylum procedure, refugee status, conditioned humanitarian protection, temporary humanitarian protection, unaccompanied minors, etc. as well as measures for the expulsion or forced return from the external border or from the territory of the destination country, procedures for granting and withdrawing the refugee status and measures taken in view of the integration of refugees, family reunification, access to accommodation, medical assistance, social insurance, education forms and especially integration on the labour market). Steps were taken for a better integration of labour immigrants in the Romanian economic system, especially in fields affected by shortage of labour force as a result of massive emigration from Romania to other (non) European countries. (e.g. Law no. 203/1999 amended by Government Ordinance no. 32/2003 regarding the conditions for granting work permits and Government Ordinance no. 194/2002 on the status of the foreigners travelling to Romania, amended by Law no. 357/2003; Labour Code – Law no. 53/ 24.01.2003 with all its subsequent amendments). To encourage legal labour migration in the years preceding Romania's accession to the EU, the Romanian Labour Code (Law 53/ 24.01.2003) stipulated that Romanian citizens could seek employment abroad within the limits of the international labour legislation and of the bilateral treaties that Romania signed (with Germany, Spain, Portugal, etc.)<sup>56</sup> or, at least, of contracts negotiated by private employment agents/agencies (regulated by Law 156/2000 modified by Government Ordinance 43/2002, for example) which could ensure fair treatment and protection of their interests as workers abroad.

### **2.2.3.3 Trafficking**

As a source and transit country for human trafficking, Romania had to embark upon a series of reforms at both the legal and institutional level. A first step implied the ratification and implementation of basic international legal instruments like the UN Convention on Organised Transnational Criminal Activities, the Additional Protocol to the Convention on the Prevention and Punishment of Human Trafficking, especially Women and Children, and the Optional Protocol to the Convention on Children's Rights, regarding child-trading and infantile prostitution and pornography (See Law no. 565/2002). In the process of harmonisation of the Romanian legislation with these international standards, a number of domestic laws were issued in an attempt at foregrounding a new perspective on trafficking (that would go beyond the frame of 'white slavery' for prostitution, to cover in a more comprehensive manner other forms of violence and exploitation as well) that would allow more effective action to prevent and combat trafficking, whether external or internal, in all its forms. A cornerstone in this respect was Law no. 678/ 2001 (modified and completed over the next years in accordance with the changes in the international legislation on trafficking), which insisted not only on updating the basic conceptual apparatus of the anti-trafficking debate, but also on the importance of inter-institutional collaboration at national and international, governmental and non-governmental levels. Against the legal background created by this law and several other domestic legal instruments,<sup>57</sup> a National Action Plan for Combating Trafficking in Human Beings (approved by Government Ordinance 1216/2001) and a National Action Plan for Preventing and Combating Trafficking with Children (at the beginning of 2004 – see Horváth, 2007: 7) encouraged more active involvement of various Romanian state institutions and NGOs, next to a number of international bodies (The Council of Europe, FBI, the US State Department, the US Department of Labour, IOM, OSCE, etc.), in successfully promoting policies of traffic prevention and reintegration of victims.

In 2005, Romania created a new institutional frame – the National Agency Against Trafficking in Persons (Government Ordinance 1584/2005 with its subsequent modifications and amendments) – for the monitoring of anti-trafficking policies. One year later, the legislation on trafficking significantly improved by the ratification (in Law no. 300/ 2006) of the Council of Europe Convention on Action against Trafficking in Human Beings (2005). On this basis, a new National Plan (2008-2010) for the Implementation of the National Strategy against Trafficking in Persons 2006-2010 was approved, laying further stress on: assistance to and reintegration of victims; prevention of trafficking by different means with a view to discouraging the demand and to working more efficiently at the level of the civil society (through educational programmes and public-awareness campaigns targeting the potential victims of trafficking).

Over the years, Romanian government has managed to create a significantly improved institutional context meant to inform potential and actual Romanian migrant workers on their duties and rights in the host countries. Reference could be made in this respect to the collaboration between the National Employment Agency and the EURES network, after Romania's becoming an EU member state (2007). Through its subordinated departments (*International Relations, Bilateral Agreements and Protection of Romanian Migrant Workers' Rights*), the agency provides information on and counselling with regard to social security right, bilateral agreements in force, and job offers, employment procedures, rights and restrictions that Romanian migrant workers in the European Economic Area (EEA) must take into account when seeking employment across national borders.

## 2.2.4. Cyprus: National Context

### 2.2.4.1 *Legal Framework and State of Affairs Regarding Migration Flows*

**Female Migrant Domestic Workers/Carers.** Female migrant workers from Philippines and Sri-Lanka employed in the sectors of domestic cleaning and domestic care constitute the largest migrant group in Cyprus. However, it is hard to estimate their exact number because these two sectors of economic activity, cleaning and care, are formally merged under the category “domestic worker” (οικιακή βοηθός) by both the Migration Office and Labour Office. Also, Labour Statistics do not include analysis of Employment by nationality, economic activity and sex,<sup>58</sup> and finally, there is a significant number of domestic workers who are irregular/illegal. A domestic can be legal as long as s/he is “tied” by contract to a single employer. This contract can very easily be breached by the employer (with a short warning) but not that easily by the migrant worker. Theoretically, a domestic can file a complaint to the labour office and when the case is examined, if the employer consents, she takes a release, which gives her a month to find a new employer and become legally reemployed under a new contract. In reality, this “smooth” track of release and reemployment is never followed by a domestic since it is almost impossible that the employer will consent and sign a release. The most frequent track of action is to “run-away.” In that case, either she will ‘disappear’ in the black market of part-time employment. This means that she will be illegal, without social and health insurance, and precarious to other sorts of violence since her illegality demands that she remains invisible. Overwork, underpayment, and abuse are the main reasons for running away. Getting pregnant is also another reason because the contract does not provide for maternity leave but also because the employer would probably release her or even deport her on finding out about her pregnancy. Thus, migrant mothers are caught in a position of intersecting forms of exclusion and violence: they are run-always thus illegal, do not have access to (or rights from) formal health care, uncovered by any sort of social insurance and maternity protection (and later on, without access to child care), desolately poor and over-exhausted.

In our field work with migrant mothers, we met women who had to go back to work as early as the second week after birth. Most of them had given birth at private clinics at a discounted price for discounted health care, one of them gave birth at home, and most of them did not have pre-natal and post-natal care. We wrote the life histories of 8 of these women.<sup>59</sup> Three of them had been married to the father: one Filipina was married to a recognized refugee from Iraq, another Filipina who had been married to a Pakistani illegal migrant who had been caught by the police and deported, and another one was married to a Romanian. In the other five cases, the mothers had no contact with the fathers. The birth certificates of the children state only the name of the mother, and under father’s name it is marked “unknown.” The father was known in every single case. In two of these cases the fathers were illegal migrants from Pakistan and India and were caught and deported. In the other three cases the father was in Cyprus. In the first case, the father was a UN personnel with dual citizenship (British and Cypriot) and though he had conceded to take a DNA test and have the paternity tested (and confirmed), he did not want to legally recognize the child. In the other two cases, the fathers were Cypriot and both of them of relatively “old” age. One of them had a family and was well established. The other one was single at the time of the pregnancy but soon after got married to another Filipina and had another child.

**Female Migrants in Sex and Entertainment Work.** The number of migrant women employed as “artists” is also impossible to estimate based on Labour Statistics because the

particular area of economic activity (entertainment, artists) is classified by the state as “high risk” and persons employed in this area are exempted from the category Labour Force. Information presented in this report about this group of women is cited mainly from three sources. Parliamentary Proceedings and Parliamentary Committee Reports, the Ombudswoman’s 2003 Inquiry on the Status of “Artists,”<sup>60</sup> and a recent report by the Mediterranean Institute of Gender studies entitled Mapping the Realities of Trafficking in Women for the purpose of sexual exploitation in Cyprus, October 2007 (MIGS 2007). According to the Commissioner’s Report, every semester about 1,000 foreign women come to Cyprus as “artists” and they are disseminated in various cabarets across the island (p. 14). The MIGS Report cites the same number, about 2,000 foreign women, who enter the island every year as ‘artistes.’ According to statistical data by the Aliens and Migration, presented in a report prepared by the Parliamentary Committee on Crime entitled “Prostitution-trafficking” (October 6 2005), in Cyprus there are 1 014 artists, 80 cabarets and 35 entertainment establishments (μουσικοχορευτικά κέντρα). According to the same report, foreign women are also employed in pubs to work as bar-maids. At the time this Report was compiled, 801 pubs were operating in Cyprus where 1602 foreign women were employed.<sup>61</sup>

Until the early ‘80s, more than 60% of migrant women employed in cabarets were Filipino and Thai (Commissioner’s Report, 2003, p. 6). According to the same report, the pay of Asians was almost half of those of foreign women from other countries, thus employment of Asian women was much more profitable. By the 90’s, the Cypriot market of prostitution was supplied mostly by women from countries of the ex-soviet block (Commissioner, 2003, p. 13). The Commissioner’s inquiry attributes this change in the ethnic distribution of “artists” to two reasons. In 1990 the Government of Philippines issued a prohibition on migration to Cyprus for the purpose of employment in cabarets (this coincided with the opening of new labour market for migrant Filipino women in Cyprus as domestic workers).<sup>62</sup> The fall of the Soviet Union and the eruption of poverty and unemployment in the Soviet Block countries was the second reason, as many women from these countries migrated for employment abroad. The most frequent countries of origin today are Ukraine, Moldavia, and Russia. Foreign women admitted to Cyprus under “artist visas” are granted a three month work visa, which is renewable for three months. After the lapse of six months from their departure from Cyprus they can be readmitted for another period of six months provided they are employed in the same sector of economic activity (i.e., “Artists”).

The fact that migrant women employed in the “entertainment/prostitution” sector (employed as “artistes/dancers”) are from Eastern Europe does not mean that all Eastern European migrants to Cyprus are employed in that field. In fact, a great number of Eastern European women are concentrated in production/industry, services, and farming, jobs, which are on the lower end of the market in terms of pay and status. The reason the employment of Eastern European women in the “entertainment/prostitution” sector has attracted more interest is because of the International attention on the combating of trafficking, NGO’s research and social activism against trafficking as well as media’s frequent publications on this issue. The socioeconomic conditions of Eastern European migrant women in production/industry, services, and farming are yet to be explored. Particularly precarious from the perspective of labour rights seems to be the life of female agricultural workers. Dispersed and often isolated in villages in rural areas of Cyprus, these women are less likely to become visible as ethnic groups.



### 3. Analysis of the Discourse in the Legal Documents and Policy Documents of National and International Organizations

#### 3.1. The issue of Individual Responsibility in the Definition of Trafficking

Article 418-1 of the Macedonian “Criminal Code” clearly defines trafficking as a forced illegal migration: paraphrasing the beginning of the article, trafficking occurs when it is through threat, deception, abuse of one’s position of power and of the vulnerability of the victim, such as pregnancy (etc.), by mediation (through “exchange of money”) of a third person who has control (*sic!*) over the potentially trafficked person, “that one illegally transports, buys, sells, provides shelter and accepts persons for the purposes of sexual exploitation, pornography, forced labor or that of a serf, slavery, forced marriage, forced fertilization, adoption or similar rapport, or illegal transplantation of human organs, shall be punished by minimum 4 years of imprisonment.”

The force, deception, tricking into illegal migration that will end as a form of slavery (being owned, being financially claimed by somebody and deprived of the basic right of the freedom of movement) seems, according to Katerina Kolozova<sup>63</sup>, to imply that trafficking occurs only when the trafficked person is “innocent,” when she or he unknowingly becomes part of the chain of human trafficking as its object. Thus, one is trafficked if one is innocent, if one is a – “victim” (in traditional Christian vain of victimhood that is based on the quality of innocence). It should be inferred that if one is not deceived, kidnapped, forced in any way, but straightforwardly offered what the trafficking “package” for sex work consists of (giving your passport in possession to the person who becomes your owner for some earning as a prostitute in return), and if one accepts this offer – a case of trafficking does not occur. Thus, we can conclude that at the core of the law there are unexamined cultural layers (those belonging to the fundamentals of the Christian civilization) of moralizing (regarding innocence and victimhood) that have shaped the definition of the core problem in the phenomenon of trafficking as well as the status of the “victim.” Consequently, this implies how the problem of violence in the context of trafficking (and, hence, illegal migration) is identified, addressed and acted against. It would seem, concludes Kolozova, that the a priori of the definition of trafficking is the concept of the innocent victim; if the latter fails to present itself (if the victim is not innocent, and, hence, not a “victim” at all), one would have to conclude that trafficking has not occurred.

In the FYROM “Witness Protection Law” (“Official Gazette of the Republic of Macedonia,” no. 38/5), we find the following definition of the concept of the victim: “A victim in a capacity of a protected witness is any person whose personal right or ownership right has been violated or threatened.” According to this definition, innocence is not implied as the condition for being recognized as a victim; thus, a supposed “consensual” act of becoming of a trafficked person has no bearing on the fact that “someone’s personal right or ownership right has been violated or threatened.”

Helen Kambouri affirms this point in the Greek National Report, by proposing that the centrality of gender violence as a cultural trait that precedes the migration process reinforces an already morally charged conception of migrant women as victims lacking agency. She cites a booklet on counselling trafficking victims, which explains that the distinction between illegal migration of females and trafficking is almost impossible to identify. “A common element in both “trafficking” and illegal migration and in particular female migration is the lack

of consent on the part of the person who moves and her forced prostitution.”<sup>64</sup> The booklet warns against the dismissal of trafficking claims because of assumed prior consent. “Trafficking with the consent of the victim is inconceivable,” but the consent of the victim is something that is difficult to prove: even if a woman has agreed to migrate in order to work as a prostitute, it is more likely that she had no idea of the particular conditions of work or the violence she would later experience in the country of destination.<sup>65</sup> Kambouri illustrates the gendered dimension of the “innocent victim” concept with the articulation of two distinct terms for trafficking by the United Nations Commission for the Prevention of Crime and Penal Justice: “trafficking of migrant women and children” and “smuggling of migrants.” Kambouri cites Augustin: “the gender distinction is clear, expressing a greater disposition of women – along with children – to be deceived (above all about sex work), and also expressing an apparently lesser disposition to migrate. Men, on the other hand, are seen as capable of migrating but of sometimes being handled like contraband, thus the word agreed on is not trafficking but smuggling.”<sup>66</sup> In this framing of the question of trafficking, concludes Kambouri,<sup>67</sup> the problem of violence is defined in the context of essentialized sexual and cultural differences between male and female migrants, warning, however that it is the restrictive migration policies of state, much more than innate natural or cultural traits, that constitute migrants as vulnerable to violence.<sup>68</sup> Instead of halting further migrations, restrictive state policies produce spaces of illegality,<sup>69</sup> which are gendered. For many migrant women life in those spaces may be precarious as it is also for many male and transgender migrants too. In Europe, these spaces are mainly those of domestic and sex work, where migrant women often (but not always) find themselves in subject positions of extreme vulnerability to violence. Contemporary feminist theory, continues Kambouri, views victimization and agency as opposites. “We do not deny women’s victimization in situations of domestic violence when they exercise agency and return to violent men, yet a different logic seems to apply to trafficked women (and women in prostitution more widely) – that if they can be said to exercise any agency, then they are not victims/victimized.” The crucial difference, concludes Kambouri, is that migration is not a natural or culturally inherent state of being. It is rather a position that one occupies, a performance that one performs, or an identity that one acquires. What constitutes people as migrants is a set of power relations that produces them as potentially illegal and precarious. Thus, Kambouri concurs with Augustin’s claim that migration is a stage in one’s life, yet opposes the way Augustin assumes that the stage could be easily overcome. Return to migration is always a possibility even for those who have been integrated precisely because all migration policies, even those that have a more long-lasting application, are limited in time.

The “innocent victim” criterion is detected by the author of the Romanian National Report as well. According to Colipcă and Stan,<sup>70</sup> the very title of the chapter “Trafficking and vulnerable persons’ exploitation,” (Chapter VII of the Romanian Penal Code) seems to foreground the stereotypical image of the victim of trafficking as innocent, reduced to a passive object of others’ actions. Though laying stress on actions and means of trafficking, articles 210 and 211 (“Trafficking in human beings” and “Trafficking in minors”), which take up part of the definition of trafficking as given in the UN and Council of Europe Conventions, reinforce the idea, next to the articles detailing penalties for different forms of exploitation as ultimate purposes of trafficking – slavery (Art. 209), forced labour (Art. 212), beggary (Art. 214). Colipcă and Stan point out that the assumption of inherent innocence without which the victim may not be a “victim,” excluding individual agency, is counterbalanced to some extent by two entries in

accordance with the 2005 Council of Europe Convention, according to which “the consent of the victim of trafficking is irrelevant and does not justify exploitation.”<sup>71</sup>

On the other hand, Art. 213, on procuring sexual services, of the same chapter of the Romanian Penal Code, seemingly entangled in another debate directly related to trafficking in scholarly and political circles, signals the potential confusion between sex trafficking and prostitution.<sup>72</sup> The juxtaposition in the same law article of prostitution, as sex work based on the workers’ individual agency (see Butcher, 2003) or self-determination (see Scrambler and Scrambler, 1997), within the framework of which ‘pimps’/‘procurers’/‘boyfriends’/‘sugar daddies’ may appear as facilitating mediators (Paragraph 1), and sex trafficking, implying forced exploitation for sexual services by traffickers who are exclusively granted agency (Paragraph 2), may be illustrative of an abolitionist position according to which prostitution is “a gender crime,” “a form of sexual slavery,” hence trafficking appears as “intrinsically connected to prostitution.” (Anderson and Andrijasevic, 2008: 139) What such a legal provision as Art. 213, Paragraph 1 tends to ignore is that, as van den Anker emphasises, “as long as hardly anyone is living happy, sexually fulfilled lives, there will be a market for sexual services which, within patriarchal societies characterised by lack of opportunities for women [as the Romanian one still is – *our note*] as well as particular groups of men, will form a possible strategy for income generation based on various degrees of ‘free choice.’” (2006: 178) The law then becomes an instrument of representation of a “higher” moral authority, that of the State, which, in order to maintain its border security, public order, civic freedom and moral standards, criminalises human trafficking and all the activities it considers linked to it like prostitution or illegal migration (even with the risk of raising further problems like: “how to respond to prostitution; the difficulty in identifying trafficking victims; and the fact that it does not contemplate holding the State responsible, either nationally or internationally” – Bruch, 2004 in Yuko, 2009: 25).

Kolozova<sup>73</sup> concludes her analysis by pointing out the term “slavery,” stressing that trafficking, in its essence is indeed about slavery, since it involves utter objectivisation of the human subject into property. If the phenomenon of trafficking is to be addressed, one will be addressing slavery as one of the – obviously perennial – forms of socio-cultural violence. *And we would stress that, in this matter, it is utterly irrelevant whether the “victim” is truly a victim (i.e., “innocent”), or whether she or he has willingly entered into slavery. In other words, it is not just the brutal force (deception, kidnapping), the obvious and physical acts of violence that define the phenomenon of trafficking as violent, but it is also the social phenomenon of trafficking itself (that specific type of contemporary slavery) that is structurally (and historically) perpetuation of cultural (also social, economic, and gendered) violence.*

What is particular about this form of slavery, and makes it different from the previous ones (which were ethnically and racially conditioned) we find in history, is the fact that they are essentially gendered and sexualized. If we add to this the trafficking for the purposes of transplantation of bodily organs, we can see that these are not identity groups (culturally or in any other sense), these are neither “citizens” nor official “slaves” (they are deprived from the latter socio-cultural visibility), the contemporary slaves are mere bodies (“bare life”) that are subject to the violence of trafficking.

Colipcă and Stan also point out the absence of article on trafficking for removal of organs in this same chapter of the Romanian Penal Code, despite the fact that Art. 182 identifies it as a specific form of exploitation. That leaves, according to Colipcă and Stan, unidentified the groups of victims of this particular form of trafficking, reducing them to mere dead bodies

subjected to violence. Penalties for removal of organs are mentioned under the Chapter on “Offences against religious freedom and respect due to the dead” – Art. 384.

The Macedonian *National Programme for the Fight Against Human Trafficking and Illegal immigration* (2002) is a document that conceptualizes the phenomenon of trafficking in human beings by determining the priorities in a wide range of areas such as legislation, social policy, outlining various preventive measures in the fight against human trafficking. This consideration of the multi-dimensionality, however, obfuscates the fact that these women have been subject to violence by the very state of (illegal) enslavement, and it is against the instances of such violence that one has to act and protect the women from. The programs in place at the shelter for trafficked women and girls work according to a policy which **allows that only victims who are ready to go back to their country of origin are accepted**, while trafficked women who do not want to take part in the International Organization for Migration program have no other option but to be deported. One cannot identify the internally trafficked women and children. *Here we see, according to Katerina Kolozova, the intertwining of national and international legal and policy provisions which determine the status of a victim, and which introduce a discriminatory choice of protecting against violence according to which those who violate the immigration law cannot be provided shelter from the violence they are daily exposed to. Kolozova argues that protection against violence and gendered violence must not be rendered lesser in significance than the immigration laws and control over illegal immigration. Violence should be addressed independently, or in a parallel manner, with the issue of migration itself.*

The above claim is additionally confirmed by the fact that, according to the Agreement, signed by the International Organization for Migration (IOM) and the Macedonian Government, the police identify women and girls who might be trafficked and transfer them to the Transit centre - a shelter for victims of trafficking in Skopje. The findings of the OSCE (Organization for Security and Cooperation in Europe) field missions suggest that not all women are brought to the shelter (Transit Center). Moreover, as the shelter takes only those victims who are willing to return in their country of origin, trafficked women who do not want to take part in the IOM program have no choice but to be deported. Internally trafficked women and children are not identified at all.”<sup>74</sup>

### 3.2. Trafficking in Persons as a Human Rights Issue

Macedonian National Report<sup>75</sup> informs that since 2005, NRM Office (National Referral Mechanism for the victims of trafficking in human beings) has functioned successfully within MLSP (Macedonian Ministry of Labour and Social Policy). It was established as a part of the project realized by the Ministry of Labour and Social Policy and National Commission to Combat Trafficking in Human Beings and illegal migration, in cooperation with OSCE mission in the FYROM. The Centres for social work, the local institutions, NGO's, the Association of the social workers' organizations as well as the municipal commissions for gender equality were included in this project. The NRM Office for the victims of trafficking in human beings promotes a good practice of democratic establishment of institutions by means of enhancing and coordinating the relations between the state institutions and civil society. Moreover, it informs the public and the state bodies that the concept of the human trafficking should be changed, so that it should be considered as a flagrant harassment of human rights. The Centres for social work are directly involved in all activities in the social protection for prevention and reducing the human trafficking on a local basis.<sup>76</sup> Nonetheless, this

multidimensional sensitivity of the approach does not tackle the fact that the illegal migrants who do not wish to leave this country are deprived from the right to be protected against gender based violence. This deprivation on the other hand works as institutional violence exercised in the name of a culture that strives to protect itself from the flows of migration.

According to the Romanian National Report,<sup>77</sup> Romanian legislation, as far as trafficking is concerned, has gone through several amending stages. The main instruments of international legislation ratified by Romania and currently providing the framework for much of the Romanian legislation in the field are, as previously mentioned, the UN Convention against Transnational Organised Crime (adopted by the UN General Assembly in November 2000) and the Council of Europe Convention on Action against Trafficking in Human Beings (May 2005). The definition of trafficking as given in the UN Convention (2000), with its three essential elements – actions, means and purpose (i.e. exploitation) – has been adopted in all key domestic laws regulating trafficking-related actions and policies in Romania.<sup>78</sup>

According to Colipcă and Stan, part of the shortcomings of this document, which, as Anderson and Andrijasevic have pointed out, “is *not* a human rights instrument” but one “designed to facilitate cooperation between states to combat organised crime, (...) to strengthen border controls to prevent trafficking and smuggling” (2008: 136), were to some extent perpetuated by some of the EU-adopted legal instruments governing trafficking policies. For example, apart from laying stress only on some forms of trafficking (though indeed the most representative), namely forced labour and sexual exploitation, Council Framework Decision of 19 July 2002 on combating trafficking in human beings 2002/629/JHA seems to urge to action mainly in the sense of intercepting and prosecuting traffickers rather than of protecting the victims: out of the 11 articles of the convention, 5 refer to penalties, liability, sanctions and prosecution, whereas there is only 1 article devoted to the protection of and assistance to the victims. Moreover, Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, seems to fit in that category of legal documents that Anderson and Andrijasevic (2008: 136) mention as encouraging protection for victims of trafficking by offering them the possibility of temporarily or permanently remaining on the territory of the host country, while still maintaining victim protection in a dependence relation with their cooperation with the authorities (see article 14 Withdrawal – one of the situations in which the residence permit may be withdrawn is “when the victim ceases to cooperate”).

Significant changes in the framework of combating trafficking were brought about by the 2005 Council of Europe Convention on Action against Trafficking in Human Beings. Romania was one of the countries that ratified this Convention (Law 300/2006). Nonetheless, the further implementation of its provisions by means of amendments and modifications of the existing legal framework was not entirely without fault in the passage from a criminal approach to human trafficking to a human rights model (Yuko, 2009).

A reorientation towards a human rights approach to human trafficking as more explicitly promoted by the 2005 Council of Europe Convention is, nonetheless, obvious in many of the recently adopted domestic instruments of the anti-trafficking legal and policy framework. That can be seen not only in the decriminalisation of the victim but also in the concern with putting forth a more detailed set of measures for the protection of the victims and their reintegration in the society. Drawing on several international documents like the “National Referral Mechanism – Joining efforts to protect the rights of trafficked persons. A Practical Handbook” by OSCE –

ODIHR (2004), "The IOM Handbook on Direct Assistance for Victims of Trafficking" (IOM, Geneva, 2007), "World Health Organisation – Ethical and Safety Recommendations for Interviewing Trafficked Women" (Geneva, 2003), as well as on the above mentioned Conventions, the National Identification and Referral Mechanism for Victims of Trafficking (published in the *Official Gazette of Romania*, part I, no. 849/ 17 December 2008) completes the provisions of the amended and completed Law 678/2005 on combating human trafficking in full awareness of Romania's status as both a sending and a transit country and respecting the victims' fundamental rights. Similarly, the institution providing the frame for the implementation of anti-trafficking policies, promoting inter-institutional governmental/non-governmental collaboration, i.e. the National Agency Against Trafficking in Persons, encourages a more complex view on the phenomenon from a criminal, but also psychological, sociological, and human rights perspective (<http://anitp.mai.gov.ro/ro/legislatie/sumar.php>).

That can be most obviously seen especially with regard to cases in which trafficking and migration phenomena overlap, as referred to in Art. 39 of Law 678 completed by Government Ordinances 79/2005 and 194/2002, republished in 2008 with its subsequent amendments and completions.<sup>79</sup>

Colipcă and Stan conclude that an inter-institutional cooperation, mediated by the National Agency against Trafficking in Persons, should bring together state institutions and NGOs. The National Identification and Referral Mechanism for Victims of Trafficking makes due mention of the contribution of NGOs in the process of providing the victims of trafficking proper protection and assistance, whether they be branches of international organisations like *IOM*, *USAID*, *OSCE*, *Save the Children*, *Caritas* or 100% Romanian organisations like *Reaching Out* from Pitești,<sup>80</sup> *Alternative sociale (Social Alternatives)* from Iași (<http://www.alternativesociale.ro/>), NGOs activating in the domain of women's and children's rights. Their endeavours to encourage the issuing of new anti-trafficking legislation and to promote effective policies of traffic prevention and reintegration of the victims, in collaboration with the Romanian ministries (Ministry of the Interior, Ministry of Labour, Social Solidarity and Family, Ministry of Education and Research, etc.), local police, magistrates, embassies and consulates, have recently achieved more visibility and public recognition when the *Reader's Digest* Magazine awarded the title of the 2010 European Citizen to Iana Matei, the coordinator of *Reaching Out*, for having dedicated her life to saving victims of trafficking (420 in 11 years of activity) and to offering them a new chance to a normal life. Hopefully, this collaboration between institutions will further provide the policy basis for successfully preventing and combating trafficking in human beings in Romania, raising state awareness of the dangers of condoning and conflating illegality, trafficking and migration, and public awareness of the importance of gender equality, non-discrimination and respect for human rights in the larger social, political, and economic context, casting new light on the real causes of trafficking and fighting back dehumanization and insensitivity to violence-inflicted human suffering.

Helen Kambouri<sup>81</sup> informs that the reports of national and international organizations from Greece, that refer to gender violence targeting migrants are focused on trafficking and migrant women almost exclusively. There are sporadic references to migrant men, but issues pertaining to transgender and transsexual migrants are silenced. According to Kambouri, the persistent silencing of masculinities naturalizes instances of violence against male migrants. An example is the violent attacks that took place in 2004 after a football match between Greece and Albania, which resulted in the injury of many Albanians and the murder of one of

them. As Golfinopoulos argues, in the Greek press, “the relationship between violence and masculinity is not considered as a problem and this is exactly what is problematic about it. This situation presupposes, and betrays, the gendered-masculine character of the dominant discourse, which is considered so self-evident that it is not even discussed.”<sup>82</sup> Kambouri suggests that the silencing of transgender and transsexual migrants as potential victims of violence is an indication of the normalizing of sexual roles and attributes that are enforced in the discourse on trafficking.

Violence against migrant women is described in most Greek official documents as a continuum that takes place throughout the migration process and makes migrant women vulnerable to violence throughout their lives. As one Greek manual for the counselling of women victims of trafficking stresses, the first thing that social workers need to do when approaching migrant women is to understand their “position of vulnerability.” In order to completely understand this “position,” one has to explore the different stages of their victimization: before departure, during departure, in the place of destination, during detention, voluntary repatriation and deportation and during psycho-social reintegration in the country of destination or origin.<sup>83</sup>

Kambouri suggests that rather than being constituted through migrant experiences, vulnerability to violence is attached to migrant women as a cultural/ natural characteristic. While administrative and legal restriction imposed by states to the free movement of migrants are mentioned in most of these texts, as factors that contribute to women’s vulnerability to violence, these are considered only as secondary to the formative experiences of violence experienced in the country of origin. The reason for this, according to Kambouri, is, as the official documents emphasize, that most of these women originate from societies where gender violence is considered to be an everyday reality.

In Cyprus<sup>84</sup>, the Combating Trafficking and Exploitation of Human Beings and Protection of Victims Law (L. 87(I)/ 2007) provides for the protection, compensation and rehabilitation of victims of trafficking, appoints the Director of Welfare services as the Guardian of Victims of Sexual Exploitation. The Law Harmonizes National Law on Trafficking with Council Framework Decision 2002/629/JHA on combating trafficking in human beings of 19 July 2002, and Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

One of the events that sensitized Cypriot society to the “plight” of foreign women employed as artists (καλλιτέχνιδες) was the death of Oxana Rancheva in March 2001. Soon, however, the memory of the event would become bio-degraded by the Cyprus media as another sad story of a woman from an Eastern European country who was caught into the webs of prostitution. Even though gender violence in general and trafficking in particular is a dimension of gender equality policy, trafficking in Cyprus continues to be framed as an issue of prostitution, illegal migration, and sexual exploitation of migrant women from Eastern European countries.

According to a study contacted by AKEA party, the profits from prostitution in the informal economy in the year 2000 exceeded the amount of 40 million CYP. During the year 2005, the office filed 47 charges for living on prostitution profits, sexual exploitation of minors and adults, running prostitution houses, etc., while during the year 2006, 57 more charges were filed. According to a confidential report during the period January 1 1999 to June 23 2004 a total

number of 100 cases of prostituting women were filed. According to the same report, for charges to be accepted and cases to be prosecuted, additional testimony (“ενισχυτική μαρτυρία”) is required, something that renders the validation of these charges and their prosecution extremely difficult.

Two arguments frequently used to support the view that there is no trafficking in people in Cyprus are: (a) these women come to Cyprus willingly, knowing that they will work as prostitutes and (b) most of them are repatriated to their countries of origin after the end of their contract. What is worrisome is that politicians themselves adopt and reproduce this framing of the issue. Particularly shocking was the public statement of the ex-minister of Justice, Doros Theodorou. Attacking and discrediting the findings of an inquiry by the Ombudswoman’s Office, he stated that many young women in Ukraine and Moldavia are anxious to come to Cyprus to work as “artists.” The CEDAW report has also replicated the dominant understanding of trafficking as it adopts the same rhetoric used provided by the Police and the Ministry of Justice.

Finally, before we conclude, we would like to cite a very illustrative example of how the characteristics of an essentially gendered sector (female unpaid labour) are shading into the migrant women labour is offered in the Cyprus National Report<sup>85</sup>. The most influential documents in terms of framing migration policy in Cyprus is the Ministerial Council decision No. 33.210 dated 15/3/1990. This Decision (still in place) defines the sectors of economic activity open to migrant labour. The Department of Labour examines applications from employers for the employment of foreigners, “for the satisfaction of pressing, short term needs in the labour market, in certain economic fields and occupations” ([http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlgeneralinf\\_en/dmlgeneralinf\\_en?OpenDocument](http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlgeneralinf_en/dmlgeneralinf_en?OpenDocument)).

Two sectors of migrant employment not included in this list are domestic work/care and entertainment/prostitution. Contracts for these two sectors of employment are also exempted from the overall frame, since they are drafted by the Migration department and not by the Labour Office. By exempting domestic work/care from the sectors with labour shortage, the Ministerial Council Decision repeats and further normalizes the association of domestic work and care with unpaid female labour. As unpaid Cypriot women domestic work and care labour become foreign woman labour, the latter inherits some of the characteristics of the former: low status, uninsured, exploitative labour. Furthermore, new characteristics come to add to this sector as domestic work becomes migrant women labour and dark woman labour.

The gender perspective helps us question the very rationale for framing migration as import of temporary migrants for the coverage of short term labour shortage. The very characteristics of the sectors where short-term migrants are employed change significantly as the availability of temporary migrant labour becomes a permanent resource. In the case of domestic work, the formation of the sector, its characteristics (low pay, the range of diverse/ endless duties etc) and the demand followed rather than anteceded the influx of foreign labour. In other words, migration of female migrant workers from Asian countries did not take place because there was a need to fill up labour shortages in a formal employment sector. Rather, the availability of cheap female migrant labour created the demand among households for hiring a “domestic.” The very term “domestic” («οικιακή βοηθός», «κοπέλα») was introduced after the flow of this kind of female migrant labour started. Before, some households hired Cypriot women cleaners on a part-time/ hourly basis and the arrangement of stay-in domestic cleaner was unthinkable. The availability of female, migrant, black labour contributed to the

institutionalization of the stay-in arrangement in various ways. Being female, single (i.e., without a family living with them in Cyprus) and black, they could (i.e., made to) “fit” in the order of the domestic on a twenty-four hour basis without disturbing the normative universe of the nuclear family. In ordinary circumstances, the Cypriot family could not live on with another woman amongst them. This other woman, however, was Other: her femininity did not pose a risk to the spousal economy of desire since she was seen as a-sexual; her language was not considered a threat for the national integrity of the home since she was the carer with a zero degree of pedagogical interference, the paradigmatic mothering receptacle (to cite the Platonic metaphor for *khora* from *Timaeus*) receiving others without participating in the imprinting of forms; her blackness, finally, was constructed as that “irreducible” racial marker of difference on the basis of which new borders would be drawn within the home in order to delineate her space.

## 4. Analysis of Personal Narratives<sup>86</sup>

### 4.1. FYROM

Out of the 7 analyzed interviews in which the issues of gender, interculturality and migration crosscut, two represent oral history personal accounts of young women, victims of trafficking related to prostitution; the other are interviews with refugee from Kosovo, who have remained in the Former Yugoslav Republic of Macedonia since the Kosovo crisis, still holding the status of “refugees.” Two accounts are of transgender persons belonging to ethnic minority. The latter, as well as those of the refugees, are analyzed to serve as the background for comparative analysis that will enable to put the central subject to investigation here (that of gendered trafficking) in the wider context of intersection of culture, gender, sexuality and violence against minority. We have also conducted a mini-focus group of in depth discussion with the activists and professionals working at shelters while being very active at the NGO-scene in the defense of women’s and human rights of trafficked women (“La Strada”). In addition to this we have analyzed the personal narrative (conducted according to oral history method) with one of the NGO activists who participated in the mini focus-group.

The personal narratives are treated as case studies that will be analyzed against the background of the policy document in order to detect discursive divergences as well as convergences and thus arrive to a certain insight as to how focused the migration and trafficking related policies are at preventing violence, and in particular structural violence.

#### 4.1.1. Analysis of the Personal Accounts and Narratives of the NGO Activists and Professionals

The mini-focus group with NGO “La Strada,” conducted in May 2009. Present: Viktorija Borovska (researcher), Veselinka (“La Strada,” working at the Shelter), Marija (“La Strada,” working at the Shelter)

***How they describe their work at the Shelter:*** Veselinka has been working at the shelter for three years, and she explains that she is a social worker and that together with Marija, who is a psychologist they work on a special program (together with a third person, also a social worker). The program is one of socializing and they include in it the women/girls who will remain longer than 3 months in the Shelter. There are two forms of counseling: individual sessions and groups sessions, but Veselinka explains that individual sessions are preferred by the sheltered women. The aim of these sessions is to “offer emotional support” and “overcome the post-traumatic stress.” She points out that this emotional support is even more necessary if the “victim” will appear in a court trial. The psychologist, Marija, works as a counselor not as a therapist; but a therapist visits twice a month, for individual or group sessions. It is interesting to note that the therapy comes down to some tests that the sheltered women have to take. The fact that the therapist’s work consists in this “testing” that happens twice a month is repeated several times throughout the focus-group discussion. It is also important to note that both Veselinka and Marija work 12 hours a day at the shelter, in two shifts.

The usual day at the shelter, from the aspect of the program that V. and M. run, consists in normalizing the sleeping pattern of the victims (apart from the habit of sleeping during day time, they also very often suffer from insomnia). They learn how to prepare their meals with care, cook for themselves, they go out (except for those from whom any leaving of the Shelter

is dangerous). During these outings they talk about their experiences; Marija stresses that most of the women open up easily, they like to talk about their experiences, also during individual sessions. The sheltered girls/women also go to school, and V. and M. task is to help them in the learning process. Most of the girls are 16-17 years old, so they are enrolled in special programs to finish their primary education (most of them haven't).

**How they experience their work emotionally:** It is emotionally very hard, Maria (M.), says – one identifies with the victims experiences. She mentions that the hard part of it is “grasping it:” “you keep repeating to yourself, this is not normal, this does not happen to everyone.” M. concludes that it becomes bearable as soon as one turns “numb,” and just “reminds herself it is their work to help those young women.” Still, there are often dramatic events, she mentions, and in these cases you cannot remain indifferent. One has to mark here that M. does not see her work as possible through identification with the victims and empathy, but rather through “numbness” and an achieved level of indifference. Both Veselinka (V.) and M. agree that they do not see their job as identifying with these women, but as indifferent helping. A certain professional distance, detachment is necessary, they insist; however, what M. stresses is the reverse problem: the impossibility to identify.

V. and M. point out to the fact that the sheltered girls seek for protection in them and emotional attachment – both of them, as professionals cannot offer it, “they have to keep their professional distance.” The sheltered girls’ expectation of emotional protection on the part of the professionals at the Center is clearly stressed. This expectation remains unmet.

*We would like to comment here that a feminist approach would consist in precisely the opposite to the distant professionalism, but rather in identifying and empathy; control over emotion, refraining from excessive attachment, according to the norms of professionalism, comes only a posteriori.*

M. and V. demonstrate difficulty in establishing a sense of empathy/identification; hence, they talk about a level of closeness established as a result of “getting used to some of the women, those who remain longer” (M.) V. remarks immediately that the girls are capable of manipulation, faking closeness, and she concludes “in any case, they are interesting, hard to bear but interesting.” What we would like to underline here is that M. and V. are trouble by this impossibility to establish empathy and a sense of solidarity. They reiterate the problem to understand these girls, and they feel it is their task to be able to establish both empathy and solidarity. Instead, they are caught in the vicious circle of judging and trying not to judge but rather understand. Both in the narratives of M. and V. as well as in those

**Describing the emotional state of most of the sheltered women:** Victims accounts of their experiences are confused, they usually display lack of focus, inability to account of the real problem (*my remark [KK]:* the traumatic spot), their accounts “move in circles around irrelevant fact.” They all also display some sort of a loss of memory, inability to remember what has happened in duration of, e.g., two days. During sessions they usually manage to recover those memories, fill up the gaps of missing parts of their personal stories. Both V. and M. note that all of the girls come from “dysfunctional families.” Immediately, they add that what is characteristic for all of these girls, in terms of psychological problems, is that they all display psychosomatic problems. *The traumatic core is displayed in this psychosomatic manifestation, i.e., in a form of a failing – or rather failed – discourse;* whereas discursively the girls tend to focus on marginal accounts, that both V. and M. see as a mark of “lack of psychic orientation.”

## **Comparative Reading of These Two Narratives against the Background of the Analysis of the Other Interviews (with transgender persons and refugees)**

In the case of the stateless refugees we see radical gender imbalance. Similarly to the above two stories, their state is one of “bare life” (Agamben) of individuals whose course of life is determined by socio-cultural exclusion, by the context. Again, there is absence of any awareness of the “autonomous subject” that shapes his/her own future. Transgender interviewees confirm the inherent intersecting of culture and gender related normality: it is again on the margins of the culturally dominant community that one can permit oneself to be “anomalous.” Unlike the other cases both transgender interviewees seem to act as “autonomous subjects,” display awareness of autonomy and act accordingly. Their position toward the dominant culture – the *topos* of “naturalized” – heteronormality is critical and informed. Their stories of oppression and emancipatory life choices witness the fact that unless one subjects the ideology of patriarchy to radical critique, exercised through transgressive individual actions, it remains impossible to assume the position of an “autonomous” subject in a context conditioned as bare life.

### **4.1.2. Personal Narratives of Trafficked Women**

#### **4.1.2.1 The Story of “Nasmie”**

“Nasmie” is a pseudonym of the young girl (of Romani ethnicity) who is the protagonist of this oral history narrative. She got married when she was 13.5 years old to a 15 years old boy. She never finished her primary education. Her parents were apple pickers in Resen, and she barely saw them as a child. She grew up with her grandmother, and she insists on her grandmother playing the role of a mother (“I could not fall asleep if my grandmother was not next to me.”) She qualifies her early life in a way full of contradictions, indicating a certain aporia in the effort of making sense out of it and attempting to assign it meaning and value: “We had a good life [...] I did not finish school [...] my parents were never present.” She attempts to resolve the contradiction through embellishing her narrative. She regrets for having to drop out from school. Her father’s sister “took her from her home and forced her to marry.” In her short forced marriage, “Nasmie” lost her virginity – “after that, after losing your virginity there is no return to the life you used to have,” explains “Nasmie.” The account continues in negative terms: “My father didn’t drink”; “There was no fighting or beating in our house”; finishing with a lengthy account on how much healthy food, habits and hygiene were present in the house. “Nasmie” was a good pupil, and she didn’t drink any alcohol, except for a couple of times, perhaps, says she.

She repeats that was forced into marriage, and after losing her virginity her parents could not take her back home. She became pregnant, and tried to commit suicide. She was saved eventually: the description of the moments of physical suffering (foam coming out of her mouth), and the process of saving her by a doctor who seems to have also been her mother’s obstetrician, is very vivid. After that depression followed, self-isolation, and psychosomatic pain in the throat.

She did not see any future for herself in the normal life, considering she had lost her virginity. It is then that her mother’s niece introduced her into the “business in bars.” She ended up in Gevgelija. She decided to run away, and she did so. She ended up in the La Strada Shelter Center, and decided to testify against the owner of the bar (and her owner) in Gevgelija. She is very grateful to La Strada who supported her decision not to show up in the court room.

She “could not face him”; she was “terrified of him” (“he wanted to sell me in Kosovo; I ran a way the night before he was supposed to sell me”). He was also Romani.

She believes that her “immorality” (the desire “to go out, drink, have boyfriends”) is a result of some spell that somebody cast upon her. A psychic woman established some evil spirit (a “giant”) present in her body drove her into immorality, not herself.

“Nasmie” intends to continue with her secondary education, and study to become a beautician. She doesn’t have a boyfriend now: she has lost the love of her life because of his “evil mother” who ended their relationship.

*Comments of SR drafters on “Nasmie’s” story: She ends up working as a prostitute and trafficked for reasons that are radically gender-conditioned; escaping forced marriage, and having lost her virginity – there is no place for “Nasmie” in the “normal world.” The possibilities of a position in a society she can imagine for herself are yet again conditioned by a fundamental gender asymmetry: she can either be married and respectful or an outcast from the world of normality, i.e., patriarchy – a “fallen woman.” An independent position of a professional woman who would be single (accepting the premise marriage is impossible because of the loss of virginity) is unimaginable in her cultural context and, hence, never imagined by either herself or her mother. The reasons for “Nasmie’s” course of life that brought her to prostitution and ending up trafficked are multiple and intersecting: cultural (prearranged marriages in early teens are habitual in Romani culture), social (level of poverty and social exclusion) render the idea of her living in an other cultural/ethnic community impossible (which would have given her the chance to re-marry, amongst other things). She can neither imagine herself as an autonomous subject in the positive sense (imagining an emancipated future for herself), nor in the negative sense (of self-culpabilization, a sense of guilt and personal responsibility). Namely, the reasons, according to “Nasmie,” are always external: evil female relatives and demons; however, in the imaginary about the demon – who led her do things which are not proper (to “wander astray”) – we see a sense of guilt and therefore individual responsibility which is yet again externalized (through the phantasm of the demon).*

*Considering the fact that Nasmie’s story is to such an extent conditioned by the socio-cultural context, which is profoundly gender asymmetric, and considering the fact that she is unable to assume the position of an autonomous subject, we argue that indeed she cannot be called upon “individual responsibility.” Quite simply, such an interpellation of the subject is inadequate for her socio-cultural context – in one word, it would be context insensitive.*

#### **4.1.2.2 The Story of “Svetlana”**

“Svetlana” is 18 years old, from Prilep (ethnicity: Macedonian). Her relationship with her parents is fine, says “Svetlana;” however, she is not close with her mother (“cannot talk about intimate stuff”); she used to have disagreements with her father when she was younger because of her “frequent going out.” She used to go to a primary school where most of the pupils were Romani. The other Macedonians did not want contact with the Romani, “Svetlana” quite liked some of them. In particular, the girl she sat together with at school. Presently she attends the medical high school in Prilep. She wishes to study the law and hopefully become a politician. She sees herself as somebody working at the Ministry of the Interior. By the end of the narrative she claims she wants to study archeology. She likes to listen to techno music and loves the literature (“reads quite a great deal”). She traces the change in her attitude toward life – which led her to the situation of being trafficked for sexual exploitation – in the period when she began to drink heavily and “hang out with the junkies.”

Her first contact with the phenomenon of trafficking was when a friend of hers, a Romani from Skopje tried to sell her in marriage to a much older Romani from Bitola (“If I was to marry a much older person, at least he had to be a Macedonian ”; she does not comment about the selling itself, just the ethnicity of the buyer). Through this friend of hers, who was “linked to the Mafia,” “Svetlana” started working in bars. An owner of one of these bars decided to sell “Svetlana” either to marriage or to another owner in Kosovo, for 5000 euro. She was terrified by this and could not sleep at nights, in fear that somebody would break into her room and take her away by force. She has also experienced rape “by a group of Albanians.” Still, she prefers the Albanians as clients due to their style: “when they like a woman, they say you will be my wife.” She did not try to escape the bar where she was expecting to be sold. “Svetlana” was saved in a police raid on this bar, and then taken back to her family in Prilep. With the consent of her parents she was placed in the Shelter so that she “gets back to normal, calm down a bit.” She suffers from eating disorder and takes regular therapy for her sleeping disorder. “Svetlana” claims to have suffered from depression and psychosomatic problems since her age of 16. While trafficked, she never tried to return to her family. She did not feel relieved when the police found her. On the contrary: she was and is still afraid that her Romani friend of the mafia may find and harm her or her family for testifying.

#### Comments of SR drafters

In “Svetlana’s” story we detect the radical cultural divisions in our society. By stepping into the “culture of the Other,” she has transgressed the border of “normality.” She never returns to her cultural community: throughout the entire period of prostitution and being trafficked she is linked exclusively to the “other” ethnic communities (Romani, and Albanian). *Again, her situation is conditioned by the context and it is impossible to locate her individual responsibility: lack of communication with the family (the sense of being alone), psychological complexity (referring to her severe depressions which started in her age of 16) and addiction to alcohol and drugs.* It is interesting to note how she has “culturalized” her psychological problem: it would seem that in her early teens she decided she would accept her “abnormality,” and attempted to belong to the community of the “other culture,” that of her Romani classmate. As if the normality is embodied by the culturally dominant Macedonian community, she stepped into a world, which, from her cultural (FYROM) view-point, is anomalous in itself. She has been in search of belonging somewhere, and to someone: the Romani culture, the possibility of marriage (with an Albanian); but the sense of comfortable belonging had to be somewhere where abnormality is permitted (which would render her psychological problems, and the sense of being an outcast bearable and moreover acceptable). She “accepts her guilt,” it would seem; she claims individual responsibility through acting out the attitude: “I am a bad girl and there is nothing you can do about it.” Here too we see a deeply contextually conditioned case, and we would say it is impossible to call upon individual responsibility. This is yet another case where standing up for oneself, in the sense of “taking one’s own destiny in one’s own hands and shaping it,” is impossible. The pressure of normality – as a form of culture – is such that “Svetlana” cannot take it, and so she chooses to be “abnormal.”

We would like to note that in spite of the fact that Svetlana assumes responsibility for her life-choice, being trafficked and sold is not something she sought for, nor, it seems, she accepts responsibility for.

#### 4.1.3. The Personal Account of an Activist: Maja of “Strada-Open Gate” Organization

**Describing her work:** Maja considers the mission of her organization to be the promotion and the protection of women’s and human rights in the context of trafficking. They focus on the support provided for the victims and on prevention. Maja, in her capacity of the general manager of the organization, professes commitment to also educate and raise awareness from the perspective of women’s rights among professionals, in particular social workers and psychologists, including those working at La Strada Shelter. She insists that the lawyers have to be women, i.e., that it is their ability to communicate on the basis of trust with the victims which emerges as the determining factor for insisting on working with female lawyers. Maja praises the good communication and collaboration with the Department for the prevention of trafficking at the Ministry of the Interior, stressing that they are highly professional. However she disagrees with some part of the legal framework within which they work. Namely, she is critical of the fact that only the personal testimony of being a victim to trafficking grants the trafficked woman the status of a “victim.” Maja insists there are other ways of proving this fact. She sees her primary task as the manager of La Strada that the sheltered women are satisfied, that they feel better about themselves, in the shelter and in the outside world of re-socialization.

**Describing the victims and her emotional relationship to them:** In Maja’s narrative there is presence of a high sense of solidarity and ability to identify with the victims. She seems to identify (manifested in her highly emotional speech style accompanied with expressive gesticulation, throughout the conversation) with the suffering, the trauma they undergo, without searching to identify the victim’s personal responsibility for becoming a victim to trafficking. Maja is not explicit in reference to the latter. However, she states she believes that it is the entire context (of dysfunctional families, poverty and culture) that is to blame, and not the individual women. All of the examples of women trafficked abroad (to France and to Italy) she gave us are young girls literally sold by their families or forced to pre-arranged marriages. The girls were Romani and Albanian. She also stresses the fact that it is evident that these girls try to find mothers in the professionals at the Center, making a remark that “certainly M. and V. are very professional, and they do a great job” but they cannot give them emotionally what these girls are seeking for. The girls are mostly filled with a sense of guilt, and those among them who see themselves as solely responsible for the state they are in do not open up easily, do not wish to talk, and it takes them a long time until they start verbalizing what they have been through.

Comment of the SR drafters: A feminist approach of the professionals, according to Chodorowian methodology and in line with Gilligan’s ethics of care, through the empathy it necessarily entails could help the sheltered girls achieve more effectively the goal of overcoming their sense of guilt and personal responsibility, and toward reaching the necessary level of self-esteem in order to be truly re-socialized.

#### 4.2. Greece

The study will first analyse the narratives of professionals involved in the implementations of policies of trafficking. Then it will focus on the narratives of migrants who have been through traumatic experiences of violence. In order to analyse the problematic of the temporality of migrant vulnerability to violence and its gender dimensions outlined above, the study will focus on three migrants who have become victims of different forms of gender violence. The usage of the method of oral history, which has been employed throughout this thematic work

package, has been considered as appropriate for this particular case study precisely because it gives the respondents an opportunity to describe in his/her own words, changes and trajectories in personal history.<sup>87</sup> Rather than imposing vulnerability as a stable and permanent identity in advance, the respondents are able to narrate moments of vulnerability, formative experiences of violence, as well as moments of escape and possibilities of emancipation.

#### **4.2.1. Analysis of the Personal Accounts and Narratives of Government and NGO Activists and Professionals**

In the narratives of government and NGO professionals gender violence is defined in terms two fundamental concepts that structure the discourse of trafficking in Greece: *security* and *protection*. Even though in each narrative the meaning attached to “security” and “protection” may differ according to the institutional affiliation of the subject that narrates, there is a common nexus within which the two terms are conceived as interdependent and complementary. In the narratives of the Greek police, the question of trafficking is “securitized.” As a higher official of the anti-trafficking unit of the Greek police explains, the policing of trafficking networks in Greece can only be effective if it is disengaged from the task of victim protection.

At the end of the decade, the police in general understood that we have a new problem that makes its appearance in the countries of Western Europe. This was trafficking, and mainly trafficking of women for sexual exploitation. Because this problem begun to concern the Greek authorities, a group for the fight against the trafficking of people was created, initially to find out what was going on. The leadership of the police, however, staying always close to the problem, and realizing that the victim-centred approach was not bringing any substantial results and was not solving the problem, decided to allocate the responsibility for this particular crime to the organized crime subdivisions. Because saving 100-150 women per year did not mean anything because they replaced them with others. Besides we should not forget that there is great offer on the part of migrant women. The law gives many more opportunities, such as interrogating techniques, surveillance, and undercover infiltration into terrorist groups... This was the essence, that the target seized to be victim-centred and became the criminal organizations themselves.

In the passage above, the victims of violence are defined as migrant women, whose numbers may be infinite: they can always be replaced and “there is always great offer.” Exactly like migrant networks “use” migrant women for profit, the police literally instrumentalizes them. It is not only their testimonies that constitute a necessary tool in order to persecute traffickers, but also –perhaps most importantly- the paradigmatic “protection” of certain migrant women as trafficking victims for deterrence purposes.

We aimed at two things: first to secure the protection of victims and pass the message that those women are protected, because they are our main instruments, they are the witnesses who help our cases. And second to terrorize these criminals because you know the police should some times terrorize, otherwise problems are not solved.

In this narrative, therefore the protection of victims is strategically used as a means of punishing and terrorizing potential traffickers. While protecting “victims” normally involves secrecy, in this narrative protection can only be effectively achieved if the trauma of violence experienced by victims becomes public in order to deter potential traffickers. For the protection of each victim may involve the arrest and punishment of many more traffickers. The number of victims is very disproportionate compared to the number of criminals arrested (Cf. *Greek National Report*).

In this context, protection involves ceremonial processes that expose the trauma of violence in public. Whether that is through taking pictures or making medical reports of signs of physical violence on the body, narrating traumatic experiences in court or dealing with psychological trauma in professional counseling, migrant women are expected to perform in public the role of the victim in order to deter future violent acts.

As the same police official explained, the Greek anti-trafficking unit has been very successful in the field of deterrence precisely because it has proven its determination to expose direct physical violence against migrant women in public. As a result, he argues, most trafficking networks have turned now to “milder” violent practices, such as persuasion or psychological control. An example would be that of voodoo ceremonies commonly used amongst Nigerian trafficking networks. These mainly psychological methods of violence require the police to adapt and invent new strategies in order to expose traumas that are hidden and incomprehensible. “It is difficult to explain to the judge that a woman who has been free to come and go as she pleased, was in fact a victim tied up by a voodoo ceremony,” the police officer exclaimed.

In most cases, exposing the trauma of violence in public takes place in the police and in the court, where migrant women are called upon to testify against the “traffickers.” As Eleni, a former administrator of a shelter run by an NGO explained:

In reality if you do not testify, there is nothing. The whole system of protection was based on the testimony. And if you did not testify, there was nothing. Absolutely nothing.

In practice, under the present legal system in Greece, protection depends entirely on migrant women's ability to go through this process of public exposure, even though the results may be uncertain. For many migrant women, as Eleni argues, testifying is a painful decision because of the psychological pressure of exposing the trauma but also because it involves having to cope with direct threats on their and their relatives' lives, bribing and alienation from the national community. During the judicial process, there is no formal police protection of victims, nor is the right of feminist and anti-racist organizations to testify recognized.<sup>88</sup>

In the present system, a woman becomes a “trafficking victim” not by virtue of her traumatic experience of violence but rather by being subjected to a series of bureaucratic procedures of security and protection. Once she agrees to testify against the traffickers, she is entitled to a residence permit, care and protection that expires when the juridical procedure is closed. If a migrant woman does not agree to testify, she cannot get a residence permit or be protected even for that short period of time. As a result, most “trafficking victims” are either referred to the NGOs and shelters through the police or the shelters refer them back to the police. NGO professionals “take cases to court,” assisting and protecting women against potential threats always in collaboration with the police. Recognized victims of trafficking are in principle issued migrant residence permits with favorable terms. Becoming a “victim of trafficking is not possible for those women who refuse or cannot collaborate with the police. These will have to go through processes of “repatriation.” However, as Eleni insists migrant women “talk” only when they have something significant to gain.

The question is: “what kind system of protection are we talking about?” The answer is that we should have an effective system of protection and aid. If you can offer it, after a little bit of work, even women that you would say that they would never talk, they were able to talk. A woman can benefit from an effective system of protection to take back her life, if this system can provide long term support. This means that she should have access to education and work, and then she would be able to really take back her life in her hands.

During the interviews, several NGO professionals expressed their despair with regards to their ability to assist migrant women, most of which had no formal skills to find employment and housing. Furthermore, during the period of the fieldwork conducted for this report even the functioning of shelters was in question. More specifically, from 2009-2010, the partial termination of funding by the Ministry of Foreign Affairs had put pressure on NGOs active in this area to terminate or stop temporarily their activities until new sources of funding were found. For many professionals in this field it was frustrating to realize that the infrastructures that had been created including shelters and counselling centres, but most importantly the know-how and organizational structures were simply lost or suspended because of this lack of funding.

With the exception of the representative of the Greek anti-trafficking unit, the tight connection between the collaboration of the victims with the police and their protection by NGO professionals is widely criticized. Although all the NGO professionals expressed a very positive opinion of the work that the anti-trafficking unit does and many of them argued that “they are not like other policemen,” they raised issues that undermine their ability to work with the “victims.” While exposing the trauma of violence in public may constitute an effective strategy for the police, it is considered as an obstacle to the protection by social workers, psychiatrists and the administrative staff. For this reason, during the fieldwork, we were denied access to migrant women who resided in the shelters, mostly on psychological and security grounds. Trafficking victims, we were told, do not want to talk and even if they do this might jeopardize their security since they might be recognized by traffickers.

Simultaneously, however, most of the work of lawyer’s counselors, administrators and psychiatrists did, consisted of making trafficking victims “talk.” These contradictions structured narratives of knowledge and power. Only experts trained in trafficking issues could have access to the world of trauma. Only their expertise could unlock women and allow them to expose the trauma and deal with it. In other words, the trauma of violence could only be revealed and articulated through the mediation of specialist knowledge that only they had.

The shelter is the locus where these processes take place. In the confinement of the shelter it is possible to disclose, hide, and heal the trauma of violence in secret. As a social worker from a shelter run by the church explained:

We give primacy to security. We try to keep the hostel secret. During the first period when the girls enter inside, we always accompany them in their movements. And there is always staff: 24 hours. We never leave the shelter uncovered. There is staff 24 hours per day in case of an emergency.

The security that this passage refers to is personal and intimate. It is imposed through strict rules. On the one hand, there is prohibition to publish the address and in certain cases, there is even a private security guard that protects shelters. On the other hand, each shelter imposes specific rules to the women hosted. These include opening and closing times, obligation to report movement, changes of shelter in case the victims are spotted by traffickers. In order to impose security within, NGO professionals should also make sure that the everyday life of migrant women victims follows specific rules. It is in the shelter that the basic needs of the migrant women-victims (food, clothing, and psychological support) are satisfied. According to a social worker from a women's group that run one of the shelters, protection requires taking control of all aspects of the migrant women's lives.

We take care of all aspects of their lives, from sanitary towels to food and repatriation. We also offer skills training, language learning, if they are not adults, we send them to school in order to be able

to find another job and then recover. The shelter is like a family. Although they are from different cultures, they should always feel like home.

Exactly like children in a protective family, migrant women are hosted and at the same time controlled in order to “recover.” Social workers often complain that they have to “discipline” migrant women to learn to obey those rules in order to be protected. Some migrant women would turn against them asking for better clothes, or the right to stay out in friends’ houses over the night. Others, in particular newcomers from Africa, would complain because they cannot eat the Greek food. When asked if they have ever felt threatened or experienced violence themselves by trafficking networks, NGO professionals usually reply in the negative. However, they often report violent outbreaks of migrant women, which they usually attribute to their post-traumatic shock. Many migrant women, as Eleni explained, would simply leave the shelters because they cannot obey these strict rules.

The responses of professionals to trauma reveals the tensions inherent in the tight connection between security and protection in migration policies and legislation. However it also reveals continuities that structure the discourse of trafficking across different fields. Exposing the trauma of violence, first in the secrecy on the shelter and then gradually in public becomes the central purpose of the whole system of “trafficking.” The expert knowledge of professionals in this field mediates this experience of trauma transforming it into a coherent narrative that may be articulated for a specific objective. The vulnerability attached to trafficking is not a permanent innate of cultural stigma but rather a becoming constituted through the system of policing and protection.

As Butler argues, the trauma is beyond discourse. The traumatic moment cannot be articulated within the limits of discourse. By setting as the main objective of anti-trafficking polices the public exposure of the trauma of violence, migrant women are disciplined into “normal” gender roles. In the shelters, they gradually learn how to acquire normal jobs, normal clothing, normal housing, and normal sexualities. But most importantly, they learn how to articulate their migrant experiences as “trafficking,” how to translate the trauma of violence in actual works, that are meaningful and intelligible in discourse. In other words, they learn how from “impossible to comprehend,” “impossible to grieve” lives they may become recognizable victims of violence within a stable social and cultural order of strangers and citizens.

#### **4.2.2. Personal Narratives of Migrant Women Victims of Violence<sup>89</sup>**

##### **4.2.2.1 *The Story of Konstantina Kuneva***

The first narrative constitutes an exception to the general tendency of silencing gender violence in public discourse in Greece. On December 22nd 2008, Konstantina Kuneva was attacked with vitriolic acid by two unknown men. Kuneva, was working as a cleaner for one of the large private companies subcontracted by Greek public institutions to provide cleaning services and had become the first foreigner to be elected deputy secretary of labour union of this sector, the Panattic Union of Cleaners and Domestic Personnel (PEKOP). “She herself, as well as her co-workers and the other members of her union have denounced the attack against her life as a murderous act of revenge and terrorization on behalf of the company OIKOMET. They claimed that it was meant to curtail her union action, as well as terrorize other workers from taking on an active role in demanding their legal rights from the specific company and others like it. The Greek police, in contrast, originally attributed the attack to personal circumstances, possibly a lover’s vendetta, and interrogated an Albanian acquaintance of the family. That line of enquiry proving unfounded, they turned their attention

to employer's circles, proceeding eventually, six months after the attack to close the file without any results."<sup>90</sup>

As a result, a mass of support by labour, anti-racist and feminist social movements erupted bringing the issue of gender violence at the forefront of public debate. The narrative starts with her departure from Bulgaria. As an "unmarried woman," Kuneva explains that she had to migrate to Greece in order to provide her son with the best medical treatment.

Although from news coverage, it is well known that in Bulgaria she was a well educated woman, she decides to begin her story by exposing her vulnerability. She explains that being a single mother of a child with health problems constituted her as a migrant. Despite this vulnerability, however, her narrative is not lacking agency. Instead, it begins with a decision and a move that is made autonomously.

Kuneva then moves on to describe labour rights violations as a form of gender violence. The experience of being devalued as a woman is described as stressful. Men are described as "poor things" incapable of working hard or claiming labour rights. In this fragment, the position of vulnerability described above is reversed. Women are proven to be more capable than men in both family and employment are. While still in a position of vulnerability, as a single mother, Kuneva is not stripped of her agency. Indeed one might argue that the text here turns towards a feminist direction. The narrative then goes on to describe labour violations. The particular space of employment is constructed in a semi-official manner. While working for a private company, cleaners – who are mostly women and their majority is migrant- clean public spaces (such as the underground, hospitals, universities and as in this case, the railway stations).<sup>91</sup> Violence is described by Kuneva as an everyday practice that forces employees to abide to rules that advance their exploitation. Cleaners are forced to sign blank papers which are later revealed to be contracts, or to accept forced breaks in order to reduce their working hours. Women are particularly targeted since there is a hierarchy of gender roles.

Kuneva's role as a syndicalist disrupts the gendered order of the cleaning sector. Surveillance and acts of pressure are described as gendered. Soon, however, it becomes apparent that it is not only her identity as a female worker that disrupts existing hierarchies, but also the fact that she is a foreigner.

As an EU citizen, Kuneva is legal in Greece. Her precarious employment and economic and family situation, however, re-constitute her as a de facto migrant.

The narrative ends with a short description of the violent experience that traumatized Kuneva.

"Since I did not agree with that, in the end, I was attacked with vitriol in the head and face. My face and internal organs were burnt. And my health is destroyed. I have been in hospital for nine months. I am doing very well but, according to my doctors, it will take at least two more years to get well."

This experience has been narrated again and again in newspapers and reports, in concerts of support and demonstrations. As a victim of violence, Kuneva found access to public space. At the end of her account of events, Kuneva pushes quickly the narrative back to explain that what traumatizes her most is her vulnerability as a woman, lacking of male support and state assistance.

"But in general, I hurt all over because a woman must be assisted everywhere. There should be organizations and government bodies to be responsible for women's and children's rights. But what happens is exactly the opposite. They are AGAINST women and AGAINST the family and AGAINST the child. There is no help. I was very glad to hear that in Finland women are protected by an organization created by men. And this is correct because this is man's role in life: to take care

of his child and his wife. Not the political parties and the invisible structures. A woman needs SUPPORT.”

Comment of the SR Drafters:

Kuneva’s story exemplifies our claim that the gendered intersection of migration, culture and labor always already entails dimensions of structural symbolic or physical violence rendering women fundamentally vulnerable, in continuous precariousness. We would claim that migration related inter-cultural violence is always gendered. This is why also the phenomenon of trafficking should be looked at as a variant of this intersection and that the main in it problem that should be identified is that of violence.

#### **4.2.2.2 The Story of Lia**

Unlike the one with Kuneva, the second narrative is that of a woman who has been active in public through a migrant women's community but rarely spoke about her personal experience of violence in public. She seemed a strong independent activist woman with no (at least visible) signs of a traumatic or psychopathological behavior.

When the interview started, Lia began her narration by telling how she had to leave her country after her husband died in an accident and lost her job as a history teacher in high school. Later at the end of the interview, when asked to give more information on her life in Zimbabwe, she explained that as a young girl of sixteen she was a guerilla fighter in the independence movement and met her husband who was a journalist from a wealthier background and a different ethnic origin, when he interviewed her in order to make a TV documentary about her life. She explained that she was a "national hero" back home, but her guerilla past, ethnic and class origin made her an unsuitable wife in the eyes of her family-in-law. When her husband died in an accident, his family took all her possessions and her children, which she took back only after a year of legal battle which cost her her job and forced her to resort to knitting, an activity that she was always very fond of. The fact that in her narration her past as a "national hero" only comes at the end manifests a break with the past, which fragments her life in both geographical and temporal terms.

Her migration is justified by the fact that she had no means to support her four children (two couples of twins, 10 year old boys and one year old girls). Her decision to migrate was prompted by the prospects of studying knitting in Greece and returning to her home country to earn a better living.

Although she had a "contract," Lia was moved to an island hotel where she was asked to work until the end of the summer when the schools started. In fall, she was moved to a family of relatives in Athens where she became a live-in "maid" with the promise that she would eventually enrol in the knitting school. This promise was soon abandoned as she was told that as a foreigner without papers she would not be allowed to register in a Greek school.

Lia was confined for two years in this house where she worked as a domestic, without any rights, without any contact with the outside world in Greece or in Africa. She was told that her family received her salary and her letters; something that she later discovered that it was not true. The letters that she was writing were never posted, while she received only 6.000 drachmas every few months at a time when a normal salary for a live-in would be as high as 100.000 drachmas per month.

The fact that a woman who at the age of 16 was able to cross gender and ethnic boundaries to become a guerilla fighter could have been confined in a Greek domestic space without any use of physical force may appear as a paradox. However, the way in which she describes her captivity is a mixture of legal and social constraints and a determination to follow her life plan.

After two years, Lia took the opportunity to escape when she found the keys that the teenage son of the family lost in the house. Although she escaped she could not recover any of her personal possessions, including her passport which was kept by the family of employers, with the exception of her Zimbabwean identity. It was only ten years later that her son managed to issue a new passport for her. Until the time of the interview, she remained illegal in Greece although she had a good standard of living and regularly paid her security stamps.

In this narration, Lia's experience of "captivity" in Greece is not described as a unique or isolated event, but rather as a common practice that functions in continuum with colonial

practices in the country of origin. As she explains, migrant women from this country are brought to Greece systematically in order to be interned and used as live-in “maids” without payment or rights in the households of Greeks from Zimbabwe.

In Lia’s narrative, there are no acts of physical violence. But there is a constant and widespread control on the part of Greek employers, which materializes not so much in direct physical injuries on the body of Zimbabwean women but on psychological effects that are difficult to describe in words. This difficulty to narrate the effects of violence is inscribed, however, in the disorientation in physical and social space or the inability to identify and recognizable the space around the place of imprisonment. Lia’s personal story, however, becomes entrenched into the narratives of all the women that she later helped to escape. Since she left her captivity, Lia has become active in tracing other Zimbabwean domestic workers and helping them to escape.

Lia acquires a new role within a network of self help that requires no mediation from the anti-trafficking experts. In this context helping the victims through the network that Lia participates in becomes a process of providing them again with as sense of orientation in social and physical space rather than simply physical or psychological comfort. Contrary to the methods employed by the anti-trafficking networks, the network functions in an informal manner, enabling women who are illegal to assist and support each other in a meaningful way.

Comment of SR drafters:

Lia’s story is yet another confirmation that what really matters behind the notion of “trafficking” is the fact that there are invisible forms of slavery in nowadays Europe, that are profoundly gendered and socially/economically conditioned and cannot be reduced to the problem of migration itself.

**4.2.2.3 The Story of Mariah**

Mariah had just escaped from a situation of captivity when we interviewed her. She was scared and emotionally stressed trying to avoid talking, unless it was absolutely necessary. She had found shelter in the house of one of the women from the African Women’s Association that she met accidentally and was trying to find ways to survive emotionally, economically and socially. She never left the house where she was sheltered because she was afraid of the police and the people “who have brought her to Greece.” As a result, no attempt was made to ask her to give an interview or talk about her experiences directly. All the information on her life and experiences was taken during two car rides in the centre of Athens and a meeting with a female lawyer who advised her on the possible steps she could take in order to be recognized as trafficking victim in Greece. Mariah fits the description of a trafficking victim perfectly, since she was extremely young (almost twenty), extremely traumatized and disoriented. And yet, as her narrative shows, she has also many different agentic characteristics that distinguish her from the stereotypical image of the trafficked sex slave.

In her narratives, which were very fragmented and contradictory, Mariah describes several occasions during which she became the victim of direct acts of physical violence before and throughout the process of migration. Mariah arrived in Greece after a long travel by plane to Izmir in Turkey and then by boat to the island of Lesbos. She remembered that she was very scared of the sea and started crying when she was asked to enter along with a group of other Nigerians, the “balloon” boat. A man pointed a gun at her and told her to get in or else he would shoot her. She was still scared, but obeyed. While at sea, the Greek police arrested all of the Nigerians in the boat and took them to a “building, which was not yet built” in Lesbos.

They all had medical tests and then they were taken to a camp. After three weeks the police gave her a “paper” and let her leave. She could not tell what was written in this paper, but she knew that it had expired.<sup>92</sup>

Mariah was brought to Linda's house where other Nigerian girls who also did street prostitution stayed. According to Mariah, Linda was also working as street prostitute, but she had temporarily taken the role of the “Madame,” because her own “Madame” was in prison. At first, Mariah was afraid to “do it,” so Linda bit her up several times. This aspect of Mariah's narrative challenges the binary conception of trafficking as a form of male violence against migrant women. Instead, one encounters here a sex work network in which different migrant women are involved. This network may be hierarchical, but this hierarchy is versatile, shifting and porous. In this context, the violent acts (beatings, control, enclosure) that sustain the network are not simply based on male domination - although men may enter in different roles - but rather on shifting gender relations that aim at the control of migrant women's bodies and sexuality.

Although Mariah did not talk a lot about being a prostitute, she described her experience as impossible. She told us once in tears that while she was doing it she repeatedly thought of committing suicide. She could not live in those conditions, but she felt trapped, afraid of both the police and these “women.”

As in the case of Zimbabwean women in the domestic sector, Mariah's captivity was conditioned upon her status as an illegal migrant. The fact that she was illegal created a kind of dependency on her condition of captivity. Exactly like in Lia's case, she was afraid that if she escaped, she would be captured by the police and be deported.

Mariah finally decided to escape by telling her “Madame” that she was arrested by the police and detained in the police station. After awhile, she decided to move to an NGO shelter for the protection of trafficking victims in Thessalonica.

Mariah's case describes best how the vulnerability of migrants to gender violence may take different forms and may vary in different periods. Illegality is the condition that makes possible the development of networks of exploitation of migrants by migrants.

Most importantly, however, the violence that Mariah alludes – because she never clearly refers to it- to is not that of anti-trafficking policies, but a violence impossible to speak about. The trauma is never in fact spoken by Mariah. It remains outside discourse and outside the intelligible categories of victim and victimizer.

Comment of the SR drafters:

Informal self-help networks of migrant or/and trafficked women should be empowered since their activities seem to be no less effective than those of the anti-trafficking shelters.

### **4.3. Romania**

The interviews the Romanian team conducted fall into the two main categories of narratives collected within WP8, namely a) those provided by professionals or activists working directly with the “victims” or involved in policy making, b) those provided by the “victims” themselves. Therefore, the team organized a focus group between the researchers and representatives of different institutions in the Galați<sup>93</sup> area, who are involved, at different levels, in the implementation of policies concerning trafficking in human beings, as a manifestation of extreme (inter)cultural and/or gender-related violence. On the other hand, interest was taken in personal narratives of victims of violence – mostly but not exclusively with women – in which individual ways of making sense of a past, influenced by the overlapping of certain

social and cultural patterns, may be ultimately revealed to sustain or run counter “the cultural discourses constructing [the] experience” of violence as a multifaceted phenomenon (Sangster in Perks and Thomson, 1998: 88).

The two categories of personal narrative represent individual case studies, relevant for the international aspect of the WP8 team research, as well as for the Romanian context itself.

#### **4.3.1. Analysis of the Personal Accounts and Narratives of Government and NGO Activists and Professionals**

##### **4.3.1.1 Individual Interviews**

4 interviews and 1 focus group were organised in the local institutional framework sustained by state organisations, like the local branches of the National Agency against Trafficking in Persons and of the Romanian Border Police, as well as the General Directorate for Social Assistance and Child Protection of the Galați County Council with its shelter for victims of trafficking.<sup>94</sup>

*Individual interviews with “victims.”* As for the victims of violence, access was gained – either through informal networks or courtesy of the institutions contacted – to persons whose experiences are relevant for different circumstances in which violence manifests in (inter)cultural and/or gender interactions. Thus, 4 interviews recorded the actual lived experiences of women who migrated to Italy (3) and Spain (1) to seek employment as illegal domestic workers, while two others focused on the traumatising experiences of victims of trafficking exploited for sex (a young girl barely of age) and for beggary (an ethnic minority boy with disabilities).

*Individual interviews were conducted with the following professionals:* Dana – legal adviser with the General Directorate for Social Assistance and Child Protection of the Galați County Council; Mihaela – psychologist with the General Directorate for Social Assistance and Child Protection of the Galați County Council; Radu – psychologist with the Galați Regional Centre of the National Agency Against Trafficking in Persons; Mitrița – instructor at the shelter for children of the General Directorate for Social Assistance and Child Protection of the Galați County Council.

##### **4.3.1.2 Focus Group: Interviewees Debating the Conceptual Framework of the Human Trafficking**

Dana and Mirela on behalf of the General Directorate for Social Assistance and Child Protection of the Galați County Council; Radu on behalf of the Galați Regional Centre of the National Agency Against Trafficking in Persons; Cătălin on behalf of the Romanian Border Police (Galați).

Despite the gender-neutral approach that the legal framework proposes, it is obvious that, in practice, trafficking in human beings is perceived as highly gender-marked. That could be seen from the responses of the interviewees when invited to give a personal definition of trafficking. The first aspect that all of them mentioned was trafficking for sexual exploitation, the victims of which are (without any exception, at least in their experience) women. Once the purpose identified, stress was laid on the means – threat, force, deceit, coercion, abduction – and on the distinction made, in the context of the Romanian criminal law, between trafficking in women and trafficking in minors. Unavoidably, in this context, issues were raised in relation

to the trafficking versus prostitution debate, on the one hand, and to the “innocent” victim stereotype, on the other.

“D: Human trafficking is ... implies, in most of the cases, a person’s exploitation for various purposes: sex, labour, etc.... Yet, people at large confuse sexual exploitation with prostitution. And we have had a problem with this. We always have. Everyone says: ‘What?! This is what they wanted in the first place! Why are you going on about victims of trafficking, they pose as victims...’ It’s true, maybe some really wanted to sell sex, knew what it was all about and went for it. On the other hand, however, the legislation stipulates that: even if she knew and wanted to, with the underage, for example, it is traffic anyway. It is difficult. People don’t distinguish between prostitution and trafficking for sexual exploitation. [...] Generally, she leaves because she knows there is something in it for her. [...] And then she knows that she leaves to earn some money, and... ends up in a different situation.”

The wide range of real-life situations that have to be categorised by means of conceptual labels makes indeed the definition of the *victim* prone to vacillations between the “innocent” versus “guilty” (therefore, not a victim) perspective: undeniably, when the victimiser is “the mother, the step mother or the brother... [...] a relative she trusts or a friend who has stood by her side for half a year offering her gifts, flowers and paying her compliments, [...] her future husband...” (Mirela), there is no doubt about the victim’s being innocent and ignorant of what goes on beyond deceitful appearances; these are the ‘classical’ victim types. Yet, the problematic cases appear when, as Dana, Radu and Cătălin remarked, the girls/women are very much aware of the sexual component of the work they are promised and, even if they do not exactly love the idea, they simply accept it: “This is, however, the point where imposing harsh moral value judgments from a patriarchal perspective does violence to the ‘guilty’ victim, condemning her to “effacement through representation itself” (Butler, 2006: 147) and adding to the precariousness of her life, while, at the same time, by virtue of the understanding of prostitution as degrading, denying those who actually are sex workers the right to claiming protection as representatives of a service sector, which, in the long run, “leaves room for extremes of exploitation, including trafficking” (Anderson and Andrijasevic, 2008: 139).

Evidently the issue of innocence and guilt regarding female sexuality (the castigation of the pleasure she finds in sexual work) is at the determining factor for the perception of a trafficked woman as a victim. And the legal and policy documents as well as the personal narratives of professionals are in agreement – it is the victim that needs to be protected.

One possible solution to the phenomenon of trafficking for sex-work would be, according to these professionals, the decriminalization or even legalisation of prostitution.

***How they commented on actions aimed at preventing human trafficking:*** Though they admitted throughout the discussions that there are different forms of trafficking that should be taken into account, by virtue of the stereotypical feminisation of trafficking and abusively restrictive identification of its purpose as mostly sexual exploitation, the interviewees presented the profile of the victims in the following terms: good looking young girls or women, mostly aged 15 to 25, with insufficient education, coming from dysfunctional and poor families, especially from the countryside area (but also from poor town areas), motivated mostly by the economic impulse and the desire to become independent, to escape hard life conditions as well as violent treatment by their own parents/relatives. A variation on this profile which all interviewees insisted upon referred to a different social and family background and applied mainly to young victims from towns: apart from the relationship with

their parents that could be marked by tension or lack of communication, the desire to be independent, to experience glamour, to be admired could turn many young girls to easy prey for traffickers and their recruiters who entice them into joining trafficking networks by a show of luxury and easy life.

The gendering and sexualising (which implies moralizing judgment) of the trafficked woman stereotype is evident: the first trait that is emphasized is their “beauty” (sexuality), their youth (reference to the grim fact a part of this group is constituted by minors, and children younger than 15 is left out), they strive for “glamour, easy life, luxury” and independence. The girls who do not dream of a glamorous life and do not “strive for independence” seem to be on the safe side. We also find moral judgement already in the terminology choice “glamour, easy life, luxury.” It is symptomatic that the normally emotionally neutral, bleak bureaucratic language of our collocutors has turned into a vivid description of “glamour and easy life” instead of resorting to a terminology such as “social and economic factors.”

Therefore, most of the prevention campaigns have addressed mainly these two categories of potential victims of trafficking for sexual exploitation, i.e. very vulnerable young girls from the countryside and from poor families in towns, who “wish for quick and easy personal achievement, which, in their terms, means having money” (Mirela), and young girls from towns, who choose wrong models in life, thus exposing themselves to violence and exploitation. A less judgemental (and victimizing) discourse would be one which states that the targeted girls are of poor family, minors (virtually children) with insufficient education.

What both Dana and Radu deplored was the poor collaboration with the parents who should be more involved in prevention campaigns as the more they know, the more they could protect their children from falling prey to traffickers, especially when they decided to go abroad.

#### Comment of the SR Drafters:

Here we see confirmation of the conclusion established in the Macedonian analysis: the trafficked girls are almost by definition children that lack parents’ attention, communication with them.

***How they described the state of the sheltered persons:*** The most comprehensive testimony in this respect was Radu’s. In his interview, he detailed the various symptoms of the trauma that the victims suffered from and that psychological counselling, in particular, had to address in order to help the victims work through. He made reference to both physical problems (bleeding, lack of appetite, head aches, vaginal pain, different diseases) as well as to specific posttraumatic stress symptoms like nightmares, frightening thoughts, bad memories and trauma re-experiencing triggered by words, objects or situations from the victims’ everyday life, especially during the trial proceedings. Sharing his observations on the victims’ behaviour during the individual and/or group counselling sessions, he pointed out that psychologists could initially help the victims recover, at least to some extent, their emotional balance, but that working through the trauma always turns out a long-lasting, difficult, and sometimes not entirely successful process. Anyway, though initially reluctant to speak about their experiences, therefore to undergo narrative therapy (Kennedy and Wilson, 2002: 129-133), victims are encouraged “simply to speak,” “to express [their] feelings” without being blamed, judged, or made to feel guilty.

***How they related to the sheltered persons emotionally and how they experienced their work:*** Definitely, most of the interviewees did not remain indifferent to the victims traumatising experiences. Dana and Mihaela stated that, in their opinion, showing the victims sympathy and understanding is the key to helping them work through their trauma; they admitted that there had been cases in which the extreme violence that the victims had suffered had aroused their empathy and their desire to stir the community to take action to prevent any further abuses. *Yet, they also admitted, as previously mentioned, that they felt hurt and disappointed – apart from the shortcomings in the implementation of the trafficking-related policies in the present-day social and economic context – by the victims’ lies and occasional attempts at manipulating them. That caused them to develop, in time, a sense of distance and to refrain from attaching too much to the victims.* Radu also seemed to have come half way between empathy and professional detachment. At the opposite pole, however, Mitrița evolved from certain closeness and sympathy with the victims to harsh criticism (which ultimately caused her to give up working in the shelter).

Comment of the SR Drafters:

Here we can note once again the detachment that the employees of the shelter in Skopje favoured as professional, and the approach they pursue as one of the strategies to resolve the frustration caused by the ambivalence of moral judging and a sense of responsibility to establish solidarity. The other strategy seems to be Mitrița’s – to abandon it all together.

#### **4.3.2. Personal Narratives of the Trafficked Persons**

##### **4.3.2.1 The Story of “Maria”**

“Maria” seems to fit perfectly the “classical victim profile:” an underage girl from a dysfunctional family in the countryside, with little education and even less promises for a better future. She lost both her parents at the age of 2. Victim of poverty and rejection by her own relatives, who would have her and her brother institutionalised in an orphanage, she was, however, brought up, together with her brother, by their grand-mother, who thus became for them “both mother and father.” She spoke little of her unhappy childhood.

While telling her story, she often sank in silence and would not speak freely about what she felt or would not give details of the events that marked her. As “revelations may come from silences and omissions” (Sangster, 1998: 90), her feeble voice (which her looking constantly down or away made it difficult to hear), her silences, her reluctance to speak (the interviewer being compelled to keep asking questions), her narrative lacking coherence might be interpreted as discursive markers of a trauma that she hasn’t managed to work through. The message she ultimately addresses other girls of her own age – “do not allow yourselves to be deceived by boys” – reveals her trapped in a still ambiguous actantial position (van Alphen, 1999: 28): her brother’s, the psychologists’ and the social workers’ understanding have partly convinced her that she was the victim of a deceitful trafficker, but, on the other hand, under the pressure of an insensitive patriarchal social environment which continues to condemn her to isolation (even her uncle and aunt reject her and deny her contact with her cousin of the same age) and seems incapable of empathic support, she still blames herself for having fallen prey to trafficking.

#### **4.3.2.2 The Story of “Costel’s”**

Though, more often than not, trafficking is associated in public discourse mainly with sexual exploitation, cases like “Costel’s” draw attention to another form of exploitation that is legally enclosed in the definition of trafficking but that the public at large would usually turn a blind eye on, namely trafficking for beggary. Like “Maria,” “Costel” seems to be, since his early childhood, a victim of rejection, marginalisation and social exclusion. Abandoned until the age of 5 in a centre for child protection, then taken home (rather for the benefit of his monthly state allowance than for the sake of his reintegration in the family), this Roma boy was denied by his own family the love and empathy in a facilitating environment that he needed for his emotional development. Under the circumstances, “Costel” saw migration as his only chance to regaining his self-esteem and to making a life on his own. The perfect pretext was provided by the wedding of a cousin in Spain. So he planned to join the group of relatives who were to attend the wedding. While hitchhiking to get to them, he was picked up by a man whom he thought kind and willing to help, but who tricked him into telling him about his situation. “Costel”’s obvious vulnerability was then deceitfully exploited by this trafficker who promised to help him get the identity card he needed to leave the country. Manipulated by this man to work at the renovation of his in-laws’ house and tricked into believing that he really meant good when he accompanied him to get his birth certificate from his parents, “Costel” really saw him as a friend, paying little attention to the verbal agreement they reached.

Once they got there, “Costel” was subject to several forms of coercion, some of which van den Anker (2006: 172) ranges among the most frequently used: withholding/retention of identification documents, debt bondage and threats, combined with accommodation tied to the “employer.” His ID was confiscated by the trafficker and he had no access to his earnings. He finally understood what kind of man he had been deceived by when he saw that he was not the only one forced to accept such an exploitative situation and that his “friend” actually had more connections with organised crime involving trafficking in women for sexual exploitation and drug dealing.

He expresses a need for safety, interpreted in terms of emotional availability, found its expression in his wish to find a girl to love him and marry him or at least a true friend to help him in need. A victim of social and cultural marginalisation, that makes him easy prey to violence and trafficking through repeated victimisation, he can ultimately be held “responsible” only for the desire to be independent, to work through his traumatising experiences and to be socially and culturally integrated.

#### Comment of the SR Drafters:

Again, the individual agencies subject to trafficking seem to be victims of structural patriarchal violence of constant moralizing gendered and culturally conditioned exclusion, accusation, installation of a sense of guilt. Evidently “Maria” is accepting to be solely individually guilty for failing every individual’s task of normalization, unaware of the inequality of the starting position she had compared to that of the “normal children.”

#### **4.4. Cyprus**

In the context of their research, Cyprus team interviewed 8 migrant Filipinas who had children in Cyprus, and conducted a participant observation. We deem that in this synthesized form of report it will be most beneficial to present it and propose a brief analysis of it.

#### **4.4.1. Participant Observation**

The first visit to the “flat” was organized at the beginning of February 2009. The last one at the end of February 2010. The first one was the inaugural “research visit.” We had been told about the increasing number of “children” who were there during weekdays by a “Sunday girl” (who served as our initial liaison with mothers and got permission from “Auntie Linda” for our visit to the flat). The last visit was as a social obligation. We were invited to the Birthday party of Serena (we had already attended the birthdays of Hasna, Azhaar, Laurence). This last visit took place at a different place since the kids had now moved with Auntie Linda to a different flat (actually, Jenny and her husband had moved to a three bedroom apartment at the seventh floor of a commercial building outside the old city, and moved the kids with her. It was as if every thing had changed since the first time we met the kids. Mandy, the mommy of Serena, has sparkling in a tight black night-dress and was openhearted and hospitable (unlike her usually reserved look, augmented by occasional bitter comments). Auntie Linda was wearing animal print tights and was happy to show-off her feminine side and long legs after losing a lot of weight. Sarah, a bit shy as always, was wearing sports attire, trying too much to impose control and good manners on her son who was running up and down insisting to grasp my camera and take photos. Hasna was sitting like a prince on his daddy’s lap (this was the first time to see Andre, the husband of Linda, it was also the first time to see a dad around). There was another man, Roger, a sweet young Filipino who worked as a gardener and “houseboy” at a rich man’s house in Larnaca (besides “Senior Manuel” who was in his late 50s and was working with his wife at “a Farm on the mountains,” this was the first time to see a young Filipino hanging out with the Filipinas). Despite the presence of the two men, the energy center and leading figure of the energy point of the gathering was another Filipina tomboy, Raymond. Raymond was sitting backwards, with his/her chest bending against the back of the chair, occasionally bending the chair forward on its two legs. Rayan and Karmen (another dominant character, a man-like Filipina, not a tomboy), were the initiators of jokes, the most loud speaking, the ones to tease the kids and lift them up in the air. The door bell rung and Nina came in, giggling and dancing, with her son Azhaar. Azhaar was walking! And Nina was dressed up, anxious to go out and dance! Being a single mother of a baby had made that Saturday night from a weekly treat to a practical impossibility. Under normal circumstances, Azhaar could perhaps stay at Linda’s, Linda could add up something extra to Nina’s monthly charge, and Nina could go out, just for old times sake. The normality of the arrangement was soon to be deranged by Linda’s disappearance. The almighty mother, the aunty, the self made entrepreneur, the smart business women, the only Filipina who had secured permanent stay in Cyprus and permanent legality of status with her marriage to a recognized refugee, had come to realize that if she stayed with Andre “she would die as a woman.” As Carmel explained, “Alex is treating her like a slave, bring this, bring that, without contributing.” Besides this, he started getting jealous. He would not let her drive the “low” sports car because her legs would show and would have her, instead, drive the “yellow tinted windows car.” A week ago Linda moved out, to Molly’s place, leaving Hasna with Andre and moving the day-care kids with her. Some Filipinas said “you don’t take a Moslem man’s son away from him,” some others said “she left him [Hasna] so that Andre could understand what a tough job it is to take care of a child.” Andre did not go to work for two days because he had to stay home and watch his son. At the third day negotiations started. She and Andre were in and out the whole night and by eleven o’clock, when Hasna started vomiting, everybody was calling her. When she finally came in, she also brought with her Alice and Monica, who were going to stay there that night. The two girls were very lightly dressed for a winter night (they

were actually wearing many layers of light cloths and summer sandals underneath which their socks were soaking). They were the only ones who seemed to have grown smaller in size since the last time I saw them, and the way they sat next to each other in the corner of the sofa made them look even smaller. Monica's teeth had turned black and when I asked her if she was still going to school she did not seem to understand my question. I asked Alice, her older sister, the same question, but despite her verbal eloquence, this time she kept her mouth zipped. Knowing Alice for more than a year now, I knew that her mother had told her not to say anything about family matters. I already knew that Diana had taken Monica out of Kindergarten because they started charging her 80 euro (instead of 40 euro a month) and she thought they were doubly charging her. Under normal circumstances, Linda would have jumped in to tell everybody how abandoned these two girls were and how irresponsible their mother is, and that she is the only one who provides for these girls, but some other issue had preoccupied everybody in the room. Linda had brought out an antibiotic, in powder form, to dissolve for Hasna, but as it turned out, to everybody's dismay, preparation guidelines as well as all other info about the medication (dosage, possible counter reactions, etc) was printed in Greek only. Roger, who had a university diploma in nursing and was a qualified nurse in Philippines, was trying in vain to figure out the dosology chart. It seemed that at the end of a jolly night everything was the same like the first time I visited the flat. Some child was casually diagnosed by Linda as suffering of malnutrition, some other child was sick, some kids were going to stay over with Linda for the night.

#### **4.4.2. Brief Overview of the Three of the Personal Narratives Collected by the UCY team (comments of SR drafters included): The Stories of Linda, Molly and Sarah**

The personal narrative of Linda is yet another account of the fundamental precariousness of not only motherhood but also of childhood in the conditions of illegality concerning either migration or labor, or – in most of the cases – both. It speaks of the self-support networking of single mothers that helps them provide care they can afford for their children while at work. Linda offers informal services of day care for more than a dozen of children: there is not enough space, not enough care for the children. And the mothers do not have a choice either because of their poor economic condition or because of their illegality or both. It is a testimony of the fact that illegality of either being a migrant or illegality of labor (and also services, such as the informal daycare “center” of Linda) contributes to the radical precariousness of motherhood (childhood, and/or of single-parent families). Molly's story only corroborates this conclusion and unravels the radically patriarchal conditions of the precariousness at issue: she remained as a migrant in Cyprus because of her local partner and in spite of the inherent vulnerability of her situation she refused abortion of what was clear to be a baby with a down syndrome. She raises a child as a single parent now. The gendered vulnerability intertwines with that of migration – Molly clings to her Cypriot child as the grounds for legality of her status of a migrant. by that of migration. “Molly is reduced to the receptacle of a quasi Cypriot child as well as the receptacle of a Father's child. The law of patriarchy and the law of race intersect in forming a nodal condition of precariousness that participates in the de-subjectification of the mother,” comments Gregoriou.<sup>95</sup> Sarah is also a migrant mother of a Cypriot child. “Her positionality as a maternal subject is built around three axes of authority: as mother of a son fathered by a Cypriot father (despite his refusal to recognize him), as welfare beneficiary and as legal subject (though the current status of the legal case is unclear to her),” explains Gregoriou. Sarah's entire battle for legality and full citizenship related rights has been transferred from herself to her child. As a single migrant mother of a Cypriot child, as

illegal migrant, worker who has also worked as prostitute, her situation is one of constant vulnerability, trauma, and struggle for legality which entails citizenship rights. One conclusion is inevitable when we look at the field research and analysis undertaken by the Cypriot team: what is deemed as “human dignity” or as “being a human” in the sense of the autonomous subject or the “modern individual” is conditioned by legality and is virtually reducible to the status of citizenship. The right to life choices is radically limited for those who are il/legal migrants living in gendered precariousness.

#### **4.4.2. Comment of the Cypriot Researchers**

The focus of this research is on migrant mothers and not migrant children. This distinction was difficult to preserve in field research, in witnessing, and no in writing. In the lives of these mothers, there are no default settings for comfort. The privacy of inwardness, withdrawnness to the home and inwardness, becomes, a structural impossibility. On the opposite, outwardness and being always already responsive to the other’s need, becomes an ontological condition. It is impossible to write on the lives of single mothers without writing on the lives of their single children. In the precarious conditions of migration it is not just the protective shield of human rights that is being breached but also the limits/borders of the self.

Unlike the case of transnational mothering though, where mothers and children are spatially separated, in this case the mother-child relationship-togetherness and separation, proximity and distance-is a constant condition that turns every moment of life into an agonistic event. There is constant agon and there is also resignation. There is nothing inbetween. In the lives of the single mothers we studied, agon often entails enduring or fighting against violence, but other times becoming implicated in forms of productive violence becomes a necessary condition for daily survival. (one might describe this as a form of complicity with forms of violence, though this position will be later debated in the discussion of our findings). Resignation, on the other hand, entails complicity and content with bare life. This distinction between agon and resignation indicates a theoretical shift from the original framing of this part of our research. In the theoretical framing of our research, Agamben’s concepts of “state of exemption” and “bare life” were been foundational in theorizing state violence against precarious migrant others. Specifically with reference to migrant single mothers, their exemption from the law (employment equality law, children protection law, maternity protection law, etc) entails forms of precariousness that render their lives susceptible to forms of violence. This is not so much of a theoretical novelty as many researchers have used these concepts by Agamben to theorize the extreme susceptibility of migrants to various forms of violence due to their exemption from citizenship legal status and human rights (despite their rhetorical formulation as absolute the latter remains conditionally tied to the former as critic of human rights Douzinas has pointed out). What our field work has pointed out, however, is that the theoretical conflation of, first, the “state of exemption” and, second, precariousness with “bare life” is problematic. Our results suggest that the state of exemption does not entrap these mothers in the condition of the “camp.” Though they can be characterized as ‘bare of’ security and ‘bare of’ rights, they are not reduced to bare life (that is, stripped of dignity and stripped of political status). Instead, their agonistics of daily survival inaugurates forms of a politics that challenges the classical distinction between private and public, zoe and vios, and reenacts the scenes of mothering played in the flats, in the parks and in Sunday events as a migrant polis.

Comment of the SR Drafters:

The intertwining of illegal migration, illegal labor and the feminized illegal labor, gender and single motherhood produce subjects of radical vulnerability and utter precariousness of motherhood. The illegality and invisibility of these agents, combined with the unavoidable situation of being trapped in the situation of an illegal migrant is related to trafficking in its aspect of being a form of contemporary slavery – the paradoxical situation of immobility that is the product of the phenomenon of migration. It is, evidently, the product of trafficking since it is made possible by the network or “black” industry of organized illegal migration. Our point is that precarious motherhood and gender and culture based violence are poignantly present in the communities of illegal migrants.

## Conclusions

### **Conclusion one (C1): Issue of Individual Responsibility and Moral Judgment determines Policy and the Quality of Help and Re-socialization Offered by Shelters and the State.**

In the Criminal codes, by the very definition of the concept of trafficking, the issue of individual choice seems to be directly tackled; moreover, it seems to be at the heart of the perception/the understanding of trafficking itself by (cf. Definition of trafficking in UN Convention 2000, adopted in the national Criminal Codes). The personal narratives we have examined support the thesis according to which individual choice (and “consent”) in terms of trafficking is impossible: even those who claim it, in their personal narratives, display a deeply socio-culturally conditioned life “choices.”

Those who have claimed their choice to work at bars (as prostitutes and dancers) or to illegally cross border and to work illegally do not claim, at any point of their narratives, they wanted or expected to be sold or have their passports withheld by traffickers or their owners (employers). The narratives of NGO-activists and professionals witness of the fact that, in the Macedonian case, for example, most of the women trafficked abroad have been sold mostly by means of forced prearranged marriages.

It seems inadequate to assume the possibility of individual responsibility as determining factor and include it in the definition of trafficking is also something that complicates the legal process through the institute of “individual testimony” (since it touches upon the sense of responsibility, guilt, shame of the person giving the testimony, which is not only a form of institutional violence against the victim but also an obstacle for the process, since it is precisely the giving an account of herself that precludes the victim from giving testimony).

Offering a different definition of the notion of trafficking which would exclude the assumption of individual responsibility as one of determining relevance and focus only on the fact of the violence of the trafficking itself – the slavery and the physical brutality it entails, will shift the perspective of not only the institutions of the State, but also of the social workers and psychologists working at the Shelters who find it difficult not to judge the victims and identify with them in empathy. A definition which deals away with the myth of the “autonomous subject” (i.e., *presupposing that every choice is individual in an absolute sense*) as victim of trafficking, a definition which insists on the society’s responsibility instead of that of the individual, would help improve the level of effectiveness of combating trafficking and the quality of help and re-socializing that the shelters provide.

A reconsideration of anti-trafficking policies and legislation should definitely take place within the framework of a more pronounced movement from a criminal to a human rights model. In this context, several aspects should be taken into account. For one thing, trafficking should be seen as a multifaceted, complex phenomenon, encompassing a wide range of situations that belong to what might be referred to as a “gray” area in which the definition of the victim merely in terms of “innocence and ignorance” would abusively deny protection rights to the “guilty” women/men who accepted either an illegal job offer or involvement in some form of sex trading (prostitution, porn video-chat, massage parlours, escort services, strip bars and “modelling” agencies).

The stress on the structural conditions of trafficking does not imply that the individual agency of sex workers should not be acknowledged. Quite to the contrary, their labour choice should be affirmed as an individual one (regardless of the conditions that have led to it) without moral condemnation. What we call upon is their protection from the violence the heterogeneous phenomenon of trafficking represents regardless of whether, e.g., they “enjoyed” working as prostitutes.

Depenalization of prostitution and legalization of the black labour market should grant these women at least provisional/temporary rights until their status of migrants is resolved. What should never follow is immediate deportation without making sure that the women and their children are sent to a safe environment. What we would urge for is as legalization of the migrant status as well as the only way of protecting these vulnerable groups from the constant violence they are exposed to. The state should not turn a blind eye on the vulnerability ensuing from the lack of protection they would be thus exposed to, favouring their extreme exploitation and trafficking, and fuelling the judgment on rigid moral grounds – and thus the social re-victimisation – of the sex workers.

Altogether, a victim-centred approach could “prevent survivors of trafficking from going unidentified” (van den Anker, 2006: 180) and optimise the process by means of which victims are offered protection and assistance.

Moreover, the law(s) should be changed so that the judicial proceedings be shorter, depositions be also taken on (video) tapes, and those guilty be sentenced faster; otherwise, the victims of trafficking, feeling threatened, might withdraw their complaint, let alone the fact that they would be overexposed and forced to re-live the trauma over and over again all through the trial.

The protection and assistance system consisting of centres and shelters should be better organised so as to provide for the special needs of different categories of victims (according to age, disability, background, problems), to offer both victims and the personnel better security, and to give the victims a chance to better specialised help by avoiding work overloads and shortage of properly qualified personnel (psychologists, psychotherapists and social workers) as well as by encouraging a more sustained organisation of training/updating courses so that the centre/shelter employees might be better prepared to help the victims work through their trauma. *Introducing training in gender sensitive approach in psychology, social work, etc. will help arrive to the more empathetic approach and the sense of solidarity which is sought for by both the sheltered and those who work in the shelters.*

**Conclusion two (C2): Illegal (Labour) Migration and Trafficking share increased vulnerability to violent exploitation, but treating migration under the cover of anti-trafficking policies would expose migrants to further victimisation.**

Separate treatment of illegal (labour) migration and trafficking is necessary. Namely, illegality and trafficking should not be conflated. In spite of that, and focusing on violence, which is related to migration, gender, and culture, one should take into account that illegal migrants and victims of trafficking share indeed increased vulnerability to violent exploitation. Also, abusive tightening of migration control under the cover of anti-trafficking policies, because that would expose migrants to further victimisation and would divert attention from the larger economic, social and political context as well as from state responsibility in relation to these two complex phenomena.



**Conclusion three (C3): State (of origin as well of destination) responsibility might be considered in terms of both source and target of labour migration flows. As long as potential employees remain dependent on their employers for the granting of their work permit, or they are not allowed free access to jobs in certain domains, according to their education and qualifications, they will be vulnerable to exploitative treatment, prone to restrictions of access to social rights and health insurance, and, at the worst, compelled by the circumstances to assume an illegal status.**

A problematic issue, which seems to favour illegal migration and expose thus many migrants to exploitation, is the still large number of countries of destination that impose work restrictions for certain EU and non-EU nationals.

**Conclusion four (C4): Feminist/Gender Sensitive Approach to the Issue is a Necessary Tool for Combating the Phenomenon of Trafficking of Women**

The roots of the problem are radically gendered. Patriarchal cultures which allow the possibility of selling girls into prearranged marriages is one source of the problem of trafficking of women and children (most of the trafficked women are minors). The other, purely gendered aspect is the life-choice possibilities (identity-roles) for a woman within a profoundly patriarchal culture: if the choice is either a respectful housewife and mother or a “slut,” the “individual choices” of prostitution in the context of trafficking will remain significant cause of the problem.

Secondly, the continuum between practices of protecting migrant women and “healing” the trauma and the public exposure of the trauma for purposes of crime control is very problematic. Putting the trauma of violence in words requires a process of “apprenticeship” of the norms of trafficking or labour rights violations. Shelters, counselling centres and hospitals function to a great extent not only as spaces of protection and healing, but also as spaces of normalization of migrant lives.

Finally, both policies of combating trafficking and the programs of help/support and resocialization should focus on the instances of systemic violence itself, rather than on individual responsibility. We identify the instances of sheer violence precisely at the points of the victims’ accounts where meaningful discourse fails. The blind-spots of being unable to explain the source of her problem, and to distinguish her own responsibility from that of another person or a community – is the traumatic spot revealing underlying systematic cultural violence. Since it is the entire socio-cultural context that has shaped her “choice,” the victim is unable to account for it. It is there the kernel of systemic violence lies. Instead of individualizing the issue, policies should address it as structural, systemic and profoundly gender-conditioned cultural phenomenon rather than merely criminal one.

**Conclusion five (C5): One should avert the reverse effect of the shelters and state institutions consisting in producing out of the sheltered women debilitated subjects (the so-called process of “victimisation”) incapable of acting as independent subjects (in spite of all the conditioning effects of the social, cultural, and family context they originate from)**

## Policy Recommendations

PC1: Different definition of the notion of trafficking which will focus on the fact of violence of the trafficking and exclude the assumption of individual responsibility as critically important since it is a form of organized crime and systemic violence and it should be addressed as such (beginning from its definition) (*Drawing from C1*);

PC2: Clear-cut distinction between trafficking and prostitution will produce an improved definition of victim. Decriminalization (or legalization) of sex work/prostitution might be helpful in refining the debate on trafficking and the definition of the victim (*Drawing from C1*);

PC3: Anti-trafficking policies should move from criminal to a human rights model (*Drawing from C1*);

PC4: The process of dealing with the trauma should be opened outside the enclosed space of the “shelter” (may include street work, information, and counselling centres in areas where there is a large concentration of migrants; to pursue programs of migrant women’s empowerment that would include basic skills learning) (*Drawing from C1*);

PC5: While acknowledging commonalities, illegal labour related migration and trafficking should be treated as two inherently separate phenomena (*Drawing from C2*);

PC6: With reference to migrant single mothers, their exemption from the law (employment equality law, children protection law, maternity protection law, etc) entails forms of precariousness that render their lives susceptible to forms of violence (*Drawing from C2*);

PC7: Granting workers the freedom of seeking employment in any work domain in the countries of their destination could be a very good starting point for a social action programme meant to encourage fair treatment of all EU workers “on an equal footing with the rules on competition and economic freedom,” as stated in a declaration recently issued on the European Economic and Social Committee site to mark the twentieth anniversary of the adoption of the Community Charter of Fundamental Social Rights (*Drawing from C3*);<sup>96</sup>

PC8: Institutions of the State, the EU, and the international organizations should invest more in raising the awareness of gender equality and in particular *women’s emancipation* in the Romani and the other cultural minority groups as the most effective means of prevention. *Prearranged marriages and girls’ dropping out of school should be targeted most directly*. A wider range of social and educational policies should be implemented especially in the rural area with an aim at improving life conditions and educational standards as well as to raise awareness of the unacceptable nature of gender discrimination and its negative consequences for the identity and integrity of women (*Drawing from C4*);

PC9: What should be acted against are the instances of structural/systemic violence rather than individuals in their roles of either perpetrators or “victims:” prearranged marriages, slavery (being owned and object of trade), selling into marriage, teen marriages, physical violence, forced dropping out of school, both preventively and as an actual offence. In order to achieve all this, the phenomenon of trafficking must be

redefined as a problem of socio-cultural and gendered exclusion rather than as crime and a purely criminological issue (*Drawing from C4*);

PC10: Training in the basics of feminism would help the social workers overcome the issue of moral judgment/inability to identify, by way of being able to understand the underlying pattern of patriarchy behind what seems to be an individual choice (*Drawing from C4*);

PC11: Public exposure of trauma should be disassociated with protection of victims of violence, particularly explicitly in the case of trafficking in order to prevent the treatment of migrant women as “tools” in crime control and prevention (*Drawing from C4*);

PC 12: Disengaging the process of recognition of migrant women as victims of violence from the police. This process should include efforts disassociate the public exposure of trauma of violence from the protection of victims. In particular, in the case of trafficking, this needs to be done explicitly in order to prevent the treatment of migrant women as “tools” in crime control and prevention (*Drawing from C5*);

PC 13: Providing support and funding of self-help networks of migrant women who already engage into the protection and emancipation of migrant women and men (*Drawing from C5*);

PC 14: To take into consideration the all encompassing aspect of the notion of gender and pay attention to men victims of trafficking and other forms of violence related to their migrant status. Particularly important is to finance and run projects that would address gender violence in relation to migrant masculinities and transgender identities (*Drawing from C5*).

## **Notes**

1 For general introduction into the oral history method, please consult: Robert Perks, *The Oral History Reader*,  
Routledge, 1998; Mary Kay, Quinlan, *The Oral History Manual*, AltaMira Press, 2003. For more references on the subject,  
please cf. *Research Design for "Intercultural Violence"* (WP8).

2 *GeMIC Greek National Report WP8 on Violence*, 1-4.

3 "Violence is surely a touch of the worst order, a way in which the human vulnerability to other humans is exposed in its most  
terrifying way, a way in which we are given over, without control, to the will of another, the way in which life itself can be  
expunged by the wilful action of another. To the extent that we commit violence, we are acting upon another, putting others at  
risk, causing damage to others. In a way, we all live with this particular vulnerability, a vulnerability to the other that is part of  
bodily life, but this vulnerability becomes highly exacerbated under certain social and political conditions." Judith Butler, *Undoing  
Gender* (London: Routledge, 2004), 22.

4 Butler has developed this theme in relation to September 11th, arguing that while the lost lives of American citizens were  
grieved, there were many other non Western lives lost as a result of the US foreign policy responses that were silenced and  
deemed to remain impossible to mourn. Judith Butler, *Precarious Life, The Power of Mourning and Violence* (London: Verso,  
2006)

5 "On the level of discourse, certain lives are not considered lives at all, they cannot be humanized; they fit no dominant frame for  
the human, and their dehumanization occurs first, at this level. This level then gives rise to a physical violence that in some sense  
delivers the message of dehumanization which is already at work in the culture... So it is not just that discourse exists in which  
there is no frame and no story and no name for such a life, or that violence might be said to realize or apply this discourse.  
Violence against those who are already not quite lives, who are living in a state of suspension between life and death, leaves a  
mark that is no mark." *Ibid.*, 25

6 *Greek Report...*, 4.

7 *The United Nations Fourth World Conference on Women, Beijing, Platform for Action* (1995), paragraph 118.

8 Examples include the UN General Assembly, 1995, Resolution on "Violence against Migrant Women Workers" A/RES/50/168,  
99th plenary meeting and 2002, Resolution on "Violence against women migrant workers" A/RES/56/131, 1 February

9 Judith Butler, *Precarious Life, The Power of Mourning and Violence* (London: Verso, 2006), 147.

10 Helen Kambouri and Maria Stratigaki, *Policy Analysis Report*, passim (WP3, Deliverable No.4), available online at  
GeMIC website ([http://www.gemic.eu/wp-content/uploads/2009/04/GeMIC\\_WP3-synthesis.pdf](http://www.gemic.eu/wp-content/uploads/2009/04/GeMIC_WP3-synthesis.pdf).)

11 The European Parliament has adopted several recommendations, but according to the Roadmap for Gender Equality, the main  
activities of the European Commission in matters of gender violence are carried out through the support that the Commission  
offers "to states and NGOs in their efforts to eradicate gender based violence." These usually take the form of projects funded by  
the European Commission, such as STOP or Daphne, and implemented by local authorities and NGOs. European Commission,  
Directorate for Employment Social Affairs and Equal Opportunities, "A Roadmap for Equality between Women and Men: 2006-  
2010" (Brussels: European Commission, 2006)

12 European Women's Lobby, "Integrating a gender perspective into the EU immigration policy" Position Paper, February, 2004,  
[http://www.womenlobby.org/SiteResources/data/MediaArchive/policies/Immigration/EWL\\_%20position%20paper%20integration%20gender%20perspective%20into%20EU%20immigration%20policy04.pdf](http://www.womenlobby.org/SiteResources/data/MediaArchive/policies/Immigration/EWL_%20position%20paper%20integration%20gender%20perspective%20into%20EU%20immigration%20policy04.pdf)

13 *Policy Analysis Synthesis report GeMIC*.

14 *Idem*.

15 European Council, "Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings" (2002/629/JHA - OJ  
2002/L 203/1, 1.8.2002)

16 EU Council, "Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of  
trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the  
competent authorities" (OJ 2004/L 261, 6.8.2004)

17 EU Council, "EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings"  
(OJ 2005/C 311/1, 9.12.2005)

18 European Commission, Director General of Justice, Freedom and Security, "Report of Experts Group on Trafficking in Human  
Beings," 2004, 8.

19 *Ibid.*

20 Claudia Aradau, "The perverse politics of four letter words: risk and pity in the securitization of four letter words," Vol. 33, No. 2,  
2004, 251-277.

21 Jaqueline Berman, "(Un)popular Strangers and Crises (Un)bounded: Discourses of sex-trafficking, the European Political  
Community and the Panicked State of the Modern State," *European Journal of International Relations*, Vol. 9, No. 1, 2003, 37-86  
22 Rudvica Adrijasevic, "Beautiful Dead Bodies: Gender, Migration and Representation in Anti-Trafficking Campaigns" *Feminist  
Review*, No 86, 2007, 24-44; 42.

23 Laura M. Augstin, "Forget Victimization: Granting Agency to Migrants," *Society for the International Development*, Vol. 46, No. 3,  
2003, 30-36; 30.

24 Laura M. Augstin, "Challenging Place: Living home for sex" *Development* Vol. 45, No. 1, 113.

25 United Nations, Measuring Population Movement and Integration in a Globalized World, Economic Commission For  
Europe, Economic And Social Council, , Ece/Ces/2008/23

26 . Badarevski Bobi, "Critical Discourse Analysis of the Trafficking in Women in Print Media in Macedonia: A Gender  
Perspective," in: Nirman Moranjak Bamburac, Tarik Jusic, Adla Isanovic (eds.) *Stereotyping: Representation of Women In Print  
Media In South East Europe*. Sarajevo: Mediacentar, 2006.

27 <http://www.state.gov/g/tip/rls/tiprpt/2009>, accessed on February 23, 2010.

28 Cf. The European Stability Initiative report, available at [http://www.esiweb.org/pdf/schengen\\_white\\_list\\_project%20-%20Visa%20Grade%20Report%20Macedonia%20-%202023%20June%202009.pdf](http://www.esiweb.org/pdf/schengen_white_list_project%20-%20Visa%20Grade%20Report%20Macedonia%20-%202023%20June%202009.pdf), accessed February 23, 2010.

29 Cf. European Parliament's Press Release, available at [http://www.europarl.europa.eu/news/expert/infopress\\_page/027-62352-285-10-42-903-20091012IPR62350-12-10-2009-2009-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/027-62352-285-10-42-903-20091012IPR62350-12-10-2009-2009-false/default_en.htm),  
accessed February 23, 2010.

30 Skeldon Ronald, Migration And The Policy Process, [http://www.hku.hk/cupem/home/SRT/2223\\_March\\_Conference\\_Papers/Skeldon\\_paper.pdf](http://www.hku.hk/cupem/home/SRT/2223_March_Conference_Papers/Skeldon_paper.pdf)

31 EU Model Alignment Strategy on Migration, Macedonia - 15th of December 2005, Brussels. The EU Alignment strategy for Macedonia was produced within the framework of a CARDS Regional Programme on the "Establishment of EU compatible legal, regulatory and institutional frameworks in the fields of Asylum, Migration and Visa matters" (CARDS AMV). The strategy obligates the former Yugoslav Republic of Macedonia to implement the minimum standards in the following areas for the period of the next 2 years.

32 The Former Yugoslav Republic of Macedonia Migration Profile, International Organization for migration (IOM), Ljubljana, September 2007, 31.

33 Department of State Report on Trafficking in Persons, available at <http://www.state.gov/g/tip/rls/tiprpt/2009/>

34 In the 1970s, the Greek feminist movement sought to question the prevailing silence by raising demands mainly on domestic violence and rape, which was until then defined by law as "a crime against the property of man." These demands had a positive effect bringing the issue into the public eye and, as a result, in 1984, rape seized to be a "crime against morals" and was characterized as a "crime against sexual freedom." Law 1419/1984 on the criminalization of rape. After 1999, there were several systematic attempts to incorporate the UN and European declarations on violence against women in the Greek legislation mainly led by the General Secretariat of Gender Equality, different ministries and NGO projects, which the scope of this study does not allow us to consider in detail. For a more detailed analysis see Maria Stratigaki, 2006, *Το φύλο της κοινωνικής πολιτικής* (The gender of social policy) (Athens: Metechmio), 151-187.

35 For example, with the exception of certain feminist groups which have raised these issues, there is very little public debate or policy making over the role of clients in relation to prostitution or over the treatment of men involved in domestic violence, rape and sexual harassment.

36 Andromachi Hadjiyanni, Fray Kamoutsi, "Dimensions of Public Debate on Sexual Violence against Women: Similarities and Differences between Greece and EU policy Making," *The Greek Review of Social Research B*: 117, 2005, 189-220.

37 Ibid., 198.

38 In 2006 legislation was voted on sexual harassment at the workplace (3488/2006) and on domestic violence and rape within the family (3500/2006), "treating domestic violence not as a private issue but as a serious social pathogenesis that violates the personal freedoms, primarily of women, who are the ones targeted by the phenomenon." The law is 3500/2006 (FEK/232/A/24.11.06). General Secretariat of Gender Equality, 2006, "Τέλος στη Βία. Τώρα Υπάρχουν Λύσεις: Ποιοτική Ανάλυση Στοιχείων για τις Γυναίκες-Θύματα Βίας στην Οικογένεια που Απευθύνθηκαν στα Συμβουλευτικά Κέντρα της Γ.Γ. Ισότητας" (End to Violence. Now there are Solutions. Quantitative Analysis of Women-Victims of Violence in the Family that Addressed the Counseling Centers of the G.S.G.E.), 10.

39 Helen Kambouri, and Pavlos Hatzopoulos, "Policy Analysis –Greece," GeMIC Policy Analysis Report (WP3), 2009. <http://www.gemic.eu/wp-content/uploads/2009/04/wp3-greece.pdf>

40 US Department of State, "Trafficking in Persons Report" 2001 and 2002, <http://www.state.gov/g/tip/rls/tiprpt/index.htm>

41 YDAS, an agency within the foreign policy ministry that normally specializes in international aid schemes to developing countries, became the main institution coordinating the special "task force" set for the implementation of anti-trafficking policy, although its mandate did not provide for the financing of projects in Greece. Ministry of Foreign Affairs of Greece, 2003, YDAS Hellenic Aid, 2004, "Ετήσια Έκθεση της Ελληνικής Διμερούς και Πολυμερούς Κρατικής Συνεργασίας και Βοήθειας" (Annual Report of Greek Bilateral and Multilateral Interstate Cooperation and Aid), <http://www.hellenicaid.gr/frontoffice/portal.asp?cpage=NODE&cnode=46>

42 General Secretariat of Gender Equality, 2006, 23.

43 Helen Kambouri, *Φύλο και μετανάστευση: Η καθημερινή ζωή των μεταναστριών από την Αλβανία και την Ουκρανία* (Gender and migration: the everyday life of migrant women from Albania and Ukraine) (Athens: Gutenberg, 2007).

44 <http://desmeyerite.blogspot.com/>

45 Kambouri and Hatzopoulos, 2009, 12.

46 ΚΕΘΙ, "Η γυναικεία μετανάστευση στην Ελλάδα" (Female migration to Greece), findings of the national research conducted under the scientific coordination of Laura Maratou Alipranti (Athens: KETHI, 2007), 212.

47 For a more detailed analysis, see Kambouri and Hatzopoulos, 2009.

48 Law 3838/2010, Σύγχρονες διατάξεις για την ιθαγένεια και την πολιτική συμμετοχικών Ομογενών και των Νομίμως διαμενόντων μεταναστών.

49 Law 3064/2002 "Combating trafficking in human beings, crimes against sexual freedoms, child pornography, in general the  
economic exploitation of sexual life, and aid to victims provided there off"

50 Presidential Decree 233/2003 "Protecting and Assisting victims of crimes provided for in article 323A, 349, 351 and 351A, of the  
penal code in conformity with article 12 of L3064/2002" (A204/28-8-2003)

51 UN Commission on Human Rights, "Integration of the human rights of women and the gender perspective," report of the special  
Rapporteur of violence against women, Ms Radhika Coomaraswamy on trafficking in women, women's migration and violence  
against women, E/CN.4/2000/68, 2000, p. 16  
[http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/e29d45a105cd8143802568be0051fcfb/\\$FILE/G0011334.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/e29d45a105cd8143802568be0051fcfb/$FILE/G0011334.pdf)

52 Presidential Decree 233/2003 implements victims' assistance mechanisms of Law No. 3064 of 2002 under the provisions for  
protection and assistance to the victims of crimes in articles 323A, 349, 351, and 351A of the Penal Code, in conformity with  
article 12 of Law 3064 of 2002."

53 These provision were following an EU Council directive, which aimed mainly at combating trafficking and illegal immigration in  
general through the cooperation of "victims" in exchange for short term residence permits and other short term benefits, such as  
access to training, vocational courses etc. 2004/81/EC "On the residence permits issued to third-country nationals who are  
victims of trafficking in human beings or have been the subject of an action to facilitate illegal immigration, who cooperate with the  
competent authorities," <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:261:0019:0023:EN:PDF>

54 The National Institute of Statistics, <http://www.insse.ro/cms/rw/pages/anuarstatistic2008.en.do>  
55 June 2009 - <http://www.state.gov/documents/organization/123357.pdf>

56 At present, according to the National Agency for Employment, out of the 13 bilateral agreements for labour exchange  
signed by Romania, only 7 are still in force with Spain, Germany, France and Switzerland. ([http://www.anofm.ro/146\\_munca-in-strainatate](http://www.anofm.ro/146_munca-in-strainatate)).

57 Law no. 39/ 2003 on preventing and combating organised crime; Law no. 211/ 2004 on victim protection which  
transposes at the national level: Council Framework Decision of 15 March 2001 – 2001/220/JHA – on the standing of victims in  
criminal proceedings, Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, European  
Convention on the Compensation of Victims of Violent Crimes – Strasbourg, 24.XI.1983, and Recommendation No. R(85) 11 to  
the Member States on the position of the victim in the framework of criminal law and procedure.

58 The number of migrant employer as domestic can be deduced from employment under the economic activity "private  
households" (14, 803 total in 2006, 380 men and 14 423 women). A much higher number has been reported by the Director of  
the Civil Registry and Migration Department (Ministry of Interior), who estimates the number of female migrant domestic workers  
in 2007 close to 22,500, signifying a 36% increase from the 2006 figure. (Statement made on the National TV Channel (CyBC)  
show "To syzitame" on 15 March 2007; reference cited by Margarita Zervidou in MIGS Report on Migrant Domestic Workers  
(MIGS 2008, 36)).

59 Cf. *GeMIC Cyprus National Report on Violence WP8*.

60 Commissioner of Administration *Ex Propio Motu* Inquiry on the state of the entrance and occupation of foreign women  
employed as 'artist' (Αυτεπάγγελτη έρευνα της Επιτρόπου Διοικήσεως ως προς το καθεστώς εισόδου και εργασίας αλλοδαπών  
γυναϊκών με την ιδιότητα της καλλιτέχνιδας ΑΥΤ/Ε1/2001). November 24, 2003.

61 Report prepared by the Parliamentary Committee on Crime entitled "Prostitution-trafficking" (Έκθεση της  
Κοινοβουλευτικής Επιτροπής για την Εγκληματικότητα για το θέμα που πιλοφορείται «Πορνεία-σωματεμπόριο»), October 6  
2005. Minutes of the House of Representatives, October 6 2005.

62 When the first accusations for sexual exploitation of Filipino women in Cyprus came out, the Government's first  
response was to introduce quota on the employment of women from Near East (Philippines and Thailand) in cabarets. A´ class  
cabarets (allowed to employ 15-20 artists) were allowed to employ max 12 artists form countries of Near East and supplement  
the number of their artists from Europe of other countries. B´ class cabarets (allowed to employ 10-15 artists where allowed to  
employ 9 artists from Near East and supplement their number of employees from Europe or other countries (Commissioner  
2003: 8-9).

63 *FYROM GemIC National Report Violence WP8*, 6.

64 Katerina Drouga and Theofania Papadopoulou, *Οδηγός για συμβούλους – trafficking and the trade in women* (Guide for  
Counsellors: Trafficking and the trade in women) (Athens: KETHI, 2008), 30.

65 *Ibid.*, 31.

66 Laura Ma Augustin, "Sex Workers and Violence against Women: Utopic Visions or Battle of the Sexes?," *Development* 44: 3,  
2001, 107-110.

67 *Greek Report*, 21-23.

68 Bridget Anderson and Julia O' Connel Davidson, "Is trafficking in human beings demand driven? A multi-country pilot study"  
(Geneva: International Organization for Migration) and Rudvica Adrijasevic, 2003, "The Difference Borders Make: Illegality,  
Migration Trafficking," Ahmed Castaneda, Fortier and Sheller, eds., *Uprootings/Regroundings: Questions of Home and Migration*  
(Oxford: Berg, 2003), pp. 251-272.

69 Nicholas P. De Genova, "Migrant illegality and deportability in everyday life" *Annual review of anthropology* , No.31 , 2002, 419-  
49.

70 Colipcă and Stan, *GeMIC Romania National Report Violence WP8*, 12-23.

71 Also in UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime Article 3 (Use of terms), b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

72 “(1) Determination or facilitation of or benefiting from the practice of prostitution by one or more persons is punishable by imprisonment with a penalty from 2 to 7 years and the suspension of certain rights.

(2) In case that force or coercion are used to determine engaging in or carrying on with the practice of prostitution, the penalty applied will be imprisonment from 3 to 10 years and the suspension of certain rights.” (our translation)

Romanian Penal Code, Chapter on “Offences against religious freedom and respect due to the dead,” Art. 213.

73 *FYROM Report*, 7.

74 . UNICEF, UNHCR, and OSCE/ODIHR (with the administrative support of UNDP for Bosnia and Herzegovina), Report: Trafficking in Human Beings in South-eastern Europe, 2003.

75 *FYROM Report*, 7, 8.

76 . For the purpose of a more successful functioning of the National Referral Mechanism for victims of trafficking in human beings, an analysis has been conducted, containing recommendations for amendments and modifications to the following laws:

CRIMINAL CODE OF THE RM (Official Gazette of the RM numbers 37/96 80/99, 4/02, 43/03 and 19/04);

CRIMINAL PROCEDURE LAW OF THE RM (Official Gazette of the RM numbers 4/90 74/04 and revised text 15/2005);

LAW ON FAMILY (Official Gazette of the RM number 80/92, 9/96 and 83/04; revised text - Official Gazette of the RM number 83/04) and AMENDMENTS AND MODIFICATIONS TO THE LAW ON FAMILY (Official Gazette of the RM number 33/06);

LAW ON SOCIAL PROTECTION (Official Gazette of the RM number 50/97, 6/2000, 17/03, 62/05 and 111/05) REVISED TEXT (Official Gazette of the RM no. 21/06);

LAW ON CHILD PROTECTION (Official Gazette of the RM no. 98/2000, 17/2003, 65/2004 and 113/2005); and,

LAW ON FREE ACCESS TO INFORMATION OF PUBLIC CHARACTER (Official Gazette of the RM no. 13 as of 01.09.2006).

77 *Romania Report*, 11.

78 Trafficking shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

79 Thus, victims of trafficking transiting the Romanian territory are granted a reflection period of 90 days to recover and escape the influence of the perpetrators of the offenses so that they can make a decision on whether to cooperate with the authorities; throughout and after this period, the victims may be granted a temporary residence permit but, as Article 130 of Government Ordinance 194/2002, Paragraph 1 stipulates, this permit is granted upon the request of a prosecutor or of the court of law if:

“(a) the victims show a clear intention of cooperating with the Romanian authorities to facilitate the identification and prosecution of the perpetrators participating in the acts they have been victims of;

(b) they have severed all relations with those suspected of the acts they have been victims of;

(c) granting of the residence permit serves the purposes of the judicial proceedings in development;

(d) the victims' stay in Romania does not pose any threat to public policy and national security.” (*Official Gazette of Romania*, part I, no. 421/ 05.06.2008)

Moreover, the residence permit may be withdrawn if, among other things, “the victim ceases to cooperate” (Paragraph 3, d) (in accordance with the provisions of Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, Art. 14). (Another interesting detail in this respect might be that, in the case of internally-trafficked victims, the psychological assistance the victims benefit from is ensured by the probation services attached to the law courts. – Chapter C: Legal framework of the Government Ordinance regarding the approval of the National Identification and Referral Mechanism for Victims of Trafficking, published in the *Official Gazette of Romania*, part I, no. 849/ 17 December 2008.)

80 *Reaching Out* was the first Romanian NGO to start work with trafficked persons in 1998, organising an on-going training programme for the social workers in their shelter for trafficked women and children. In general, before 2001, the Romanian NGOs operated as a network of organisations and shelters (in Bucharest, Timișoara, Pitești, Constanța), which could provide trafficked persons with basic assistance and support, on the basis of the financial support coming mainly from the Soros Foundation and not from the funding designated for anti-trafficking activities in the region.

81 *Greek Report*, 19-24.

82 Giannis Goulinopoulos, *Έλληνας Ποτ;ε. Αλβανοί και Ελληνικός Τύπος τη Νύχτα της 4ης Σεπτεμβρίου 2004* (‘Never Greek...’ Albanians and the Greek Press on the Night of the 4th of September 2004) (Ioanina: Isnafi, 2007), 38.

83 M. X. Papagiannopoulou and H.Markousis, *Οδηγός Συμβουλευτικής για Γυναίκες - Θύματα Διεθνούς Σωματεμπορίας* (Guide for the Counseling of Women Victims of International Trafficking) (Athens: Synpraxis and Centre for Women’s Studies and Research, 2007)

84 *GeMIC Cyprus National Report on Violence WP8*, 15,16.

85 *Ibid.*, 9.

86 Please see the National Reports (posted at [gemic.eu](http://gemic.eu)) for more detailed presentations of the personal narratives.  
87 On research methods, see Katerina Kolozova and Bobi Badarevski, "GeMIC Research Design for Intercultural Violence (WP8)", 2009 at [http://www.gemic.eu/wp-content/uploads/2009/09/research\\_design\\_violence.pdf](http://www.gemic.eu/wp-content/uploads/2009/09/research_design_violence.pdf)

88 Interview of the representative of the feminist organization Feminist Centre, Sisi Vovou, on the occasion of the public scandal over the funding of a specific shelter for trafficking victims. "Σωματεμπορία: Πόλεμος κυκλωμάτων και δίκες ...espresso" (Trafficking: war of networks and trials... espresso," <http://www.tvxs.gr/v21638>

89 Because of the lack of authorization to conduct interviews with women living in shelters, narratives of women who have been subjected to gender violence were collected with the help of the "African Women's Association." All the migrants interviewed were during the interview outside the system of protection, although one was in a hospital.

90 Helen Kambouri and Alexandra Zavos, "On the frontiers of citizenship. Considering the case of Konstantina Kuneva and the intersections between gender, migration and labour in Greece" *Feminist Review* 2010.

91 Kouzis, *Οι εργασιακές σχέσεις στον κλάδο του καθαρισμού. Αποτελέσματα εμπειρικής έρευνας* (Labour relations in the cleaning sector. The results of empirical research) (Athens: INEE/GSEE, 2009)

92 The paper was a deportation order, which allowed her to "leave the country within a period of six weeks," but Mariah-not being able to read Greek- thought that it was a permit to stay until she got legal documents.

93 Placed at the eastern Romanian and EU border, the city of Galați lies in a strategic area requiring redoubled efforts for the monitoring of migration and trafficking within national territory and across national borders. That is why local institutions were, above all, targeted for discussion on policy implementation and personal experiences with regard to the multiple relations between violence, gender, power, and culture.

94 All attempts at contacting NGOs were unfortunately unsuccessful, partly because, in the Galați area, there are no more NGOs to provide assistance and protection to victims of trafficking, partly because communicational deficiencies prevented the collaboration with other NGO representatives in Romania from materialising in interviews.

95 *Cyprus Report*, 35.

96 [http://www.eesc.europa.eu/documents/declaration-Charter-Fundamental-Social-Rights/index\\_en.asp](http://www.eesc.europa.eu/documents/declaration-Charter-Fundamental-Social-Rights/index_en.asp)