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# [Commentary] Is It Real? The Construction of Prejudice Against Nigerian Immigrants in Italy: A Case Study

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**Funding:** No specific funding was received for this work.

**Potential competing interests:** No potential competing interests to declare.

## Abstract

Italian public opinion has developed, through the years, a strong discriminatory attitude against the Nigerian community. It is based on the assumption that Nigerians are involved in the illegal sex industry. Moral entrepreneurs, such as politicians and charity activists, as well as scholars, fuel this rhetoric, as they represent Nigerian women either as victims of smugglers in their native country and in Italy, or as attracted by easy gains. Moreover, it is taken for granted that they follow primitive beliefs and rituals, such as Juju. This paper will focus on a case study, highlighting the process of criminalization of Nigerians. After discussing different perspectives about migration, a judicial case involving a network of Nigerian citizens will analyse how the mainstream representation of migration and sex workers results, at the end of the day, in discriminatory prejudices. The final part will propose to change the focus of the analysis from smuggling and exploitation of human beings to a human rights approach.

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**Keywords:** Italy, Nigerians, Sex, Workers, Moral, Entrepreneurs, Human Rights.

## Introduction

One of the most popular prejudices about Nigerian migration in Italy is related to prostitution (Campani, 2000). It concerns both the women who work in the sex industry and the alleged exploiters, as part of a criminal network (Campana, 2016). A popular narrative, conveyed by the media (Jedlowski, 2016) and fueled by such moral entrepreneurs (Becker, 1963) as politicians and charity activists, as well as scholars, depicts sex workers as partly victims of smugglers in their home

countries and of clients in the country of arrival, partly attracted by easy gains and linked to backward beliefs and rituals. Such a representation of Nigerian sex workers matches that of their exploitation by ruthless criminal organisations from their native countries, such as the Black Axe (Di Nicola and Musumeci, 2021). The connection between a rising Nigerian mob and a thriving prostitution business from the same country is part of the construction of moral panic (Cohen, 1971) around the Nigerian community in Italy (Braude, 2018), as well as boosting the prejudices of the Italian public opinion against all the individuals and groups coming from the biggest state in Africa. The last element of the anti-Nigerian prejudice concerns primeval rituals, such as the one of the juju (Ikeora, 2016), focused on primeval, magic elements that would force women into the sex industry.

Such narration about the Nigerian community in Italy has become so popular that it influences the work of criminal justice system actors, such as magistrates and police forces. The case that will be discussed in this paper makes up a good example of the criminalisation of Nigerians in Italy, as it revolves around a trial against a group of Nigerian citizens who were accused of exploiting a group of young women by forcing them into the sex industry. All the defendants were accused of being part of a criminal organisation operating between Nigeria and Italy. Young women were allegedly lured into a trip to Italy under the promise of getting a well-paid job. The outcome, according to the prosecutors, proved to be different, with the youths forced into prostitution through the use of the juju ritual and the threat against their families. Working in the sex industry served the purpose of both paying the travel expenses and the rent of a flat in Northern Italian cities. During the trial, the lawyer of a defendant managed to prove that there was no evidence of juju and that the accusers were given a permit of stay as a reward for reporting the group of Nigerian citizens under trial. During the trial, almost all the most serious charges against the defendants, such as the one of criminal association, were dropped; only aiding and abetting (*favoreggiamento*) of prostitution remained, but it is a minor charge for Italian penal law.

This paper will highlight the process of criminalization of Nigerians by focusing on different perspectives on migration: mainstream literature relates migration to smuggling and exploitation, thus encouraging the approval, as well as the enforcement, of anti-trafficking laws. The other perspective, combining human rights with a feminist approach, emphasises the freedom of choice by migrants, in particular the choice some women made consciously to work in the sex industry to put money away and support their families at home. As a consequence of this, the legalisation of migration, as well as of prostitution, would have positive effects on society, both because it would provide millions of women with a legal status enabling them to claim some basic entitlements (housing, health, education) and because it would reduce the criminal trafficking related to the sex industry. After discussing the literary and methodological aspects, the paper will shift to the discussion of the case. The final part will propose to change the focus of the analysis from smuggling and exploitation of human beings to a human rights approach.

## Human trafficking or human rights? A literature review

The Palermo Protocol (2000), signed by the United Nations countries during the Convention against Transnational Organized Crime, defines human trafficking 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 of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation.*

Some authors (Dempsey, 2017) hold on to the definition provided by the Protocol to emphasise the connection between the sex industry and human trafficking, which is organised. As empirical research has proved difficult to provide judicial evidence about the existence of exploitation of sex workers by criminal organisations, these authors advocate the need to strictly follow the legal definition to classify sex workers as victims of sexual exploitation and human trafficking. In other words, these authors propose to fill the vacuum of evidence through the use of a legal criteria, thus labelling what is an uncertain, complex, and multifaceted phenomenon. This approach might be defined as *legalistic*, as it stresses the importance of laws over reality. Its main consequence is that of criminalising the sex workers, as they are smuggled into Europe and North America by criminal organisations. Sex workers are therefore a sort of illegal good, like drugs, whose entrance must be forbidden by the enforcement of a strict repression by police forces. Moreover, the legalistic approach overlooks the complexity of migration. It is not about denying the existence of human trafficking, particularly in relation to the sex industry.

When addressing sex crimes and human crimes, the real matter to discuss concerns the awareness and consent of people who are victims of exploitation by organised crime. Empirical research (Serie et al., 2018) refutes the idea of human trafficking as an activity organised by criminal groups through the deception of migrants. There is rather a multi-level network, ranging from the native villages of migrants to the places of destination, involving those who inform of the opportunity to travel abroad, those who organise the journey, the transporters, those who take care of crossing the border, and, finally, the persons migrants are “welcomed” by in the place of arrival. The activities related to illegal migrations and trafficking are run by single independent people connected with each other by the specific interest of individual gain. Even more important than this, a web of relationships, based on ethnicity, family, and village identities, binds together the smugglers and the smuggled. The former think they are providing a service to their people, the latter think that their migration project implies some costs. As a consequence of this, there is not deception of sex workers by smugglers, but rather a mutual degree of awareness, which makes it necessary to adopt another approach to migration and human trafficking.

The feminist-rights-based approach (Pourmokhtari, 2015) provides a different approach to address the issue of human trafficking more in depth. The author draws on empirical research that shows how women engaged in the sex industry are aware of what they are going to do in their country of destination, and that their choice often enjoys the approval of their kin and friends, also because other women have made the same choice, as well as because the economic advantages their families benefit from such a migratory project. Feminist rights scholars argue that exploitation and smuggling of sex workers exist but are a consequence of the restrictive policies of migration enforced by all European and North American governments. In particular, governments refuse to admit that the sex industry is a thriving activity, relying on a high

demand, as well as on a massive supply of sex workers. The attribution of a legal status, as well as a work permit, to sex workers would provoke the defeat of smugglers and criminal organisations.

The case we are going to discuss will show that the legalistic approach is prevalent, and it is because of it that Nigerians in Italy are criminalised by the penal system, as well as being marginalised by society.

## Methodology

This chapter is based on three different sources: the indictment 10428/2017 of Bologna Court, the local online newspapers, and an interview with the solicitor of one of the defendants. These three different sources will help to understand how the case was constructed and defined as a human trafficking case. The indictment contains the routine language of magistrates, apparently leaving no room for any interpretation of the text. Kitsuse and Cicourel (1963) have explained how judicial materials matter to social scientists insofar as, under the official and bureaucratic formulas, they contain relevant information about the mindset of judicial actors. Sullivan (2012) emphasizes how judicial materials embody the cultural practices of a community, as well as reflecting both the meanings and the aims of what the actors of the penal system do. For this reason, the analysis of their content will provide a relevant insight into the analysis of the case. The analysis of the media (Altheide, 1996; Maneri & Quassoli, 2021) will help further development of the discussion, as it will be possible to shed light upon the representations and the common sense of the local community about the event discussed in the paper. In particular, it will be shown how the mainstream representation of Nigerians is always linked to sex-related crimes. Finally, the answers of the solicitor will be important under two aspects: firstly, they will illustrate the outcome of the trial; secondly, they will show the gap between the official formulas adopted by the magistrates and the real dynamics underpinning the events. I consider this work as a qualitative study in order to show how stereotypes and common sense shape the mindset of judicial actors more than the alleged impartiality and the presumption of innocence, thus paving the way for the criminalisation of migrants. As the trial is still undergoing the appeal stage, I will anonymise the names of the defendants. The name of the NGO involved in the investigation will also be anonymised for the same purpose.

## An international criminal network? The typification of crimes

VM and her husband, IM, are a Nigerian couple. They are regularly married and have a regular permit of stay, as they have lived and worked regularly for years as janitors in Piacenza in Northern Italy. After working for private entrepreneurs, they managed to set up their own company, as well as owning a flat. VM also has Italian citizenship. Their solicitor explains:

*It might sound like a sort of an Italian dream. They work, get married, become small entrepreneurs, and bought a flat via mortgage. The flat is very close to the city centre, and, more relevant, close to the Questura –police headquarters-[S]*

In the meantime, the police of the city of Piacenza receives a report from the volunteers of a local NGO that organizes street units for supporting the sex workers on the periphery of the city. Two young women from Nigeria tell the volunteers their story and eventually accept to repeat it to the NGO's counselor (Tribunale di Bologna, 2017; <https://www.ilpiacenza.it/cronaca/dall-inferno-della-nigeria-ai-marciapiedi-di-piacenza-ridotte-a-schiave-al-via-il-processo.html>). The police will start a wide-ranging investigation, directed by and involving the police forces of Austria, Greece, Germany, and the UK, lasting for 3 years and ending with the arrest of 9 people. IM and VM are among the arrested persons. VM had moved to Germany but was arrested by the German police under the request of the Italian police forces. The investigation and the raid by the police forces will draw the interest of local public opinion: the media provide regular coverage of the case, emphasizing the existence of an international criminal prostitution network run by Nigerian immigrants. Some of the front-page titles are a demonstration of it:

***Dall'inferno della Nigeria ai marciapiedi di Piacenza ridotte a schiave: al via il processo***— *from the Nigerian hell to the sidewalks of Piacenza, reduced to slaves: the trial begins* (<https://www.ilpiacenza.it/cronaca/dall-inferno-della-nigeria-ai-marciapiedi-di-piacenza-ridotte-a-schiave-al-via-il-processo.html>);

***In lacrime e con un peluche stretto al petto: «Salvatemi, non voglio più prostituirmi»***— *In tears and with a teddy bear clutched to her chest: "Save me, I don't want to prostitute myself anymore"* (<https://www.ilpiacenza.it/cronaca/processo-tratta-nigeriane-piacenza.html>)

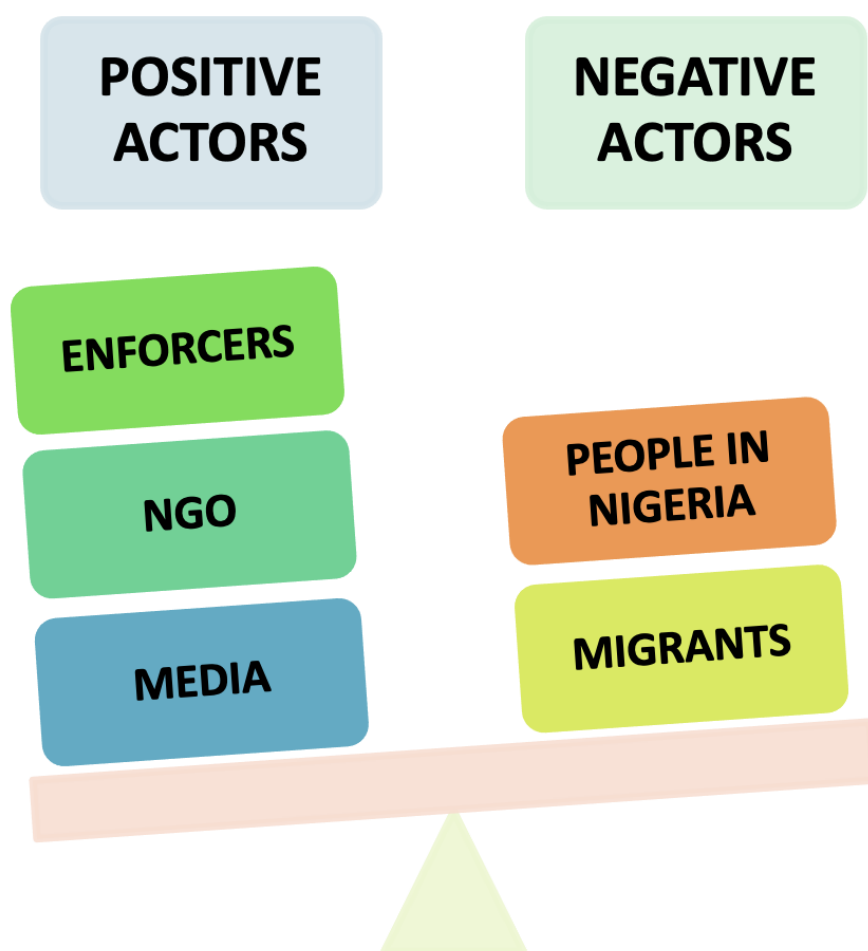
Local media emphasise the name of the investigation, Little Free Bear, thus named by the police after they broke into the flat of IM and VM and found one of the young women who provided the police with the elements necessary to carry out the investigation. The plot of the story, provided by the media and fueled by the police of Piacenza (Polizia di Piacenza, 2020), also leaves no doubts about the criminal intentions and deeds of the defendants, not only because the police forces of 5 different countries were involved, but also because more than 280,000 wiretapping and eavesdropping operations on the mobile numbers of the defendants were carried out. The media also report the typical plot related to Nigerian prostitution:

*Girls undergo a long journey, suffer repeated violence after leaving home....before they leave, they are forced to participate in the juju voodoo ritual...once in Italy, they have to work on the street to pay back their smugglers, as well as to pay their Madame...even police officers were threatened with a voodoo ritual...* (<https://www.piacenzaonline.info/piacenza-la-polizia-disarticola-giro-prostituzione-mano-ai-nigeriani/>).

The local administrators of Piacenza, particularly those belonging to the most xenophobic political forces, congratulate the police, as well as advocate for the institution of the anti-mafia regional commission to investigate the connection between migration and organized crime. More than this, the mayor of Piacenza, belonging to the xenophobic Northern League and leading a centre-right coalition, decides to be a civil party (*parte civile*) in the trial because of the alleged ruined reputation

of the city as a consequence of the case (<https://www.piacenzasera.it/2020/07/giovani-nigeriane-costrette-a-prostituirsi-riconosciuti-i-danni-anche-al-comune/348947/>).

The illustration of the investigation looks consistent, as it provides us with a frame (Goffmann, 1962) where everything is in the right place: on the one hand, we have the criminals, organizing an international network of prostitution. They are, according to the stereotype, foreigners, migrants, although VM and IM are regularly resident in Italy, and the former has Italian citizenship. They are accused of exploiting and abusing people from the same country as theirs, as well as organizing illegal immigration. On the other hand, we have the good side of the story: the magistrates, who promote the investigations, the police forces, who enforce it, and the NGO members, who approach the victims and persuade them to talk. Figure 1 below illustrates the scheme of the investigation.



**Figure 1.** The balance between positive and negative actors

The way the story of the investigation is crafted and fueled to the public leaves no room for any other interpretation. Firstly, it is based on the legalistic approach to human trafficking, as it is taken for granted that the young women were smuggled and forced into prostitution. Secondly, the negative and positive nature of the roles is divided according to ethnic patterns: all the Italians are those who investigate to dismantle a criminal network, as well as to rescue the young

women from their tormentors. Migrants play all the negative roles: not only the alleged organisers of the criminal network, but also the victims, who are clandestine migrants.

Moreover, a deeper analysis of the story allows to shed a light upon the process of moral entrepreneurship this narration is built upon. Howard Becker (1963; p.147-148) explains how moral entrepreneurs divide between the *rule creators*, that is, those who want to campaign to change the rules and emphasise their moral content, and the *rule enforcers*, those who enforce the rules to improve their reputation and to justify their actions. The case we are discussing contains these two levels: whereas the NGO, the media, and the politicians campaign and operate for an anti-organised crime and anti-prostitution enforcement, police officers and magistrates arrange an international investigation, with a massive eavesdropping and wiretapping activity, whose outcome is a raid across Europe and the rescue of the young women.

Figure 2 illustrates the process of moral entrepreneurship.

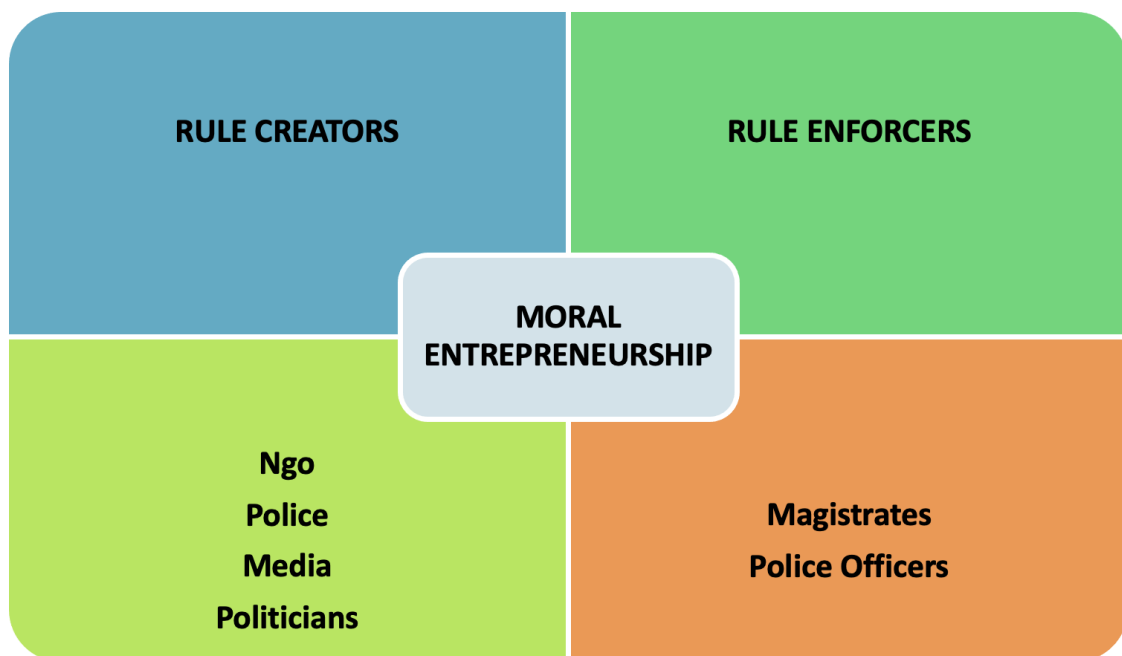
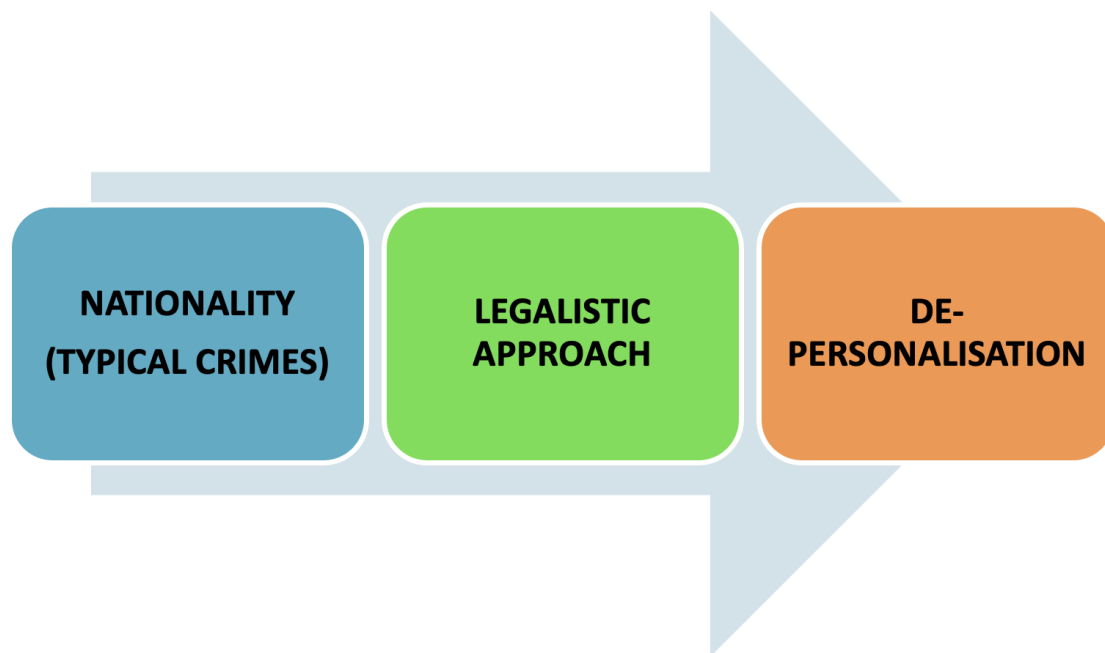


Figure 2. Moral entrepreneurship

Behind these two layers of activity, one can find the criminalization of migrants: the presumption of innocence, which should be granted to every individual indicted with a criminal offence, is not adopted. The legal status of most of the defendants, in particular of IM and VM, who own their own flat, is only marginally mentioned, like the status of Italian citizen of VM. Migrants become by this token *non-persons* (Dal Lago, 1999), who are stripped of their identity and status and stigmatized as criminals (Goffman, 1963). The Nigerian nationality becomes a negative associated with prostitution, as well as with abuses and illegal immigration, thus removing any doubts about the penal responsibility of the defendants. The process of de-personalisation of the defendants starts from their nationality, then moves to the commitment of “typical” crimes associated with some typologies of persons (Sudnow, 1965), as illustrated in figure 3.



**Figure 3.** The process of de-personalisation

The criminalization of migrants is therefore the final outcome of a process combining the two elements of nationality: the crime associated with a specific ethnic group and that of the legalistic approach, defining prostitution as a crime in itself, and engendering a vicious circle of other crimes, such as that of abuses, illegal sub-renting, and illegal immigration. A prejudice that shapes the habitus (Bourdieu, 1983) of Italian public opinion not only shapes the perception of the event among the public, but also orients the practices of the enforcers. However, the specific criminal charges are neglected by the media, as well as by the local politicians, and, more than this, the fact that it is just an indictment and not a trial is not mentioned. The following sub-chapter will discuss the nature of the charges and the trial that dismantled the initial approach of an international, Nigerian-based organized crime, carried on by the enforcers and fueled by the creators.

## Where are the evidences?

The prejudice of the public, the need for justification and legitimization by the enforcers, and the moralist attitude of the rule creators play an important role in the definition of the case we are discussing as a criminal case. The dimensions of the enquiry, led by the Anti-Mafia division of the Bologna Court (DDA), who deploy a web of international enforcers, as well as carrying out an intense activity, might lead to assume that the defendants are certainly guilty of the crimes they are charged with. A closer scrutiny of the indictment, though, allows us to look at the case with a different approach, so as to imagine that the outcome will be different than expected.

The indictment against IM and VM charges them with having committed serious offences, such as that of being members of a criminal organization engaged in the smuggling of young women into Italy for the purpose of forcing them into prostitution and making a profit out of them. The two young women are supposed to be kept in inhuman conditions and

forced to pay the rent of the room they live in. The two Nigerian-Italians, in other words, are charged with the crime of human trafficking as stated in the Palermo Protocol. In reading the indictment, one can find a routine bureaucratic and formal language, following the law procedures (Tribunale di Bologna, 2017):

*Morally and materially concurring together, and with other not yet identified people, by various actions implementing the same criminal intent, in order to make a profit for themselves, they promoted, organized, supervised, and financed the recruitment and illegal introduction into the territory of the Italian State of AS, giving her shelter in order to induce her into prostitution, under threats and false pretences, taking advantage of her vulnerability. Through the conducts indicated below:*

*Not better identified "Grace" and another "Madame" recruited the victim indicated above in Nigeria, planned and financed the woman's passage from Nigeria to the Italian territory by land and sea, crossing Libya, landing on the Sicilian coasts in May 2014, claiming the payment of a huge amount of money (20,000 euros) in exchange for the trip, also for her to be freed from her engagement, forcing the victim into prostitution on the street, under pain of death, with the use of not better identified "primitive rituals," retaining the money earned by this activity, maintaining her under subjugation and constant control; IM and VM being immediately available to provide a room to the victim in their house in via Beverora 27 in Piacenza, asking her (irregular on the national territory) for a monthly "undeclared" payment, excessive for the room, under pain of death and threats to her and her family, to force her into prostitution on the street to pay back the debt, taking her to the place of prostitution, providing indications on the prices to ask clients, and giving her the condoms, following the instructions of not better identified "Grace" and "Madame". These conducts were carried out by all of them to reduce and maintain ABRAHAM Sarah under continuous subjugation, forcing her to sustain the added costs for the room, daily controlling her. Reducing and maintaining her under subjugation, taking advantage of the victim's vulnerability. These facts were committed in Piacenza from May 2014 to around January 2016.*

*... All irregular on the Italian territory - as they clandestinely arrived in Italy and, besides, they had no documents with them useful to be identified - all prostituted themselves on the street as their only source of income, also to pay back the rent claimed by the persons above indicated. [Each of them making a monthly "undeclared" payment amounting to 100/200 euros in exchange for a common room, bills, and services excluded. These facts were committed in Piacenza from around May 2014 till January 2016. [Tribunale di Bologna, p.3-6]*

If one follows Sullivan's approach (2012, cit.), it is possible to analyze the indictment beyond its mere procedural meaning, so as to find the social meaning of the penal practices that lag behind this case. A superficial look would not see more than a routine crime, but it is precisely that routine that matters. Both IM and VM are charged with those typical crimes Nigerians are likely to commit according to the perception of Italian public opinion: exploitation of young women, who are forced into prostitution by using deceitful practices, such as the loan of money and the commitment to give the sum back to the lenders through the use of such primeval practices as juju. The charges issued by the prosecutor follow a regular, typified pattern, taking for granted that these things have happened: is there any evidence of the juju ritual having taken

place? Is there any evidence of the loan? The solicitor of the two defendants explains:

*It's true, plenty of wiretapping was carried out by the investigators. No trace of relation between my clients and the maman was found. No traces of a loan. Everything relied on the testimony of the girls, so that all the most serious charges were demolished during the rehearsals. [L]*

Despite the lack of any relevant evidence, IM and VM were arrested and put on trial as part of an alleged criminal organization operating across Europe. An important element of this case also relates to the status of the young women, as none of them has a permit of stay. Clandestine immigration represents one of the focal points of moral panic rattling public opinion in these recent years (Dal Lago & Quadrelli, 2003; Maneri, 2019; Palidda, 2021). The perception that migrants come to Italy to engage in criminal activity has become a hegemonic common sense some political forces draw on to build their consent. It is a stereotyped kind of common sense, built upon assumptions of criminal behaviour by different migrant communities, so that one can argue that there is a double typification: the first one relates to the migrants defined as a specific social group within and without (Simmel, 1989) the Italian society. The second one relates to each specific migrant or Roma group, who are supposed to commit a specific crime related to their culture. Such prejudice is also spreading across social sciences, so that some scholars (Di Nicola & Musumeci, 2021) envisage the rise of the alleged *foreign mafias* as the new threat for Italian society. The charges of magistrates against IM and VM, as well as against other co-defendants, follow this stereotypical pattern that overlooks any possible evidence and assumes that the nationality of the defendants implies the commitment of a criminal activity.

This assumption makes the magistrates and the police forces who investigate the alleged crime forget about the criminal record of IM and VM, as well as about their legal status: not only are the two defendants Italian citizens, they also own the flat they live in, where the young women are found. They also have an independent activity of their own, operating in the cleaning business. VM and IM have a legal and social status that might enable the magistrates and the police officers to consider them as straightforward, law-abiding, and respectable citizens. Despite this, they are arrested and put on trial with serious charges, as their prosecutors overlook such principles as the presumption of innocence and don't even consider their blank crime record, proving they were never involved in any criminal activities before.

*I have never happened to defend Italian citizens charged with similar accusations in my 25 years long careers. This is my first time. What is the difference? Probably their Nigerian origin, that made the prosecutors conclude they could not help being involved in such a criminal context [L].*

The conviction of VM and IM is more related to the typification of deviance and crime than to the existence of real evidence. Their migrant origin works as a brand that qualifies them for some offences that are considered "typical" of migrants coming from Nigeria, as the indictment reflects the stereotypes about the Nigerian population in Italy. Migration appears like a wound (Kristeva, 1987) that the obtainment of a legal status, that of citizens, by VM and IM cannot heal. The "State thought" (Sayad, 1996), that is, all the discourses, mechanisms, and practices elaborated by the state administration to define, uniformize, and categorise a social group and to deal with it accordingly, is at play in this case.

The Italian state apparatuses have drawn on a prejudice against the Nigerian community that was turned into a policy of active discrimination towards those individuals whose roots can be traced back to the West African country.

Immigration is associated with crime, a relation some authors support through an approximate use of statistics (Barbagli, 1998), as well as with habits and practices that are deemed alien or, worse, inhuman, as they are supposedly enacted by persons coming from outside. Such is the case of juju. The prosecutors refer to it as *primitive rituals* by which the alleged victims were subjugated by their sexual exploiters and forced to work as prostitutes because they are afraid of the spell they were put under before leaving Nigeria. The existence of such rituals has been acknowledged by different authors (Kruger & Van der Watt, 2017), particularly in relation to sexual exploitation. Girls who come to Europe to work in the sex industry are supposed to have been put under what they believe is a spell in case they break the oath. Other authors, though (Ikeora, 2016, cit.), expose how juju is a complex practice, widespread in Nigeria, whose reach goes far beyond the mere purpose of coaxing young women into the sex industry. When referring to juju, one should have in mind that it is a mutual obligation, binding two persons to fulfill their commitment with each other. The oath that is taken by the contractors implies a moral obligation. As a consequence of this, juju is not a primitive ritual, but rather a customary practice which makes up for the unawareness of formal law procedures by the population of rural Nigeria. It is this aspect, combined with a religious aspect, that gives juju widespread popularity in some areas of Nigeria. Juju is part of African Traditional Religion, and it is practiced side by side with Christian and Islamic religions. Its spiritual, supernatural connotations help us understand the complexity of this ritual, that, far from being a primitive practice, has an important component of Nigerian culture. Women who come to Europe to work in the sex industry are not forced into a primitive ritual, but they rather participate themselves in it because it is deeply rooted in their beliefs. This aspect relates to the issue of coercion of young women into sexual exploitation. Whereas some women might be forced into such business under family pressures, others are aware of what they are going to do and accept it as a temporary life condition, as well as a chance to improve both their and their families' lives. A more accurate knowledge of Nigerian culture, as well as of African Traditional Religion, would have allowed the prosecutors not to consider the juju-related practices as elements of crime by themselves. More than this, the *primitive* connotation that juju is given works as a discriminatory, unconsciously racist bias upon the defendants, almost suggesting a presumption of guilt about the defendants.

*It is really hard to establish what mattered for the girls involved in the trial. I can recollect their declarations during the trial, and all that they mentioned were status symbols...clothes, fashion....not really Juju...some of them were afraid of their exploiters, but not of Juju in itself. And my clients were not their exploiters...[L].*

This aspect is valued by the judges, who refute the accusations made by the prosecutor in the case of IM and VM:

*There were no evidences of Juju, no evidence of exploitation, in the case of my clients. They were hosting the girls, got money for renting them rooms, but the worst thing they could be charged with was abetting of prostitution. All the other charges were dropped [L].*

The solicitor focuses on the ambiguous nature of Juju, as well as on the contradictory connotation of sex workers: the border between exploitation and the quest for a better life is quite blurred, as the young women aspire to reach an economic condition allowing them to take up a Western lifestyle. It is more likely that the aspiration to a better life leads them to accept the perspective of being sex workers for a while, and to trust the intermediation of people whose involvement in criminal networks they ignore. On the other hand, it is not to be taken for granted that the Nigerian-born people renting a room to people with the same origin are involved in a criminal network. The assumption of this is the product of a judicial construction based on prejudices. How was it possible to reach this stage?

## The construction of criminalization

Labelling criminologists, such as Howard Becker (1963, cit.) and Stanley Cohen (1971), argue that crime is not an objective phenomenon, but rather the consequence of the reaction of mainstream society against some marginal individuals groups, such as migrants, minorities, underclasses, political activists, and those who are deemed by the dominating common sense to be leading an *eccentric* lifestyle. The process of criminalization undergoes different stages: the first stage can be defined as that of *indignation*, that is when those moral entrepreneurs detect an alleged social problem and operate in such a way as to make the public aware of its existence; the second stage is that of *reception*, and relates to the recognisement of the issue proposed by the moral entrepreneur as a social problem by such agencies as the media and the political forces, who circulate it as a major topic to be faced and dealt with. A mobilization follows this stage, as the enforcers, that is, police forces and magistrates, are under pressure for the problem to be dealt with accordingly. The third stage, that is that of enforcement, follows. At this stage, investigations, arrests, and trials, or, if on a national level, restrictive laws, follow. Figure 4 illustrates the process.

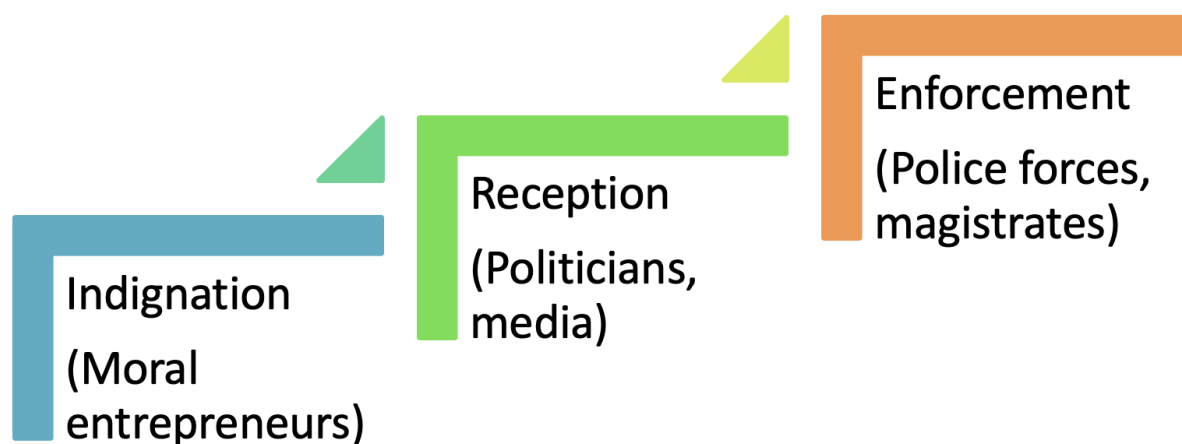


Figure 4. The process of criminalization

This case is a good example of this model, as the investigation starts after a local NGO approached some sex workers of the *Tangenziale*, or the ring road of the Northern Italian city where the investigation started. The NGO street unit volunteers informed the higher ranks of the organization, who approached the young women, proposing them a

programme of psychotherapy and offering to help them out of the sex industry.

*This is part of the process, but not all of it. A solicitor of the NGO approached the girls. They were persuaded to report their situation to the police and were granted the obtainment of legal status for their collaboration. [L]*

It was thus possible for the police to eavesdrop on the mobile phone numbers of the young women the NGO had approached and to deploy a wide-ranging investigation involving other European countries. The investigation was boosted by the attention that the local media and politicians, those with a law and order attitude, gave to the case. The existence of a criminal network focused on sexual exploitation emerged from the investigation. The network was mostly based on close-knit relations between the Nigerians living in their country and those in Europe, all coming from the same area of the African country:

*They were from the same area of the Edo state in Nigeria; some of the defendant had migrated to different European countries, and had kept connection with people of their village, who contacted from time to time and ask them to host girls coming from the area. There was no evidence of a sophisticated criminal structure, no use of weapons was ascertained [L].*

No evidence against IM and VM was found, so the most serious offences against them were dropped::

*Just some acquaintance of some of the members of the network, but not a direct involvement in it. And, naturally, no evidence of the Juju...a Madam in Greece, another in Germany, but, no mention to the ritual...some hints at it at the trial, but, no more...and very confused and contradictory statements [L]*

The trial indeed ended with a mild conviction for IM and VM, as they were given just one year each for abetting prostitution and a conditional release, although the couple has appealed against the sentence. The judicial case against them was detrimental to their reputation, as they were forced to leave Italy, close their independent activity, and move to Germany, as their reputation was damaged. A backlash of the Juju...?

## Conclusions

The case that has been discussed in this paper shows how wide the gap between the representation of crime and the real entity of a criminal offence is. Firstly, the definition of crime lies in the representation of the observer, like in the case of the NGO volunteers, who immediately found the existence of a ruthless criminal network behind the young women working on the street. Whereas human trafficking is a matter of fact, and the same can be argued about the cruel treatment experienced by some women experiencing sexual exploitation, at the same time many sex workers are aware of the job they will do, and they accept the risk in exchange for the possibility of getting hold of Western status symbols. To deny the complexity of the sex industry and assume that it is all a matter of human trafficking is a mistaken approach to the issue

that triggers a repressive response and provokes a binary classification of the people involved, who are categorized either as victims or as traffickers, thus engendering the criminalization of some specific groups and individuals. Secondly, in the case of the sex industry, it is migrants who are labeled as criminals, and the labeling process undergoes an escalation producing new crimes: prostitution is related to illegal immigration, organized crime, physical brutalities. All the crimes are attributed to a specific ethnic group, thus making it impossible to claim the presumption of innocence of individuals, because being a migrant and belonging to a specific group builds up a double bias that weakens both personal identity and individual prerogatives. Moreover, criminalization is reinforced by prejudices about the cultural background of the migrants, who are depicted as people engaged in primitive, inhuman rituals. Such a belief makes the construction of criminalization stronger, as inhumanity and crime are strongly linked to each other in mainstream representations.

Thirdly, prejudices are also rooted in the habitus of the judicial actors, such as police officers and magistrates, who might take for granted that Nigerians are by default related to human trafficking and sexual exploitation to the point of starting a trial without enough evidence. Even if the judges will refute the thesis of the prosecutor, the reputation of the defendants will be marred for good, forcing them to even leave the country they have become citizens of and where they run an independent business and own a flat. Finally, the criminalization of migrants is the consequence of an amplification of prejudices rooted in the public and circulated by the media and by those political actors who look for consent, so that they accept the prejudices triggered by moral entrepreneurs and put the judicial actors under pressure to deal with it.

The solution consists of getting rid of prejudices. The first prejudice is that the sex industry is a matter of exploitation and cruelty. It probably is in many cases, but this is the consequence of restrictive laws in relation to migration and the sex industry. It is this aspect that triggers the second prejudice, which is the relation between migration and crime. Crime has always existed in societies regardless of migration, and, once again, migration-related crimes are the consequences of restrictive laws, thus producing a vicious circle. The solution, therefore, should be that of opening the borders to migrants, as well as making prostitution legal, so that sex workers would not be exploited by illegal actors and could have a regular work permit, allowing them to access all the entitlements granted to other residents. It is a controversial proposal that might raise some perplexity and needs to be discussed more in depth, but the other way hasn't worked in the last 40 years.

## Statements and Declarations

### Data Availability Statement

The data that support the findings of this study are available on request from the corresponding author.

### Funding

The authors declare that no funding was received to publish this article.

## Competing Interests

The author declares that there is no conflict of interests.

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