-looking for some coherence:
migrants in-between criminalisation and protection in italy

1. introduction

The following pages will look at the socio-political aspects as implicated in the phenomenon of smuggling and trafficking, and especially at the tension between declared intents and covered ones, between national policies and local praxis, between processes that aim to criminalize migrants and those that aim to protect them. Special attention will be given to the current debate, from which it will emerge that the subjects involved in smuggling and trafficking are often debated in such a way that makes them disentangled (partially or totally) from those very ‘events’. In this respect, the case of trafficked women, who are forced into the prostitution market, is an exemplary case. While, on the one hand, trafficking in human beings is understood as a deplorable phenomenon whose victims have to be protected; on the other hand, prostitutes seem to remain always already prostitutes, as if prostitutes cannot fall into the category of victims. The public campaign organised by the Lega Nord (Northern League Party) – which is part of the centre-right governing coalition – moves precisely in this direction. Foreign prostitutes are not at all understood as victims but indeed as the main cause of public disorder and urban insecurity and the only option against their invasion is their forced removal from Italian soil altogether. The public campaign against foreign prostitution clashes with the one operated by the government on human trafficking and on the programme of social protection for its victims.

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Elspeth Guild and Paul Minderhoud (eds.), Immigration and Criminal Law ... 169-200.
and paradoxically the message of the Northern League Party has been effective enough to influence and shape part of public opinion on this matter.

Given the peculiarities of the Italian political framework, and especially the impressive (direct and indirect) control of mass media in the hand of the President of the Council of the Ministers\(^2\) – Silvio Berlusconi – what seems important to evaluate is not simply the way in which smuggling and trafficking in human beings are understood, and hence the way in which the debate has been constructed, but also, and perhaps more importantly, what has been excluded from the political debate. Dominant messages reproduce images of constant and unstoppable invasions of clandestini (illegal entrants), but not of what happens to them; of the high price paid to criminal transnational organisations for being smuggled in, but not of the insurmountable difficulties in getting through the legal route; of the inhumane conditions of the journey, but not of the equally inhumane conditions of detention in camps; of the ‘indecency’ of allowing thousands of (foreign and illegal) prostitutes on Italian streets, but not of their (national and legal) clients; of the urgent needs to clean cities from foreign criminal organisations, but not from their Italian counterpart; and last but not least of the high number of irregular workers, but not of their employers who are in primis responsible of their irregular working conditions. This list does not aim to be exhaustive, though it well represents the way in which the debate has been manoeuvred, and such an operation has been enormously facilitated by an impressive control of the mass media by the governing coalition.

The argument in the chapter is going to be organised into two main sections, though more attention will be devoted to the phenomenon of smuggling, which has dominated Italian political agenda since mid-1980s. The first part will consider the phenomenon of smuggling, and attempt to demonstrate why an involution has occurred in the way in which the issue of illegal immigration is understood and tackled. Although it is undeniable that during the previous legislature, led by a centre-left coalition, many tough measures against illegal entrants were introduced – as for instance detention centres – it seems that now the scene is dominated exclusively by repressive policies, which have been coupled with a public campaign of criminalisation. Such a politics of repression and criminalisation emerges visibly in the new immigration legislation – the so-called Bossi-Fini Law\(^3\), in the way in which border patrolling is operating, in the high number of ‘clandestini’ kept under detention, in the high number of (possibly trafficked) prostitutes expelled, and in the constant diffusion of the equation clandestini = criminals. Moreover, the events of summer 2004 illustrate precisely the way in which the government is dealing with new influxes of

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