

A criminological reading of the concept of vulnerability: A case study of Brazilian trafficking victims

Abstract

The United Nations Trafficking Protocol establishes the ‘abuse of a position of vulnerability’ as one of the means used to traffic persons. This term, however, was not properly defined, leaving it open for multiple interpretations, many of which do not focus on the well-being of the supposedly vulnerable victims. Through a case study of how (potential) Brazilian victims of trafficking are dealt with in Brazil and (to a lesser extent) outside the country, this article focuses on how ‘vulnerability’ is often interpreted as a synonym of strain which leads to deviant behavior. In this way, the concept is co-opted to enable the punishment or restraint of certain people (particularly women from developing countries) who are considered to be unsuitable to migrate.

Keywords

Brazil, human trafficking, strain theory, abuse of a position of vulnerability

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Introduction

The 2000 *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (hereafter the UN Trafficking Protocol) is widely regarded as the contemporary international standard to deal with human trafficking. It defined the crime as

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 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 or organs.

Despite the efforts of several parties during its drafting process, some of the Protocol's key concepts remained either badly or non-defined. The most discussed case is that of the concepts of 'exploitation of the prostitution of others' and 'sexual exploitation,' which were deliberately left undefined so as to leave the ultimate decision on whether prostitution was to be considered inherently exploitative to individual states (Jordan, 2002: 8-9). Whatever the initial purpose might have been, this broad understanding of sexual exploitation has meant that some countries have used the UN Protocol, like other trafficking instruments before it, to curtail all forms of migrant prostitution and, to a lesser but not insignificant extent, to deter female migration (Doezema, 2005).

The concept of abuse of a position of vulnerability was also inadequately addressed. Per the *travaux préparatoires* of the UN Trafficking Protocol, a person that is in a 'position of vulnerability' 'has no real and acceptable [legal or cultural] alternative but to submit to the abuse involved' (Jordan, 2002: 7-8). This explanation does not clarify, however, what 'position of vulnerability' means in practice. It fails to consider, for instance, whether the 'acceptability' of the alternative is measured by (undefined and unknown) external parameters or if it is shaped by the understanding of each potential victim (UNODC, 2013: 6). In consequence, abuse of a position of vulnerability has arguably become the most controversial of the means outlined in the Protocol and the one which can most easily be misused.

This article intends to showcase how the concept of 'abuse of a position of vulnerability' can be and has been misappropriated in the context of human trafficking, particularly in the case of trafficking for sexual exploitation. It will do so in two ways.

First, it will delineate, based upon relevant literature already written on the subject, how and why the concept was constructed, focusing particularly on its problematic aspects. In addition to that, it will also explore how the concept can be co-opted to constrain the migration of certain types of people – particularly women who are seen as (potential) sex workers – by treating vulnerability as a form of strain towards deviant behaviour.

In its second part, the article will exemplify the appropriation of the concept of ‘abuse of a position of vulnerability’ through a case study showcasing how Brazilian migrants who are characterized as vulnerable to trafficking are treated in Brazil and (to a lesser extent) outside the country. This case study was compiled through an extensive analysis of relevant documents and archival records produced, sponsored or validated by the government of Brazil and other relevant entities, as well as an examination of official discourses of representatives of the legislative, judicial and law enforcement sectors and of records of state-sponsored activities which have been made available primarily through the official websites of each institution.

The construction of a concept of ‘abuse of a position of vulnerability’

The concept of ‘abuse of a position of vulnerability’ has no established definition in international law, although the term ‘vulnerability’ has long been debated in academic circles and has been particular in vogue in discussions about social policy since the 1990s (United Nations, 2003: 8-9). The concept appears to have been included at the very end of the UN Trafficking Protocol’s drafting process primarily to guarantee that a very broad range of means would be outlined, ensuring that subtler forms of violence and control would also be taken into account (UNODC, 2013: 2-3). Unlike the debate surrounding the inclusion of the also undefined concept of ‘sexual exploitation,’ which was extensively documented (Doezema, 2005), a more comprehensive discussion about the inclusion of ‘abuse of a position of vulnerability’ seems to be lacking.

The wording of the concept indicates that the mere existence of a position of vulnerability is not sufficient to establish the means of a trafficking case. This vulnerability, be it an intrinsic factor (such as age or gender) or a situational condition (such as irregular migration status), must be shown to have been abused. That is to say, the vulnerability must have been exploited in such a way as to have vitiated the consent of the alleged victim, creating a situation which could not have taken place had it been a non-vulnerable person involved (UNODC, 2013: 78). In practice, however, vulnerability is most often not viewed as one of the means used to traffic people, but simply as a greater susceptibility to being recruited. The focus frequently seems to be on establishing the *existence* of a position of vulnerability, rather than whether this position was *exploited* during the trafficking process (UNODC, 2013: 4-5).

In some jurisdictions, the mere knowledge by the alleged traffickers about the vulnerability of the supposed victim is enough to prove the (intention to) abuse (it) (UNODC, 2013: 81). This is highly problematic when we consider that some

interpretations include rather broad categories (such as gender) as signs of vulnerability. Moreover, the interpretative note of the UN Trafficking Protocol leaves open the possibility that alleged traffickers may be condemned even if they did not know about the supposed vulnerability or did not abuse or intend to abuse it (UNODC, 2013: 87). Thus, the broad reading of the concept may mean the classification of certain cases as trafficking when they might have been better represented in other categories (UNODC, 2013: 6), such as human smuggling or migrant sex work.

This last issue is particularly problematic when we consider that although there are no extensive records to support the assertion, there are some indications that the concept of ‘abuse of a position of vulnerability’ might have been included in the Protocol as one of the ways to ensure a consensus about how the Protocol should address prostitution (UNODC, 2013: 3). Combining this with the fact that the Protocol focuses ‘especially on women and children,’ which are seen as intrinsically more vulnerable to trafficking, it is thus hardly surprising that most of the discussion around the concept of vulnerability seems to centre on trafficking for sexual exploitation, which is overwhelmingly associated with women and girls. The result of this is that women’s migratory experiences which are linked to sex work often end up being labelled as trafficking regardless of (lack of) evidence of force, deceit or coercion, while men’s irregular migration experiences are labelled as smuggling, even if subsequent (labour) exploitation is detected (Agustín, 2007).

The misuse of the concept of vulnerability in the context of human trafficking

At first sight, it seems hard to argue against the necessity of a concept such as ‘abuse of a position of vulnerability’ in the construction of a definition of human trafficking. Well-established human rights issues such as sexism, racism and xenophobia seem to leave no doubt that systematic oppression and societal power imbalances have caused certain categories of people to be put into a position of inferiority that has concrete negative consequences to their income, safety and overall quality of life. ‘Vulnerability’ could thus be a concept that showcases that certain people are more susceptible to being negatively affected by the structural problems the system possesses and thus have greater constraints on their opportunities, including those linked with migration.

As established in the Brasília Regulations Regarding Access to Justice for Vulnerable People (Ibero-American Judicial Summit Work Group, 2008),

[t]he following may constitute causes of vulnerability: age, disability, belonging to indigenous communities or minorities, victimisation, migration and internal displacement, poverty, gender and deprivation of liberty.

The specific definition of vulnerable people in each country will depend on their specific characteristics, and even on their level of social or economic development.

This understanding, however, is often taken too far. In his book *Regions of Risk*, Kenneth Hewitt (1997: 169) cautions that ‘vulnerability can treat human individuals, the public or communities simply as pathetic and weak.’ Indeed, a number of politicians and government officials have endorsed the idea that vulnerable people are simply ‘suffering the just results of their own individual failures and inadequacies’ (Fineman, 2008: 18), rather than acknowledging that their ‘problems derive largely from the social context rather than their inherent qualities’ (Hewitt, 1997: 169).

This logic is reproduced in a migratory context. Some types of people (women, minors, minorities) are frequently viewed as unable to migrate safely simply because they are disproportionately affected by certain issues, such as economic and social deprivation. In the context of the UN Trafficking Protocol, this presumption of the intrinsic vulnerability of certain categories of people presupposes that they do not have the ability to externalise consent to certain forms of migration (UNODC, 2013: 14, 78). Their ‘vulnerability’ to trafficking is almost presented as an individual character flaw, rather than a structural problem.

This understanding bears striking parallels to the abolitionist rhetoric in the debate about sex work. Institutions and individuals that want to eliminate prostitution have often adopted the position that while women from developed countries may, to the detriment of the position of all women, choose to sell sex, women from developing states cannot ever truly consent to sex work as they have ‘no real alternatives’ (Doezema, 2005). To them, women from developing countries who migrate to work in the sex industry are seen as victims of ‘structural trafficking’ (Solana Ruiz, 2011: 921), which means that although they might claim not to have been coerced into prostitution, they have in fact been forced into it due to their precarious socioeconomic circumstances. This ‘poverty as force’ rhetoric is highly problematic, as it posits agency as a privilege conferred by sufficient economic means.

By adopting the position that the abuse of a broad interpretation of ‘vulnerability’ is in itself one of the means used by traffickers, many situations involving migrants who are ‘vulnerable’ may end up being characterized as trafficking when they would not have been if other types of migrants had been involved. Conversely, people who are not seen as ‘vulnerable’ are often considered ‘immune’ to trafficking (UNODC, 2013: 15). Throughout the years, this has been reflected in the gendered dimension that is attributed to the crime. Positioning women as intrinsically vulnerable to trafficking has meant that the experiences of trafficked men have been marginalized and silenced. Moreover, as women were from the outset heavily associated with trafficking for sexual exploitation, other forms of exploitation in the context of trafficking have been largely ignored (Agustín, 2007). This becomes clear when we consider that despite the

definition that is included in the UN Protocol, several states (including Brazil)¹ still fail to recognise any form of trafficking besides that for the purpose of sexual exploitation (UN.GIFT, 2009: 8).

Another serious problem is the fact that from the inception of the ‘white slavery’ moral panic onwards, the alleged vulnerability of certain types of people has led to the imposition of restrictions ‘for their own safety.’ A number of the trafficking solutions proposed under the aegis of the League of Nations in the beginning of the 20th century focused, for instance, on curtailing the independent movement of women and included prohibiting them from travelling alone and creating special passport requirements for them (Saunders, 2005: 346). In Brazil, members of the Federal Police have been known to bemoan the fact that the advent of democracy in the 1980s has meant that they can no longer control which types of people are allowed to receive a passport (Blanchette and Da Silva, 2010: 345).

The concept of vulnerability to trafficking as a de facto form of strain

American sociologist Robert Merton gained much of his reputation in the field of criminology by studying what he referred to as ‘strain towards anomie.’ In his understanding, individuals who do not have legitimate means (such as education and occupational opportunities) to achieve social goals which they have internalised as important will become frustrated over their situation of ‘relative deprivation,’ causing a certain strain. Responses to such a strain included what Merton referred to as ‘innovation,’ whereupon people who lack opportunities to achieve success through conventional means seek unconventional (and often illegal) ways in which to do so (O’Connor, 2007). Merton’s strain theory thus posited that most crime was caused by ‘the dissonance between socially desirable ends and limited means’ (Newburn, 2007: 179).²

Since the 1980s, criminologist Robert Agnew has been developing a general strain theory of crime and delinquency that takes into account three major types of deviance-producing strain. The first is the failure to achieve positively valued goals. The strain can thus be a response to the difference experienced between aspirations and expectations, expectations and achievements and between what is considered to be a fair outcome and the actual outcome which takes place. The second is the removal of positively valued stimuli, as it happens, for instance, when there is a death in the family. The final type is the confrontation with negative stimuli, which may vary from peer pressure to child abuse (Akers and Sellers, 2004: 179).

¹ Article 231 of the Brazilian Penal Code defines transnational trafficking as the promotion or facilitation of the entry into national territory of someone who will engage in ‘prostitution or other form of sexual exploitation’ or of the exit of someone who will engage in it abroad.

² Of course, ‘innovation’ was but one form of response to strain. Not all people who are under strain will or are able to turn to crime. Richard Cloward and Lloyd Ohlin further refined strain theory by, among other things, clarifying that a lack of legitimate opportunities does not automatically translate into access to all forms of illegitimate opportunities (Akers and Sellers, 2004: 167).

Agnew's broader understanding of strain seems to solve one of the major criticisms levied against earlier forms of the theory: the idea that more economically deprived groups are inherently more criminal (Akers and Sellers, 2004: 170-171). In the assessment of general strain theory, various forms of strain can be experienced by individuals of every gender, class and race, who may all respond by turning towards deviant behavior (Akers and Sellers, 2004: 180).

Nonetheless, Agnew posited that those who experienced chronic (repeated) strain had their ability to emotionally and legally cope with what is happening to them eroded and thus may have had a greater predisposition for crime (Newburn, 2007: 182). This idea of chronic strain resulting from a combination of deprivation and negative stimuli parallels very neatly the general understanding of vulnerability in the context of human trafficking.

Child abuse and neglect, marital problems, low income and jobs in the informal sector are all acknowledged by general strain theory as forms of strain which are conducive to crime (Newburn, 2007: 182). At the same time the loss of family and community support networks, the lack of economic and educational opportunities and a history of family violence are also widely regarded as vulnerability factors which may lead to human trafficking (Leal and Leal, 2002: 41; United States Department of State, 2005: 13).

This parallel between vulnerability and strain is very relevant. In theory, the concept of 'abuse of a position of vulnerability' was included in the UN Trafficking Protocol to serve as an instrument of protection of certain categories of people who are in a position of such deprivation or weakness that they are unable to properly consent to a migratory project. In practice, however, the concept has frequently not been employed to the benefit of those it allegedly protects.

Legal jurist Martha Fineman (2010: 266) considers that the concept of vulnerability can '[force] us to examine hidden assumptions and biases folded into legal, social, and cultural practices.' She warns, however, that the concept can also be used to stigmatize certain 'disadvantaged populations' due to its recurrent association with the idea of deprivation, dependency and pathology, characteristics which are also associated with predisposition for antisocial (and criminal) behaviour (Fineman 2008, 2010). Following this pattern, the category of 'position of vulnerability' often seems to group characteristics (gender, socioeconomic status) which are seen by certain governments as potential red-flags to what they consider to be unsuitable behaviours which need to be discouraged. More specifically, in the context of trafficking vulnerability (strain) may lead to irregular migration and even migrant sex work (deviant behaviour).³ In this way,

³ Although irregular migration is more often considered an administrative infraction rather than a criminal offense, there is considerable stigma attached to the behaviour. 'Illegal' migrants are deprived of fundamental rights and often blamed for the economic and security problems of their host states (United

rather than being seen as ‘at risk,’ these vulnerable people are often considered by states to be ‘a risk’ (Oliveira, 2012).

This is very much the case, for instance, when it comes to migrant women from developing countries, whose employment opportunities are constrained by both the nature of the work most often offered to them (servile, informal, badly paid) and a combination of sexism, racism and xenophobia (Campani, 2000). Discouraging their migration projects does not, in fact, protect them. Rather, by giving these women less opportunities to participate in officially-sanctioned migration programs (by denying visas to single women, for instance, or relegating them to a non-working and dependent position in family reunification programs) states have made them turn more and more frequently to dubious support networks to aid their migration projects, exposing them to possible situations of abuse. Thus, a vicious circle is created: few migration opportunities lead female migrants to choose risky options, which in turn may lead them to situations of abuse, exploitation and even loss of life. To deter such situations, more restrictions on migration are imposed, re-starting the cycle.

One such form of deterrence is the dissemination of descriptive ‘profiles’ which are used (often by law enforcement and border control officers) to identify potential trafficking victims, particularly before they enter a foreign country. The rhetoric used to justify the use of such profiles at the borders is steeped in the emotionally charged language of human rights and victim protection: by identifying potential trafficking victims before they reach their destination, one can stop the abuses they would have suffered otherwise (Frontex, 2011: 21). Yet in practice such anti-trafficking instruments and policies seem to be used more as (sexist and xenophobic) instruments of control and persecution, as well as punishment and retaliation than of protection. This becomes clear, for instance when we analyse cases involving (potential) Brazilian trafficking victims.

Vulnerability as strain: the case of (potential) Brazilian trafficking victims

The concept of vulnerability is widespread in the discussions about human trafficking in Brazil despite there being no nationally established definition for the term (Câmara dos Deputados, 2014: 186). Notwithstanding the lack of a legal definition, individual interpretations of ‘position of vulnerability’ in the context of human trafficking tend to overlap significantly. Most seem to share an understanding that those who fit the ‘vulnerable’ profile are incapable of assessing what is best for them.

A recent publication of the Brazilian health system dealing with gender violence and trafficking reflects this perfectly. It embraced an understanding in which vulnerable people are seen as ‘relatively or absolutely incapable of protecting their own interests.

Nations, 2003). In the same vein the interpretation of (migrant) sex work as deviant does not necessarily correspond to a prohibitionist system, as in many (if not most) states where sex work is not, in itself, illegal, prostitution is still considered immoral and, at best, a necessary evil.

In a more formal way, *vulnerable people have insufficient power, intelligence, education, resources and strength* to purposefully react to the possibility of exposure to violence, which in this case is trafficking' (Lima Araújo, 2013: 18, emphasis added).

This interpretation has two powerful consequences. The first is the implicit understanding that since these vulnerable people cannot protect their own interests, someone else should do so for them. This role usually falls to the state and in this way the constraint of the agency of certain groups of people is justified 'for their own good.'

This imposition of the role of the state as protector faces certain opposition on the part of the victims themselves. Federal Prosecutor Daniel de Resende Salgado considers that Brazilian trafficking victims often do not place the entirety of the blame for their victimisation on their traffickers, but also shift it to the state. These victims are particularly critical of the fact that the government ignores their financial, cultural, social and family problems while they take place in its territory and only concerns itself when the potential victims leave Brazil, as their problems might then reflect badly on their home country (Procuradoria Regional da República da 3ª Região/SP, 2014).

The second is the implication that vulnerability is an intrinsic (negative) characteristic of certain people. By focusing on the vulnerability of individual people, one risks ignoring the larger structural issues that surround them and have made them vulnerable in the first place (Philo, 2005: 443). In this way, neo-liberal governments will often ignore the fact that vulnerability has structural causes and simply expect vulnerable people to 'restrain' themselves (Munro and Scoular, 2012: 189) from participating in activities considered as unsuitable (such as irregular migration and sex work), even though such activities lead to some of the few paths of socioeconomic mobility open to them.

Despite these issues, a survey conducted by the United Nations Office on Drugs and Crime (UNODC, 2013: 52) found that officials who dealt with the issue of human trafficking in Brazil believed that vulnerability was present in *all* trafficking cases. A significant problem with this assessment is the fact that, in practice, the *abuse* of a position of vulnerability is presupposed in all cases where a person is considered to be in such a position. By characterizing certain categories of people as intrinsically vulnerable to trafficking, they are thus considered as unable to consent to certain forms of migration. Their voices and opinions are often ignored and they are patronizingly characterized as incapable of understanding their 'true' situation. In Brazil, this appears to a recurrent theme in judicial sentences about trafficking, as the testimonies of those considered to be 'vulnerable' that do not fit the mainstream narrative are completely ignored (Carone Mayrink Ferreira, 2009). Notably, (female) migrant sex workers who affirm they knew what they would be doing and under what conditions and/or that they did not feel they were being exploited are considered to be either too afraid of their 'traffickers' to tell the truth or simply too 'uneducated' to understand their real situation (Blanchette and Da Silva, 2011; Senado Federal, 2006)

In the words of the members of the Brazilian Senate's Parliamentary Commission on Human Trafficking, when referring to their draft of a new trafficking legislation:

... we have opted to consider consent irrelevant, since the perception of the members of the commission is that the *victims, as a rule, find themselves in a vulnerable situation, without conditions to externalise their consent* in a truly free manner. This understanding coincides with the one adopted by the National Plan Against Human Trafficking (Senado Federal, 2012: 202, emphasis added).

This understanding of vulnerability established by the socioeconomic elite in charge of developing trafficking policies (Blanchette, 2009: 28) is rather broad. In the Second National Plan Against Trafficking (Secretaria Nacional de Justiça, 2013), for instance, the list of supposedly vulnerable groups (which are assumed to have a connection with human trafficking) is quite extensive: people from certain (underdeveloped) geographic regions, indigenous and afro-descendant persons, non-cisgender and non-heterosexual people, women, children and adolescents, as well as sex workers. In this understanding, only middle or upper-class, cisgender and heterosexual adult white men appear to be 'invulnerable' to human trafficking and thus able to migrate as they choose.

The Brazilian Observatory of Human Trafficking, a collective of non-governmental organisations (NGOs), criticised this widespread reading of vulnerability, adopting a position similar to Fineman's (2008: 8), who considers vulnerability a 'universal, inevitable, enduring aspect of the human condition.' In this way, the Observatory declared to the Senate's Trafficking Commission that:

... if vulnerability can be related to gender, class, race and economic situation, then it ends up potentially reaching every person or most of them; thus, *we are all in some way or another vulnerable to trafficking (not only poor people, blacks and women)*. Moreover, trafficking may be associated with dreams and desires, a situation common to all people, which widens vulnerability once more (Senado Federal, 2012: 36, emphasis added).

This criticism is particularly pointed when we consider that although the Second Trafficking Plan's established understanding of vulnerability is rather broad, in practice government officials and institutions tend to focus on one particular group of people when it comes to trafficking: young, non-white women with low levels of education and a low socioeconomic status.⁴ These women are usually seen as having suffered the removal of the few positive aspects of their lives (frequently romantic relationships), while being faced with a barrage of negative stimuli, such as childhood abuse and

⁴ See for instances mentions by the Ministry of Justice (Ministério da Justiça, 2011) and by representatives of the Federal Police (Lopes, 2010), Federal Public Ministry (Procuradoria Regional da República da 3ª Região/SP, 2014) and of the state government of Rio de Janeiro (Blanchette and Da Silva, 2010: 345).

violence in their communities. They are also often characterized as unable, due to a lack of institutional means, to achieve their goals (such as owning their own home) and thus being ‘pushed’ towards seeking a better life abroad. In this way, their narratives always seem to include multiple types of chronic strain which encompass all the range described by Agnew.

This ‘vulnerable’ group, which intersects several of the vulnerability markers present in the Second National Plan Against Trafficking, was brought to national attention through the ‘Study of Trafficking in Women, Children and Adolescents for Commercial Sexual Exploitation – National Report – Brazil,’ better known as PESTRAF. Throughout the years, PESTRAF’s understanding of vulnerability, which posits that the consent of people who fit its highlighted victim profile is always ‘induced’ (Leal and Leal, 2002: 26), seems to have permeated all official narratives about human trafficking in Brazil. Many scholars, however, have thoroughly criticized the findings of PESTRAF, including its profile of the ‘average’ Brazilian trafficking victim (Blanchette and da Silva, 2012). Blanchette (2009: 29), for instance, questions the assumption that this large group of young women is more vulnerable to trafficking than other subsets of people, an idea which in his understanding ‘is simply presumed [by PESTRAF] and not verified, much less explained.’

Considering the high level of stigma attached to prostitution in Brazil⁵ and the fact that the country’s legal understanding of human trafficking is limited to cases of sexual exploitation, it is not surprising that young women, particularly if they are perceived to be non-white and poor, end up being singled out as vulnerable and thus in need of protection. This ‘protection,’ however, seems to have less to do with ensuring that vulnerability (constrained choices) does not lead to trafficking (victimisation), than with making sure that vulnerability (strain) does not lead to irregular migration or migrant sex work (deviant behaviour).

This becomes clear, for instance, when examining the anti-trafficking campaigns available on the Brazilian Ministry of Justice’s website (Ministério da Justiça, 2014). Several of the campaigns were aimed solely at women and strongly discouraged them from migrating, claiming that (sexual) exploitation would be the only possible outcome of their journeys.

Since the use of such scare tactics was not enough to stop those under strain from committing what the government considered in practice to be deviant acts, more direct actions were called for and thus preventive anti-trafficking ‘inspections’ have been incorporated by the Federal Police (2014, pers comm.) into their daily procedures in all border crossing points. During these ‘inspections,’ officers prevent ‘human trafficking’

⁵ Although Brazil adopts an abolitionist position where prostitution itself is not illegal, sex work is, by and large, considered to be immoral, deviant and ‘not real work.’ Negative public perception is coupled with a long history of state-sanctioned violence against sex workers, including physical and sexual violence perpetrated by the police (Ruvolo, 2012).

(which in the understanding of Brazilian law is any form of aided migrant sex work) by observing (female) passengers leaving the country and trying to stop the migration project of those they have visually assessed as being ‘vulnerable.’ While some interventions consist simply of officers questioning these migrants, others result in their temporary detention for more in-depth interrogation, a process which in some cases seems to be timed to ensure the women will miss their flights (Blanchette, 2012). Unsurprisingly, these operations have disproportionately targeted young, non-white women who do not possess clear indicators of belonging to the upper-middle class (Piscitelli and Sprandel, 2011).

Although the Federal Police does not appear to keep any records on the number of women it has detained and interrogated (and often stopped from boarding) or, even more importantly, how many genuine trafficking cases it has prevented in this way, it considers these ‘inspections’ as a necessary and effective tool in the fight against transnational human trafficking (Blanchette, 2012: 18).

The Federal Police (2014, pers comm.) bases such actions on article 240§2 of the Criminal Procedure Code, which covers personal searches that may be carried out to arrest criminals or apprehend relevant materials, which include false or counterfeit goods and objects that serve as evidence to a crime. In this understanding, the way in which these preventive actions are undertaken is somewhat peculiar.

While it is certainly possible that trafficking victims may be carrying false documents, that is easily determined and should not impede their journey if it proves not to be the case.⁶ The possibility of finding victims themselves, while allowed for in house searches, is explicitly excluded in personal searches. The scenario of a person being searched and/or detained to ascertain whether they are in fact the victim of a crime is thus, at best, questionable.

In this way, only two possibilities to justify these inspections remain. Either the alleged trafficking victims are (temporarily) detained because they are seen as a piece of evidence to be used in the case against their supposed traffickers or because they are considered to be criminals themselves. While the latter interpretation is not supported by Brazilian legislation (as prostitution is not a crime) and thus cannot result in formal charges or a bona fide arrest, it can and has resulted in the temporary curtailment of several rights of the ‘deviant victims,’⁷ particularly the right to leave Brazilian territory.

⁶ These ‘inspections’ have been described several times throughout the years in a variety of different sources, including judicial sentences (Pires Oliveira, 2008), speeches by members of the prostitutes’ rights movement (Piscitelli and Sprandel, 2011), accounts of specialists on the subject (Blanchette, 2012), and hearings conducted by the Senate commission on trafficking (Senado Federal, 2012). In none of these cases was there a reference to an attempt or desire to identify counterfeit documents.

⁷ Migrant sex workers and trafficking victims are often treated and/or referred to as if they were criminals, even when they have violated no laws. In her research on Brazilian and Spanish media approaches to both categories, Marcon Venson (2009) found that the language used when referring to

In this way, the Brazilian police reiterates its historical position of working against (potential) sex workers despite the non-criminal nature of their activities (Blanchette, 2012: 18).

Luciano Ferreira Dornelas (2012), a senior officer of the Brazilian Federal Police, considers this type of operation problematic, but not because it constrains the constitutional right of free movement of these 'potential (female) victims' or may result in their unwarranted detention. In his view, there is no gain in stopping alleged victims from leaving the country, as this will only affect the side of the trafficking network working in Brazil. It is much more profitable to contact the police in the destination country so that sufficient evidence can be gathered to coordinate a joint operation that will simultaneously dismantle the entire trafficking ring. The exception to this would be situations where there is a concrete danger to an inalienable possession of the victim, such as life. In such cases, unless the authorities in the destination country are ready to make a quick intervention to safeguard the alleged victim, she should, in his view, be barred from travelling for her own protection, regardless of her personal wishes

Of note is the fact that there is no mention whatsoever in the entire process of the opinion and agency of these alleged victims. In the procedure as outlined, it is unknown whether they are told there is reason to believe they are being trafficked or whether they know they might be used as bait and evidence for a transnational police operation. Despite considering that permitting women to leave the country to be exploited is a 'great cruelty,' Ferreira Dornelas' (2012) concern seems to be divided between the 'civil responsibility' of the Brazilian state should one of these women die and capturing as many traffickers as possible, regardless of the impact on potential victims.

This side-lining of the protection of people from victimisation in face of other interests becomes even clearer when trafficking actions are presented, as they have often been, primarily as a way to ensure the 'dignity and honour' of Brazil, rather than as a way to protect Brazilian migrants. In this context, the international reputation of Brazil – which is considered by the government to be intrinsic to the country's continued growth as a relevant political figure in the international scene (Amorim, 2010: 238) – is explicitly linked to its attitude towards sex work.⁸ Anti-trafficking actions, both at the borders and inside Brazil (Amar, 2009), thus serve as a way to combat prostitution in a country where the activity is not, in itself, illegal.⁹

these women ('confessed,' were 'detained' or 'arrested,' are to be 'deported,') was loaded with heavy implication of guilt, even though they were often referred to as 'victims.'

⁸ This type of reasoning seems to be prevalent in judicial sentences about trafficking (see the analysis made by Carone Mayrink Ferreira, 2009) and has been brought up by staff of the Ministry of Justice (Blanchette, 2009: 27), in accounts of members of anti-trafficking groups (Blanchette and Da Silva, 2010: 353) and in speeches of politicians (Teixeira Laky de Sousa, 2012: 352).

⁹ Although anti-sex work policies have been in place for decades in Brazil, the preoccupation with eliminating or at least hiding the existence of prostitution seems to be particularly strong during times of greater international scrutiny. The 2014 FIFA World Cup and the 2016 Summer Olympics are the most recent examples (Ruvolo, 2012).

It is also important to acknowledge that countries such as Brazil, which have a reputation as sources of trafficking victims, also suffer significant external pressure from receiving states to curtail the migration of (potential) trafficking victims. The United States is perhaps the most notable case, as it classifies countries into 'tiers' depending on their attitude towards trafficking and threatens to withhold non-humanitarian aid to those that fail to fulfil its interpretation of an adequate response to the phenomenon. In this way, the US found a way to manipulate other states' attitude towards migration and sex work under the guise of protecting human rights (Chuang, 2007).

The European Union and its member states have also been known to utilise a trafficking framework in order to push a similar anti-migration, anti-sex work agenda. Frontex (2011: 7, 21) generates, for instance, a series of 'risk profiles' which are marketed as particularly relevant tools to identify potential victims of trafficking at the external borders of the EU and thus prevent exploitation. In practice, however, they may be used as a way to justify the denial of entry into the EU to people who have otherwise fulfilled all requirements because their physical appearance and/or limited interaction with border officers flagged potential signs of 'vulnerability.' Although the risk profiles are not made available to the public, it is not unreasonable to speculate about the existence of a Brazilian profile considering the country was ranked by Frontex (2011: 5, 7) as one of the top-three non-EU places of origin of trafficking victims detected in 2009.

At the national level, countries such as Spain and Portugal also seem to interpret the concept of 'vulnerability' as strain and use a trafficking framework to constrain both migration and sex work. Accounts from Brazilians who were denied entry to the Iberian Peninsula collected in the Guarulhos Airport Studies (Secretaria Nacional de Justiça, 2006; Secretaria Nacional de Justiça and ILO, 2007) show that in various cases entry was denied despite the fulfilment of all necessary requirements. The implied or outright suspicion that Brazilian women were migrant sex workers (and not, in fact, potential trafficking victims) seems to be a recurrent explanation for their forced returns and occasional mistreatment. In this context, it is thus not surprising that a memorandum regarding forced prostitution and trafficking produced by Spanish and Brazilian NGOs with the backing of the Spanish government affirms that the focus of anti-trafficking actions should not be on how to ensure the migration process of (vulnerable) Brazilians is safe, but on how to discourage these women from migrating altogether (APRAMP and CHAME, 2009: 3).

In Spain, the presumption of vulnerability, although not described in these terms, is very clear when addressing migrant sex workers, a significant percentage of whom are Brazilian. Regardless of their individual situations, they are all considered to be (potential) trafficking victims since it is assumed that they engage in prostitution 'without any administrative support, due to finding themselves in a *situation of necessity*' (Guardia Civil, 2009: 23, emphasis added). In this understanding, neither what constitutes a situation of 'necessity,' nor the fact that the lack of administrative

support is a failing of the Spanish government rather than of the migrants themselves are made clear.

The continuous assertion that migrant women from developing countries are burdened by problematic economic and cultural conditions which make them vulnerable (Guardia Civil, 2009: 18) is used by the government to justify the constant monitoring of all sex workers in Spain (Malgesini, 2006: 70). Yet this wide assessment of vulnerability is not accompanied, despite official rhetoric, by an equally wide protection instinct. A large percentage of the irregular migrants selling sex who are discovered in Spain are deported from the country without any serious assessment about potential exploitative situations they might have been subjected to. In practice, the 'deviant behaviour' they have taken part in seems to trump any consideration for their supposed vulnerability, unless they can prove to be valuable assets in the judicial cases against their traffickers. Even then, the 'benefits' they can expect are limited (Acién Gonzales and Checa y Olmos, 2011).

Although the situation in Portugal is not as dire, the understanding of vulnerability in the country follows some of the greatest failings present in Brazil. Per a 2007 study co-sponsored by, among others, the Portuguese government and the EU (De Sousa Santos, Gomes, Duarte and Ioannis Baganha, 2007), Portuguese institutions and their representatives seem to accept in large respects the Brazilian understanding of vulnerability which singles out (certain types of) women as the category of people most vulnerable to (sex) trafficking. This is supported by the fact that most cases flagged as potential situations of trafficking in Portugal from 2009 to 2012 tended to involve women (often Brazilians) in the sex industry (Observatório do Tráfico de Seres Humanos, 2014).

Interestingly enough, after recognising forms of trafficking besides sexual exploitation, most cases of trafficking *confirmed* in Portuguese territory in recent years have involved men having their labour exploited. This brings to mind a discussion in the 2009 Global Report on Trafficking in Persons (UN.GIFT, 2009: 6), which considers that the political focus on trafficking for sexual exploitation may lead statistics to be biased towards this form of trafficking. In the same way, focusing solely on members of groups particularly 'vulnerable' to trafficking may mean ignoring actual trafficking victims because they do not correspond to the idea of what a victim is supposed to be.

Like in Spain, those that fit this wide understanding of vulnerability are not necessarily treated as a group in need of support. Brazilian women, particularly those that are considered as the most vulnerable, are very heavily discriminated against because they are almost universally associated with sex work. This discrimination not only results in verbal and sexual harassment, but also curtails their access to jobs, housing and other services (Padilla, 2007).

Conclusion

The inclusion of the concept of ‘abuse of a position of vulnerability’ in the UN Trafficking Protocol has been justified by the understanding that certain conditions (be they intrinsic or situational) restrain a person’s choices in such a way that their acquiescence to migrate is seen as invalid, as they have no ‘real alternative’ but to accept the conditions they are given. Following this understanding, it would not be unreasonable to assume that vulnerable people would be more likely to be trafficked and would thus need special protection.

The problem is that this concept of ‘vulnerability’ has been deliberately interpreted to serve other ends. Rather than being used to describe why people may be coerced into being trafficked, it has often come to be equated to a conceptualisation of strain. In other words, the so-called ‘position of vulnerability’ represents societal constraints (gender, race, class) which make it difficult for people to obtain socially-approved goals through legitimate channels. Rather than give up on the desired success (material or otherwise), these ‘vulnerable’ (deprived) people may choose to act in socially unacceptable ways (migrate irregularly, join the sex industry abroad).¹⁰ Vulnerability is thus often treated in practice as a moral weakness which may lead to deviant behaviour.

Following this understanding, it is not surprising that many anti-trafficking policies, instruments and campaigns are focused not on aiding (potential) victims, either by securing their journeys or by providing economic or occupational opportunities in their home countries which would reduce strain, but on curtailing possible problematic behaviour, particularly if linked to migration and sex work.

The concept of vulnerability is thus reduced to a ‘check list’ used by law enforcement and migration officials to profile people, often from purely visual cues, frequently resulting in a constriction of rights or a justification for racist, sexist and xenophobic practices under a human rights umbrella. By considering that all ‘vulnerable’ people are potential criminals and punishing/restraining them accordingly before any deviant behaviour has been proved or even taken place, the legal principle of presumption of innocence is completely ignored.

The Brazilian case explored in this article showcases this contradiction perfectly. On paper, most anti-trafficking policies emphasize the need to improve the socioeconomic conditions of those at risk of being trafficked so they are no longer vulnerable. In practice, the focus seems to be on scaring certain types of people so they do not migrate and trying to stop them when they attempt to. Moreover, when people do manage to migrate, those that do not fit the receiving state’s conception of an ‘exemplary’ trafficking victim (forced into sex work, grateful for their ‘rescue,’ valuable witness) are often treated as criminals (Carline, 2012: 211).

¹⁰ Sources of strain (many of which are caused or perpetuated by states) are coded as ‘vulnerability factors’ because it is more acceptable to ‘protect vulnerable people’ than to constrain fundamental rights (such as free movement) because they may lead to deviant behaviour.

In all the rhetoric of ‘victim protection’ that surrounds the curtailing of rights of those considered to be vulnerable to trafficking, there is never any reference to the type of protection or aid these potential victims actually want. In the case of Brazil, extensive anthropological research with over two thousand prostitutes in Rio de Janeiro (Câmara dos Deputados, 2014: 475), as well as research undertaken through the reception of deported and non-admitted migrants at the Guarulhos airport show that Brazilian migrant women who fit the vulnerable profile have two very clear wishes (Blanchette and Da Silva 2010: 338). First, they want access to the proper documentation that would allow them to enter foreign countries and reside there legally, with all the benefits and security this status may bring. Secondly, in case something does go wrong, they would like to receive more respect and help from the Brazilian consular authorities, which have been known to dismiss precisely the type of people the government has characterized as most vulnerable to trafficking (Blanchette and Da Silva, 2011: 94).

It is very clear that the focus of those that are seen as vulnerable is not on (long term and costly) social policies that would make it unnecessary for people to migrate for economic reasons, which seems to be the default preventive measure to trafficking advocated worldwide. Rather, they are primarily interested in the safety of those who, for a variety of reasons, not all necessarily economic, would like to migrate. Legal channels of migration would reduce the attractiveness of traffickers’ offers, while knowing that all migrants could rely on the consulates to help them and not turn them to the local police would mean that those that do end up being trafficked would have a possible way out.

In short, those that are seen as vulnerable to trafficking need migration to be made easier, not harder. Thus, we must acknowledge that even if the concept of ‘abuse of a position of vulnerability’ in the context of human trafficking was initially conceived as a way to help these people, the broadness of this particular mean has left it open to being used as an instrument to constrain the migration of certain groups. This is particularly the case when it comes to women from developing countries, whose access to legitimate migration channels tends to be very restricted.

This does not mean that the concept should necessarily be abandoned completely. Its specifications, however, must be properly defined. In their introduction to *Feminist Legal Studies*’ special issue on vulnerability, FitzGerald and Munro (2012: 183) counselled ‘caution regarding the ways in which the label of vulnerability is constructed, applied and deployed in contemporary debates around sexual exploitation, where a range of other social, economic and political agendas are implicated.’

In the context of trafficking, a cautionary approach would ensure that legislation based on the UN Protocol and future trafficking instruments clearly delineate what ‘real and acceptable alternatives’ are supposed to be so that the concept of ‘abuse of a position of vulnerability’ cannot be misused. Considering, however, the long history of trafficking

instruments being deliberately crafted to be used as forms of migration and prostitution control to the benefit of certain national governments and elite groups (Doezema, 2005; Piscitelli and Sprandel, 2011), it seems unlikely that a concept which has proven to be so useful to these agendas will be neutralized.

References

Ación Gonzales E and Checa y Olmos F (2011) La actualidad del abordaje de la trata de personas para la prostitución forzada en España. El Plan Integral y sus implicaciones para trabajadoras del sexo inmigradas [The topicality of the approach towards human trafficking for forced prostitution in Spain. The Integral Plan and its implications for migrant sex workers]. *Gazeta de Antropología* 27(1).

Agustín L M (2007) *Sex at the Margins: Migration, Labour Markets and the Rescue Industry*. London: Zed Books.

Akers R L and Sellers C S (2004) *Criminological theories: introduction, evaluation, and application*. Los Angeles: Roxbury.

Amar P (2009) Operation Princess in Rio de Janeiro: Policing 'Sex Trafficking', Strengthening Worker Citizenship, and the Urban Geopolitics of Security in Brazil. *Security Dialogue* 40(4-5): 513-541.

Amorim C (2010) Brazilian foreign policy under President Lula (2003-2010): an overview. *Revista Brasileira de Política Internacional* 53: 214-240.

APRAMP and CHAME (2009) *Reflexiones y conclusiones del Proyecto 'Mecanismos de Comunicación e intervención en países de origen y España en materia de prostitución forzada y trata de personas'* [Reflections and conclusions of the project 'Mechanisms of communication and intervention in origin countries and Spain regarding forced prostitution and human trafficking']. Available at: <http://www.apramp.org/documento.asp?id=138> (accessed 23 March 2012)

Blanchette T G (2009) As American Girls: Migração, Sexo e Status Imperial em 1918 e 2008 [The American Girls: Migration, Sex and Imperial Status in 1918 and 2008]. *Horizontes Antropológicos* 15(31): 75-99.

Blanchette T G (2012) Como uma política de direitos humanos está sendo utilizada para reprimir as prostitutas [How a human rights policy is being used to repress prostitutes]. *Beijo da Rua* April: 16-19.

Blanchette T G and Da Silva A P (2010) Mulheres vulneráveis e meninas más: Uma análise antropológica de narrativas hegemônicas sobre o tráfico das pessoas no Brasil [Vulnerable women and bad girls: an anthropological analysis of the hegemonic

narratives about human trafficking in Brazil]. In Pacelli Ferreira A, Vainer C, Póvoa Neto H and De Oliveira Santos M (orgs) *A Experiência migrante: entre deslocamentos e reconstruções*. Rio de Janeiro: Garamond, pp. 325-360.

Blanchette T G and Da Silva A P (2011) O mito de Maria, uma traficada exemplar: confrontando leituras mitológicas do tráfico com as experiências de migrantes brasileiros, trabalhadores do sexo [The myth of Maria, an exemplary trafficking victim: confronting mythological readings of trafficking with the experiences of Brazilian migrant sex workers]. *Revista Interdisciplinar da Mobilidade Humana* 19(37): 79-105.

Blanchette T G and Da Silva A P (2012) On bullshit and the trafficking of women: moral entrepreneurs and the invention of trafficking of persons in Brazil. *Dialectical Anthropology* 36(1-2): 107-125.

Câmara dos Deputados (2014) *Comissão Parlamentar de Inquérito destinada a investigar o Tráfico de Pessoas no Brasil, suas causas, consequências e responsáveis no período de 2003 a 2011, compreendido na vigência da Convenção de Palermo. (CPI – Tráfico de Pessoas no Brasil)* [Parliamentary Inquiry Commission aimed at investigating Trafficking in Persons in Brazil, its causes, consequences and those responsible for it in the period from 2003 to 2011, during the terms of the Palermo Convention. (CPI – Trafficking in Persons in Brazil)]. Report of the Câmara dos Deputados, Brasília.

Campani G (2000) Immigrant Women in Southern Europe: Social Exclusion, Domestic Work and Prostitution. In: King R, Lazaridis G and Tsardanidis C (eds) *Eldorado or Fortress?: Migration in Southern Europe*. London: Macmillan Press, pp. 145-169.

Carline A (2012) Of Frames, Cons and Affects: Constructing and Responding to Prostitution and Trafficking for Sexual Exploitation. *Feminist Legal Studies* 20: 207-225.

Carone Mayrink Ferreira I T (2009) *A Construção Social do Tráfico de Pessoas* [The social construction of human trafficking]. Master's thesis, Universidade Federal do Rio de Janeiro, Brazil.

Chuang J (2007) The United States as Global Sheriff: Using Unilateral Sanctions to Combat Human Trafficking. *Michigan Journal of International Law* 27(2).

De Sousa Santos B, Gomes C, Duarte M, and Ioannis Baganha M (2007) *Tráfico de mulheres em Portugal para fins de exploração sexual* [Trafficking of women in Portugal for sexual exploitation]. Report. Coimbra: CES and CAIM.

Doezema J (2005) Now You See Her, Now You Don't: Sex Workers at the UN Trafficking Protocol Negotiation. *Social & Legal Studies* 14(1): 61-89.

Ferreira Dornelas L (2012) Tráfico de Seres Humanos na visão dos Tribunais. Confiança mútua como princípio orientador da cooperação entre os estados [Human trafficking in the vision of the courts. Mutual trust as the guiding principle of cooperation between states]. In: *Tráfico Internacional de Seres Humanos*, Tribunal Regional Federal da 4ª Região, Porto Alegre, Brazil, October.

Fineman M (2008) The vulnerable subject: Anchoring equality in the human condition. *Yale Journal of Law and Feminism* 20: 1–23.

Fineman M (2010) The vulnerable subject and the responsive state. *Emory Law Journal* 60: 251–275.

FitzGerald S and Munro V (2012) Sex Work and the Regulation of Vulnerability(ies): Introduction. *Feminist Legal Studies* 20(3): 183-188.

Frontex (2011) *Situational Overview on Trafficking in Human Beings (For Public Release)*. Report of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. Warsaw: Frontex.

Guardia Civil (2009) *Informe Criminológico - Trata de Seres Humanos con Fines de Explotación Sexual Año 2009* [Criminological report – human trafficking for the purpose of sexual exploitation 2009]. Report of the Departamento de Análisis Criminal de la Unidad Técnica de Policía Judicial de la Guardia Civil, Madrid.

Hewitt K (1997) *Regions of risk*. Edinburgh: Longman.

Ibero-American Judicial Summit Work Group (2008) Brasilia Regulations Regarding Access to Justice for Vulnerable People. Declaration approved at the XIV Ibero-American Judicial Summit, Brasília, March.

Jordan A D (2002) *The Annotated Guide to the Complete UN Trafficking Protocol*. Report, International Human Rights Law Group, Washington, D.C.

Leal M L and Leal M de F (coord.) (2002) *Study of Trafficking in Women, Children and Adolescents for Commercial Sexual Exploitation – National Report – Brazil (PESTRAF)*. Report, CECRIA, Brasília.

Lima Araújo C (2013) O enfrentamento ao tráfico de pessoas e a introdução do tema para o SUS/Brasil [Confronting human trafficking and the introduction of the theme to the Unified Health System (SUS)/Brazil]. In: Ministério da Saúde (org), *Saúde, migração, tráfico e violência contra mulheres: o que o SUS precisa saber*. Report, Ministério da Saúde, Brasília, pp. 17-25.

Lopes C (2010) Polícia Federal apresenta perfil de mulheres aliciadas pelo tráfico [Federal Police presents the profile of trafficked women]. In *UnB Agência*. Available at: <http://www.unb.br/noticias/unbagencia/unbagencia.php?id=3827> (accessed 17 May 2014)

Malgesini G (coord.) (2006) *Impacto de una posible normalización profesional de la prostitución en la viabilidad y sostenibilidad futura del sistema de pensiones de protección social* [Impact of a possible professional normalization of prostitution in the future viability and sustainability of the social protection pension system]. Report of the Ministerio de Trabajo y Asuntos Sociales, Madrid.

Marcon Venson A (2009) *Rotas do desejo: tráfico de mulheres e prostituição como estratégia migratória no El País e na Folha de São Paulo (1997-2007)* [Routes of Desire: trafficking in women and prostitution as a migratory strategy in newspapers El País and Folha de São Paulo (1997-2007)]. Master's thesis, Universidade Federal de Santa Catarina, Brazil.

Ministério da Justiça (2011) *Conhecendo mais sobre o Tráfico de Pessoas e como Enfrentá-lo* [Knowing more about trafficking in persons and how to face it]. Powerpoint presented at the Processo Participativo para a Elaboração do II Plano Nacional de Enfrentamento ao Tráfico de Pessoas, July.

Ministério da Justiça (2014) *Tráfico de Pessoas – Campanhas* [Human trafficking – campaigns]. Available at: <http://portal.mj.gov.br> (accessed 7 January 2014)

Munro V and Scouler J (2012) Abusing Vulnerability? Contemporary Law and Policy Responses to Sex Work in the UK. *Feminist Legal Studies* 20(3): 189-206.

Newburn T (ed.) (2009) *Key readings in criminology*. Cullompton: Willan.

Observatório do Tráfico de Seres Humanos (2014) Available at: www.otsh.mai.gov.pt (accessed 7 January 2014)

O'Connor T (2007) Strain Theories of Crime. Available at: <http://www.drtoconnor.com/1060/1060lect06.htm> (accessed 21 April 2013)

Oliveira A (2012) Social control of immigrant sex workers transforming a group recognized as 'at risk' into a group viewed as 'a risk.' *International Journal of Migration, Health, and Social Care* 8(1): 32-41.

Padilla B (2007) Brasileiras en Portugal: de la transformación de las diversas identidades a la exotización [Brazilian women in Portugal: from the transformation of several identities to exotization]. *Les Cahiers Amérique Latine Histoire et Mémoire* 14.

Philo C (2005) The geographies that wound. *Population, Place and Space* 11: 441–454.

Pires Oliveira M (2008) Sobre armadilhas e cascas de banana: uma análise crítica da administração de Justiça em temas associados aos Direitos Humanos [About Traps and Other Slippery Questions: A Critical Analysis of the Administration of Justice in Themes of Human Rights]. *Cadernos Pagu* 31: 125-149.

Piscitelli A and Sprandel M A (chairs) (2011) *Fórum 03 - Tráfico de Pessoas e Novas Flexões no Debate* [Forum 03 – human trafficking and new inflections in the debate]. In: 35º Encontro Anual da ANPOCS, Caxambú, Brazil, October.

Procuradoria Regional da República da 3ª Região/SP (2014, March 13) *Contribuição do Ministério Público Federal para a política de enfrentamento ao tráfico de pessoas* [Contribution of the Federal Public Ministry to the policy of confronting human trafficking]. Available at: <http://www.tvmpf.mpf.gov.br/videos/345> (accessed 12 May 2014)

Ruvolo J (2012) Rio's Biggest Prostitution Crackdown in a Generation. *The Atlantic: Cities*. Available at: <http://www.theatlanticcities.com/jobs-and-economy/2012/09/rios-biggest-prostitution-crackdown-generation/3199/> (accessed 21 March 2014)

Saunders P (2005) Traffic Violations: Determining the Meaning of Violence in Sexual Trafficking Versus Sex Work. *Journal of Interpersonal Violence* 20(3): 343-360.

Secretaria Nacional de Justiça (2006) *Relatório: indícios de tráfico de pessoas no universo de deportadas e não admitidas que regressam ao Brasil via o aeroporto de Guarulhos* [Report: trafficking indicators in the universe of deported and non-admitted people who return to Brazil through the Guarulhos airport]. Pesquisas em Tráfico de Pessoas – parte 2. Report for the Ministério da Justiça, Brasília.

Secretaria Nacional de Justiça (2013) *II Plano nacional de enfrentamento ao tráfico de pessoas* [II National Plan on confronting trafficking in persons]. Report for the Ministério da Justiça, Brasília.

Secretaria Nacional de Justiça and ILO (2007) *Tráfico internacional de pessoas e tráfico de migrantes entre deportados(as) e não admitidos(as) que regressam ao Brasil via o aeroporto internacional de São Paulo* [International human trafficking and migrant smuggling among deported and non-admitted persons that have returned to Brazil through the São Paulo international airport]. Pesquisas em Tráfico de Pessoas – parte 3. Report for the Ministério da Justiça, Brasília.

Senado Federal (2006) *Relatório Final da Comissão Parlamentar Mista de Inquérito Criada por meio do Requerimento nº 2, de 2005–CN, 'para apurar os crimes e outros*

delitos penais e civis praticados com a emigração ilegal de brasileiros para os Estados Unidos e outros países, e assegurar os direitos de cidadania aos brasileiros que vivem no exterior [Final report of the Mixed Parliamentary Inquiry Commissions created through motion 2 of 2005-CN, 'to investigate the crimes and other penal and civil offenses undertaken with the illegal emigration of Brazilians to the United States and other countries, and assuring the citizenship rights of the Brazilians who live abroad']. Report of the Senado Federal, Brasília.

Senado Federal (2012) *Comissão Parlamentar de Inquérito 'destinada a investigar o tráfico nacional e internacional de pessoas no Brasil, suas causas, consequências, rotas e responsáveis, no período de 2003 e 2011, compreendido na vigência da Convenção de Palermo.'* *Relatório Final* [Parliamentary Inquiry Commission 'to investigate national and international human trafficking in Brazil, its causes, consequences, routes and persons responsible, in the period between 2003 and 2011, during which the Palermo Convention is in full force.' Final Report]. Report of the Senado Federal, Brasília.

Solana Ruiz J L (2011) *La trata de seres humanos con fines de explotación sexual: análisis conceptual e histórico* [Human trafficking for sexual exploitation: historical and conceptual analysis]. In: García Castaño F J and Kressova N (coords) *Actas del I Congreso Internacional sobre Migraciones en Andalucía*. Granada: Instituto de Migraciones, pp. 915-923.

Teixeira Laky de Sousa T (2012) *Tráfico de Mulheres: Nova face de uma Velha Escravidão* [Trafficking in women: New face of an old slavery]. PhD Thesis, Pontifícia Universidade Católica de São Paulo, Brazil.

United Nations (2003) *Report on the world social situation 2003: Social vulnerability: Sources and challenges*. Report of the UN Department of Economic and Social Affairs, New York.

United Nations Global Initiative to Fight Human Trafficking [UN.GIFT] (2009) *Global Report on Trafficking in Persons*. Report of the UNODC, Vienna.

United Nations Office on Drugs and Crime [UNODC] (2013) *Abuse of a position of vulnerability and other 'means' within the definition of trafficking in persons*. Issue Paper, United Nations, New York.

United States Department of State (2005) *Trafficking in Persons Report 2005*. Available at: <http://www.state.gov/j/tip/rls/tiprpt/> (accessed 30 April 2013)