



INSIGHT Action Policy Brief 3: Intra-European movements and the protection of trafficked women in Italy and Sweden

Introduction

This policy brief has been prepared by the SSIIM Unesco Chair of the University Iuav of Venice, as part of the INSIGHT Action and a series of 4 policy briefs aimed at promoting and improving transnational cooperation in the fight against trafficking in human beings and the protection of people who have been trafficked. This brief focuses specifically on the challenges and critical issues of intra-European mobility. The brief is based on qualitative research (ethnographic observation and semi-structured interviews) conducted in the period June 2019 to September 2020 in Sweden and the Brenner area in the north of Italy, at the border with Austria, as described in Semprebom and Caroselli (2021) and Johansson and Semprebom (2020)¹.

Migratory movements from and to Nigeria and intra-European mobility

In the period 2015-2017, there was a peak in the arrival of Nigerian women in Italy and Spain². In 2015-2016, Nigeria was the non-European country with the highest number of citizens registered as trafficked in the EU (EU Commission, 2018)³. Relatively little is known about internal movements⁴ and returns⁵ to Nigeria, as well as internal movements in Europe⁶, the focus of this brief.

Almost half (1012 out of 2084) of Nigerian citizens who arrived in the EU were registered in Italy. In the same year, the number of migrants arriving in Italy, by sea or land, decreased, amounting to -5% compared to the previous year. As a result, Nigerians were no longer among the top five of third-country citizens registered as victims of trafficking in

¹ Semprebom M. and Caroselli S. (2021) *"The phenomenon of human trafficking along the Brenner route: secondary movements and the system of protection for Nigerian women in the city of Bozen"* and Johansson I. and Semprebom M. (2020) *"Strengths and Weaknesses of the Swedish Anti-trafficking System"*, SSIIM Unesco Chair, University Iuav of Venice. Available at: <https://www.insightproject.net/project/publications/> Last access: 20.09.2021.

² Frontex (2018) Risk Analysis. Available: https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_for_2018.pdf Last access: 01.09.2019.

³ European Commission (2018) Data Collection on Human Trafficking in the EU. Available: <https://bit.ly/2msM72d> Last access: 23.09.2019.

⁴ EU Commission (2018). 2nd Report on the progress made in the fight against trafficking in human beings. Available: <https://bit.ly/3l1bxle> Last

access: 04.12.2020.

⁵ Regarding Italy, an increasing number of Nigerians have been forced to return to Nigeria: in 2017 a total of 279 was recorded, in 2018 a total of 189, with a peak of 348 in 2019, as stated by the Ombudsperson for the rights of detained people and people deprived of their liberty in the Monitoring Report of repatriation activities of foreign citizens. Between 2017 and 2019, nearly 16,000 migrants of Nigerian origins were registered as returnees. 12,000 joined the IOM Assisted and Voluntary Return Programme, mostly in Libya. Only 7,000 (58%), however, obtained support for reintegration (see Alpes J. (2020). Emergency returns by IOM from Libya and Niger. July 2020. Available:

https://www.medico.de/fileadmin/user_upload/media/rueckkehr-studie-en.pdf

Last access: 02.02.2021.

⁶ Frontex (2020). Risk Analysis. Available: <https://bit.ly/3qtl7et> Last access: 04.12.2019.

the EU. That being said, quantitative and qualitative knowledge about the movements of Nigerians to and within Europe is limited. Notably, to date, the actual number of people who set off on a journey from Nigeria to Europe is unknown. Moreover, while it has been suggested that migration from Nigeria to Europe is decreasing, it is reasonable to wonder whether it is a matter of decreasing arrivals or changing migration patterns and their (limited) visibility. Narrative evidence from the INSigHT research, particularly from N.A.Ve anti-trafficking practitioners in Italy (Semprebón and Caroselli, 2021) explained they have experienced several internal movements, including particularly movements from Germany and northern Europe back to Italy undertaken autonomously by people who were trafficked, often to avoid a repatriation to Nigeria or, following a Dublin order, to Italy.

IOM (2017) highlighted that transportation through transit destination countries (mainly Italy, Spain, France and Germany, but also Sweden, Belgium, Austria, the Netherlands and Switzerland) are under the radar of political attention. In line with this observation, the second EU report on the evolution of the trafficking of human beings (2018)⁷ showed that internal trafficking, within the territory of the EU Member States, is on the rise. This trend clearly indicates the need to address the phenomenon in its transnational but also intra-European dimension. It also points to the pressing need of developing a intra-European mechanism of victim referrals. More knowledge of intra-European movements and synchronised measures are central to fighting trafficking and ensuring adequate protection of the people who have been or risk being victimised.

Normative Framework

The European Normative Framework on trafficking relevant to internal movements

- UN Palermo Protocol (2000 - ratified by Nigeria in 2001)
- EU Charter of Fundamental Rights (2000)
- Council of Europe Convention Against the Trafficking in Human Beings (2008)
- EU Directive 2011/36 on Preventing and Combating Trafficking in Human Beings and Protecting its Victims (2011)

- Antitrafficking strategy (2021)
- New Migration Pact (Proposal) (2020)
- Dublin Regulation (2013)

⁷ Note 3.

Main policy issues

Evolving movements and intra-European movements: dynamics in Italy and Sweden

The increasing tightening of European asylum and border policies has had negative impacts on men and women and even more on women trafficked for the scope of exploitation. Such impacts include first of all severe limitations to their mobility across European borders. Some literature on trafficking in border areas indicates that the ineffectiveness of identification mechanisms and the inadequacy protection interventions⁸ have in fact resulted in endless forced mobility (Caroselli and Semprebon, 2021). In principle, formal readmissions should respect international standards of protection and protocols between neighbouring countries. However, critical issues have been raised, for example with regard to Dublin procedures, that may not respect human rights nor consider issues of vulnerability that would require to stop transfer procedures⁹. It must be added that readmissions can also be informal, that is to say they can occur outside the realm of formal identification and referral procedures. As it emerged at the northern Italian Brenner border with Austria, a strategic place of transit to northern Europe and return to Italy (Semprebon and Caroselli, 2021), but also in Sweden (Johansson and Semprebon, 2020) migrants can cross border without being stopped or interviewed to verify conditions of vulnerability. Regarding the Brenner, following the creation of the Schengen area, in 1998, the Italian and Austrian institutions took steps to remove the 'symbolic' and 'material' Brenner border. However, its coercive function was never abandoned. It was rather re-established through trilateral Italy-Germany-Austria

agreements, which created a system of 'mobile controls' at the Rosenheim, Brenner and Bozen stations mainly but also along the Brenner route and on the trains. The arrivals of Nigerian women have been decreasing in the most recent years, compared to the peak recorded in 2017. At the same time, intra-European movements between Italy, Austria and Germany, as well as other EU Member States have been on the increase, for example with women fleeing to Italy to avoid being deported back to Nigeria, as explained above and have been hardly affected by controls. Regarding Sweden, because of its geographical position, migrants' movements have been far less intense, when considering the country as first country of arrival. It is nonetheless a relevant country in the geography of trafficking associated movements, because of European internal movements. The Oresund Bridge, which opened in 2000, made movements between Denmark and Sweden significantly easier – contributing as such to the furthering of intra-European mobility. Earlier, airplanes or ferries were the only available modes of transportation into Sweden. From 2000 to 2016, no border controls were implemented along the bridge. In 2016, the Swedish Government, following the approval of a temporary exemption from the Schengen Agreement, introduced border controls for people crossing the bridge into Sweden. The decision was part of Sweden's response to an increasing inflow of migrants from Southern Europe, in the period 2015-2016. On the side, Nigerian women and girls victims of trafficking have arrived in Sweden before and after the introduction of border controls. Some of them have used commercial bus services to move between Sweden and Italy as of late. Moreover, there are cases where women's exploitation started in Italy or

⁸ On this see Caroselli S. and Semprebon M. (2021) "Seekers and holders of international protection in Bozen: arrival, transit and reception within an internal border area". In *Across the boundaries of reception: social trajectories, material conditions and coping strategies of refugees and asylum seekers inside and outside the Italian System of International Protection*, edited by Della Puppa F. and Sanò G. See also

Fontanari E. (2019) *Lives in Transit. An Ethnographic Study of Refugees' Subjectivity across European Borders*. Routledge.

⁹ Morano-Foadi, S. (2017). Solidarity and Responsibility: Advancing Humanitarian Responses to EU Migratory Pressures. *EJML*, 19(3), 223-254. See also Caroselli and Semprebon (2021).

Spain or other European countries, but occurred in Sweden too; while in other instances, Nigerian women have come to Sweden to seek protection after having fled situations of exploitation elsewhere in Europe.

Referral and access to protection for people victims of trafficking in the Brenner area (Italy) and Sweden

Brenner area and Italy

Bolzano is the closest city south of the Brenner border. Migrants transiting through the Brenner are invited to reach Bolzano if they are seeking protection. Once they arrive at the station, they can contact the local association *Voluntarius* that undertake an initial screening of migrants' conditions. Whereby the screening highlights any element of vulnerability, migrants are referred to the local municipality who will accommodate them; otherwise it will be the Refugee Counselling Service, run by Caritas, that will assist them to find accommodation and legal support for the asylum application. As the *Voluntarius* screening service is run by volunteer who are not specifically trained for screenings, cases emerged during our research pointing to *Voluntarius*' failure to grant the prompt protection of vulnerable individuals. As far as people victims of trafficking are concerned, they can have an assessment by the local anti-trafficking organisation, the Alba project, only after they have entered the reception system, thus making access to full protection lengthy and complicated.

An urgent need to strengthen local stakeholders' capacity of identification is evident and it emerged also with reference to the outreach unit, as well as the crisis and evaluation unit, which organises screenings with people referred by volunteers. The lack of

adequate identification skills has meant that many women have been excluded from the reception system and the anti-trafficking system too. Many of them left the city after having unsuccessfully sought for support for several months; some returned months or years later, after having suffered further exploitation. The lack of an adequate referral system and the resulting difficulties of access to protection have resulted in institutional violence adding to the violence suffered by these women in connection to trafficking and exploitation.

At higher national level, guidelines on referral were published in 2016 by UNHCR¹⁰ - in a revised version in 2020¹¹. Increasing attention has been given to referrals and to the efforts that should be put in place to improve the integrated collaboration between the asylum and the anti-trafficking system. Efforts in this direction were certainly made in Bozen with the signing of a dedicated protocol, but this has proved insufficient so far. Another aspect should be noticed in terms of referral. The Alba project has become the referent for referrals from Germany to Italy, in collaboration with the German Anti-trafficking Network, the KOK Project. This has meant that informal contacts have been developed that could facilitate referrals, although we could not gather evidence of the actual impact of the collaboration on the protection of people so far. Notwithstanding, the development of a formal transnational procedure, for Sweden and all European Member States, is certainly advisable, as a recent report highlighted¹².

Sweden

Sweden set up a referral mechanism in 2016, following GRETA's critique regarding the lack of a formalized mechanism. Sweden's National Referral Mechanism (NRM) comprises six

¹⁰ Available: <https://www.unhcr.org/it/wp-content/uploads/sites/97/2021/01/Linee-Guida-per-le-Commissioni-Territoriali-identificazione-vittime-di-tratta.pdf>
Last access: 01.02.2021.

¹¹ Available: [https://www.unhcr.org/it/wp-content/uploads/sites/97/2021/01/Linee-Guida-per-le-](https://www.unhcr.org/it/wp-content/uploads/sites/97/2021/01/Linee-Guida-per-le-Commissioni-Territoriali-identificazione-vittime-di-tratta.pdf)

[Commissioni-Territoriali-identificazione-vittime-di-tratta.pdf](#)
Last access: 20.01.2021.

¹² EC, 2018a. *Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms*. Available: <https://bit.ly/3f0BeRk> Last access: 20.07.2021.

consecutive steps where identification leads to temporary protection and support measures, criminal proceedings, and the return of individuals identified as victims of trafficking to their country of origin, or a country where they have the right to reside. What needs stressing is that only migrants who are willing to cooperate with law enforcement can access temporary residency. Hence, the impact of the RNM has been rather limited. The goal of the NRM is to prosecute perpetrators and have migrants identified as trafficking victims leave Sweden, with a notable lack of long-term options for them. Both issues The implicit assumption on which the RNM is based is that Nigerian women first arrive in Italy or a southern European country and only afterwards may reach northern Europe. Therefore, it is focused on returning them either to Nigeria or the country of first arrival. This means that although Nigerian women often travel to Sweden to flee from exploitative situations in other parts of Europe and to seek asylum, their chances of receiving asylum in Sweden are slim. The regional coordinators against prostitution and human trafficking are called to facilitate contact between social workers and victims and potential victims of trafficking to ensure the of victims are addressed, but they do not have the authority to take any decision. In turn, social services can perform individual risk assessments to take decisions about emergency accommodation, based on individual needs and the resources available.

Referral of Dublin cases and the lack of attention to people victims of trafficking

Italy

In recent years, Italy has experienced an increase in incoming Dublin procedures. In the first months of 2019, more asylum seekers

were transferred to Italy under the Dublin procedure than arrived by sea¹³. Most of these asylum seekers came from Switzerland, Germany, Austria and Sweden. According to the most recent data, in 2018, Italy recorded 42,911 Dublin decisions¹⁴, compared to 26,627, in the previous year. However, many migrants were not readmitted, as assessment deadlines expired, in connection with significant delays in the procedure. What needs stressing is that in cases in which particularly vulnerable persons, such as trafficked people, are not transferred with a Dublin order, they are exposed to the risk of further exploitation and victimisation but also to the risk of forced return. This risk is notable in countries such as Sweden, where trafficked persons are only granted temporary residency if they agree to cooperate in criminal proceedings against traffickers and until the proceeding is completed. Following its completion, they are expected to return. In cases in which victims or presumed victims are transferred to Italy and accept to enter a protection programme, but cannot be placed in the territory of arrival because of security reasons (i.e. presence of the criminal network, special needs, lack of reception places, etc.), they can be transferred to an anti-trafficking project elsewhere in Italy, through a referral procedure normally activated by the Anti-trafficking Hotline. In this regard, two important factors should be considered. First, people victims of trafficking should not be subjected to Dublin procedures (with possible rare exception), considering they normally experience vulnerable conditions and may be further exposed to trafficking. Second, whereby they are subjected to a Dublin procedure, the Dublin Unit should refer them to an anti-trafficking project, but this is apparently not always the case. The INSigHT research revealed that communication

¹³ Data available on Infomigrants: www.infomigrants.net/en/post/17242/eu-member-states-ask-italy-to-take-back-46-000-migrants Last access: 30.01.2020.

¹⁴ Data available on Eurostat website: https://ec.europa.eu/eurostat/statistics-explained/index.php/Dublin_statistics_on_countries_responsible_for_asylum_application Last access: 10.01.2021.

between the relevant countries involved in the procedure is oftentimes missing.

Sweden

Stakeholders explained how there are no clear guidelines to deal with victims of trafficking who are subjected to Dublin procedures. As a result, Swedish non-governmental actors have in a few instances been successful in stopping Dublin transfers of Nigerian individuals victims of trafficking to Italy as well as deportations to Nigeria. The Migration Agency further explained that it often has to rely on the support of civil society organisations in situations involving Dublin transfers. However, the support they can provide is limited. It was also confirmed there are no formalised procedures for exchanging information about individuals identified as victims of trafficking with the authorities in the receiving countries, nor to follow up on the outcome of transfers once individuals have left Sweden. The lack of proper procedures can have severe effects in terms of protecting individuals from further victimisation.

The referral and protection of trafficked women with children

The Brenner-Bozen area and Italy

The reception of mothers with children in the Brenner-Bozen area is dealt with by the Alba project, in collaboration with the local social services and specifically the department for women and minors. Generally speaking, concerning Italy, the protection of trafficked mothers with children is particularly challenging as the responsibility for protection of children and vulnerable women (including pregnant women and lone mothers) rests in the hands of municipal social services, which rarely have specific skills to deal with trafficked women, whose protection is largely organised by NGOs. At the same time, anti-trafficking projects do not have shelters that are adequate to cater for the specific needs of

mothers with children and cannot take responsibility over children. In other words, the protection of mothers requires the development of an integrated system of stakeholders including social services, the anti-trafficking and asylum system and all the relevant actors specialised in child-care, but there is no such an integrate system to date, hence the protection of this specific target group is very fragmented and largely dependent on local resources made available by municipalities and other involved actors.

Sweden

Interviewees highlighted that non-profit organisations and NGOs have played a crucial role in providing shelter to several women victims of trafficking who have sought refuge in Sweden, while pregnant or with children. However, the right to maternity and other health-related care of undocumented women and girls has recently been put into question. An interviewee described an instance where an undocumented pregnant Nigerian woman was denied healthcare (see Johansson and Semprebon, 2021). As a result of having been denied asylum and reported to the Dublin Unit for transfer, the woman decided to travel back to Italy, where she had previously stayed, on her own accord. In Italy, she was hospitalized and was supported to get in touch with the Anti-trafficking Hotline who referred her to the nearest anti-trafficking project. Following several meetings with the woman, the anti-trafficking practitioners found out that, in Sweden, she had been provided shelter by the organisation Noomi. This (missed) Dublin case is an example of informal collaboration, pointing to the importance of improving effective communication between countries that will ideally lead to the development of a formal mechanism of referral.

Recommendations for improved transnational cooperation to fight trafficking and protect people who are victimised

1. Develop forms of transnational cooperation between Italy and Nigeria but also between European Member States, to promote a coordinated system of referral, under secure conditions and with adequate timeframes, but also improved investigations and prosecutions, through initiatives such as the Migration Partnership Framework; and favour the development of formal collaborations between EU Member States and the Dublin Unit, through the definition of specific protocols;
2. develop a cohesive integrated mechanism for the transnational referral of individuals victims of trafficking, focusing also on secondary movements and the ramifications of the Dublin Regulation, which includes both anti-trafficking and asylum workers and professionals, while also supporting the capacity building of key actors; and set up a European toll-free hotline targeting victims and potential victims of trafficking;
3. ensure trafficked persons have access to a residence permit for social protection in all European Member States, regardless of whether they choose to cooperate in investigations, as provided for by art. 18 of Italian Legislative Decree 286/1998; and guarantee their effective access to the right of asylum; and consider introducing long-term residence permits and measures of support to individuals identified as victims of trafficking;
4. ensure funding for independent multi-sited research activities on trafficking and the continuing evolution of the phenomenon, including in particular intra-European movements, the various forms of exploitation and the various connections with organised crime;
5. with reference to the proposals put forward by the New Migration Pact, consider improving the Dublin system to ensure speedier procedures and the effective protection of people victims of trafficking, while also improving the system of identification and referral, particularly in border areas and across European Member States.

This policy brief was written by Michela Sempredon and Isabelle Johansson, SSIIM Unesco Chair, University Iuav of Venice (Italy), as part of the INSigHT Action (Building capacity to deal with human trafficking and transit routes in Nigeria, Italy, Sweden) that aims at increasing the capacity of key local stakeholders in the Veneto region (Italy), Edo and Lagos states (Nigeria) and Sweden to tackle human trafficking and to deal with its evolving dynamics. The Action will focus on the trafficking of young Nigerian women while promoting knowledge-based policymaking in the respective countries and reinforcing transnational cooperation on the topic.

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