

Feminism and Counter-Trafficking: Exploring the Transformative Potential of Contemporary Feminism in Portugal

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Abstract

Focusing on the Portuguese case, this article explores the role of feminism in counter-trafficking. Through analysing feminist discourse on human trafficking, the article interrogates feminism's ability and its limitations in challenging or reinforcing some of the most controversial policy outcomes. The article argues that, due to a structural weakness within feminism itself and the profound institutionalisation of counter-trafficking, any possibility of challenging dominant discourses on trafficking remains a distant dream. Rather, counter-trafficking attempts ultimately help create a controversial neo-liberal space that strains feminism's transformative potential while simultaneously strengthening bureaucratic state feminism.

Keywords

human trafficking, counter-trafficking, feminism, state feminism, Portugal

Introduction

Feminism has played a prominent historical role in counter-trafficking activism. Nineteenth-century feminists, in close collaboration with conservative faith-based

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groups, contributed towards making ‘trafficking’¹ one of the first feminist issues to be addressed in a series of international agreements that in 1949, were superseded by the United Nations (UN) International Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (Doezema, 2010; Limoncelli, 2010; Outshoorn, 2015).

After a period in which prostitution² and ‘trafficking’ faded from feminist and indeed broader international concern, when trafficking re-emerged in feminist debate during the mid-1980s, second-wave feminism³ began to disagree about the definition of prostitution, its links to trafficking, and the consequent requests made to national governments, as well as in the UN and European Union (EU) (Outshoorn, 2005). Between the late nineteenth century and the early decades of the twentieth century, feminist demands – identifying trafficking with the transport of (white) women across international borders for the purpose of prostitution – converged, insisting on the abolition of state regulation of prostitution, and an end to the so-called ‘white slave trade’ (Doezema, 2010). Conversely, at the end of the twentieth century, feminist advocates and activists agreed solely on the need for a new international mandate addressing trafficking and targeting, in particular, women.

Despite adopting divergent discourses and advocacy paths, feminists and feminist organisations have once again firmly placed trafficking on the transnational political agenda, creating identity categories such as ‘victims of trafficking’ and providing evidence about the problem. Divisions and tensions within feminism have played a significant role in shaping international and national conventions and legislation, such as the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (also known as the Trafficking Protocol or Palermo Protocol; Sullivan, 2003). This has produced an increasing number of material effects. A controversial focus on criminal justice objectives, the stiffening of migration policies, an increasing number of what might (at best) be termed ‘questionable’ controls at borders as well as in the sex market, and ‘voluntary’ or ‘forced’ return practices are just some examples of ‘collateral damage’ involving migrants and ‘trafficking victims,’ who are most often described as ‘illegal’ immigrants (GAATW, 2007). These effects, together with the historical role that feminism has played in shaping trafficking and prostitution discourses, make relevant an analysis of the feminist contribution to more recent articulations of counter-trafficking in different national contexts.

With this aim, this article focuses on Portugal where counter-trafficking has been addressed through the actions of one of the main gender equality official mechanisms - the Commission for Citizenship and Gender Equality (CIG), and with its attempts to include the women’s movement demands and actors in the state, this public body has come to be described as an expression of Portuguese ‘state feminism’ (Monteiro and Ferreira, 2016; see also Kantola and Outshoorn, 2007). Also in this national context, both the neoliberal outsourcing of social services to non-state actors and the logic of multi-sector partnerships informing counter-trafficking have favoured the presence of feminist and women’s organisations in counter-trafficking. All this contributes to making Portugal an interesting case study for analysing contemporary feminism in counter-trafficking. More broadly, the article explores if and how contemporary counter-trafficking interventions can be strengthened by a feminist approach. It affects the social

and political transformative potential of feminist discourse in its current configuration and power relationships - including those with the state. This study also involves questioning the opportunities and limits offered to feminism by neoliberal counter-trafficking strategies.

With these objectives, the article pays special attention to the counter-trafficking discourse of feminist organisations, that is, organisations that emerged from the modern women's movement, aiming to be sites where the practice of pro-woman social and political change takes place. The article analyses, in particular, how feminism has framed 'trafficking' – the political demands and interventions it has articulated, relationships among and between feminism and counter-trafficking state and non-state actors, as well as 'trafficking victims,' the results of feminist discourses, and the strategic options now facing feminism and counter-trafficking alike. To this end, I focus attention on the discourses that feminism has developed since the end of the twentieth century in Portugal – a period during which significant institutional efforts were made to build the current counter-trafficking system.

The article shows that the weakness of Portuguese feminism, historically called upon to deal with a difficult institutional and social context, together with the intense institutionalisation of counter-trafficking, has strongly influenced the possibilities for feminist organisations to define either the problem and/or one's own demands, independently of institutional narratives. In a schizophrenic way, the possibility for feminist organisations to gain the technical knowledge and expertise required by counter-trafficking and articulate political claims is bound to the limitation of their role as a disciplined subcontractor of certain state services.

In more detail, feminist organisations, to which have been outsourced some counter-trafficking services, are expected to maintain debates and demands involving prostitution policies outside of counter-trafficking. Any reservations expressed towards the current approach to trafficking focused on state security and criminal justice objectives place feminist organisations outside, or at best on the periphery, of counter-trafficking. All this leads me to argue that in neoliberal times, the alternative to state co-option for feminist organisations is their exclusion from policy debate and social intervention. The influence of feminist politics on norms, governmental policies and discourses, and institutional interventions through substantive politicisation of gender issues and their intersection with other inequalities remains consequently limited. Importantly, counter-trafficking should not be conceptualised as constituting a space of opportunity for feminist's social and political transformation. On the contrary, in its current configuration, counter-trafficking represents a controversial field, strengthening the bureaucratic powers of another feminism – that of the state.

Counter-Trafficking Feminist Discourses: Contributions and Limits

Largely conceptualised in abolitionist terms until the mid-1980s, 'trafficking' is currently a highly contested and fluid concept (Doezema, 2010; Lobasz, 2019; Piscitelli and Lowenkron, 2015). The lack of any established or concise definition of terms such as

‘exploitation’ or the ‘abuse of a position of vulnerability’ within the most important counter-trafficking international instruments has not facilitated the establishment of a clear and universally accepted idea of trafficking.⁴ Rather, in its many different contexts, the idea of ‘trafficking’ and its ‘victims’ mostly expresses competing values, with conflicting and contextual political objectives, making visible the differential power relationships that exist between various counter-trafficking actors (Clemente, 2021; Molland, 2019). The latter encompasses a great variety of subjects – governmental and non-governmental organisations, police forces, academics and the media, as well as feminist organisations and activists.

The literature on contemporary counter-trafficking feminism highlights both the limits and the reach of feminist discourses on trafficking and its victims. Such criticisms primarily involve the discourses of western radical feminists, extending to non-western feminists that support recognition of prostitution as a form of legitimate work. For a better understanding of these criticisms, I would first like to return to the two major discourses on prostitution and trafficking that are encountered at an international level, with second-wave feminism as my point of departure.

Within second-wave feminism, radical feminism, in line with traditional abolitionism, has conceptualised prostitution as an expression of patriarchal male violence against women, which is always non-consensual (Outshoorn, 2015; Sullivan, 2003). Although feminist abolitionist discourses are less stable than conventionally depicted (Lobasz, 2019), radical feminism has historically framed sex work migration as ‘trafficking.’ Since it considers the demand for prostitution to be the main cause of trafficking, it sees the abolition of prostitution as its solution. However, sex work feminism, which frames prostitution primarily as a form of legitimate labour, adopts a very different position (Outshoorn, 2015; Sullivan, 2003). According to sex work feminism, sex work migration is trafficking only when people are forced into prostitution against their will. Sex work feminism asks for the decriminalisation or legalisation of prostitution, and for the attribution of civil, labour, and human rights to sex workers as a means of addressing abuses in the sex industry, and to combat trafficking.

In one of the first analyses of the instrument that has so influenced the counter-trafficking policies in various jurisdictions – the Trafficking Protocol – and of the feminist discourse involved in its development, Barbara Sullivan (2003) pointed out that these contrasting feminist discourses have contributed to the ambiguous definition of trafficking incorporated into the protocol which, partly as a result of this, does not take a clear position on the relation between prostitution and trafficking. Sullivan, however, does not seem to question the distinction, albeit implied, between ‘voluntary’ and ‘forced’ prostitution sanctioned by the Trafficking Protocol and to which Jo Doezema has addressed her criticisms since the time of its protracted negotiation. By mobilising what could be described as an auto-ethnographic approach, Doezema (1998; see also 2005, 2010) testifies to the emergence of this distinction within the international arena, under the pressure of sex workers’ rights activism, with the aim of limiting the damage caused by an abolitionist feminist lobby that saw all prostitution as abusive. Initially rejected by abolitionist feminism, the ‘forced’ versus ‘voluntary’ distinction has quickly replaced the abolitionist model of prostitution, becoming a new way of controlling ‘voluntary’ prostitutes and ignoring their human rights (Doezema, 1998; Sullivan, 2003). Doezema

(1998: 41) emphasises that '[n]o international agreement condemns the abuse of human rights of sex workers who were not "forced".' Meanwhile, the absence of a broad political agreement about 'voluntary' prostitution has made it easier for many organisations to gain support for combating transnational networks of traffickers than to challenge the structures that violate sex workers' labour and migration rights (Doezema, 2010).

Criticisms that call into question the 'voluntary/forced' dichotomy soon came to include the production of racist, classist, neo-colonialist, and inherently false distinctions between guilty/'voluntary' and innocent/'forced' prostitutes (Doezema, 1998; Murray, 1998). This distinction produced, on the one hand, liberated western 'whores' free to choose their profession but 'guilty' of transgressing sexual norms and thus deserving punishment, and on the other hand, 'innocent', passive, naïve, ignorant, young trafficked Third World victims, forced into prostitution by virtue of their poverty, age and/or trafficking, and thus in need of rescue by civilised western feminists (Doezema, 1998; Kempadoo, 1998). By expressing racist stereotypes and conservative moral fears about the sexual and economic independence of migrant working class women, this dichotomy has represented a threat to the freedom and self-determination of all women. Taken together, feminist representations of trafficking victims often serve as a justification for their interventionist impulses more than in the interests of some constructed 'damaged "other"' (Doezema, 2001).

Over time, the 'potential problems' that Sullivan (2003) predicted the Trafficking Protocol could cause women who migrate for, or end up working in, the sex market have been confirmed and are now extended to men, transgender, and gender-diverse migrants moving from the Global South (Stabile, 2020; Ward and Wylie, 2017). Among these problems, we can find stricter and more discriminatory migration controls, increased costs of third-party migration assistance, and a corresponding increase in debt bondage. The fluidity of concepts such as 'vulnerability' has justified ever-increasing state control over migrant women's lives without providing meaningful assistance (Carline, 2012; FitzGerald, 2016; Munro and Scoular, 2012). In particular, in contrast to Sullivan's optimism, the Trafficking Protocol and subsequent counter-trafficking instruments have offered little chance for 'trafficking victims' to be addressed as anything other than 'illegal' migrants or criminals engaged in immoral practices and thus face arrest and deportation to their countries of origin (Andrijasevic and Mai, 2016; Varela, 2017).

Many of these controversial outcomes are inescapably connected to the fact that trafficking has been framed first of all as a crime threatening state security and national interests. International instruments and policies aimed at counter-trafficking have also been focused on the persecution of 'trafficking crime,' subordinating the rights of 'trafficking victims' and portraying questionable raid and rescue operations as heroic efforts to save them. The attention paid to the damage caused to 'victims,' both by 'traffickers' and by different states, through this approach has often been minimal – a criticism that extends also to feminism. Indeed, in certain contexts, the aim to increase attention and resources devoted to the issue has made not only feminists but also religious groups and human rights activists complicit in framing human trafficking mainly as a criminal-justice issue (Bernstein, 2007, 2018; Daich and Varela, 2020; Kempadoo, 2005; Lobasz, 2019; Ward and Wylie, 2017).

Elizabeth Bernstein (2018) describes these efforts in terms of ‘carceral feminism,’ emphasising the recasting of previous generations’ struggles for gender justice and sexual liberation in terms of criminal justice. According to Bernstein, the agenda of ‘carceral feminism’ is certainly distant from the controversial traditionalist sexual and gender agenda of late nineteenth century feminism, within which the trafficking of ‘white slaves’ channelled bourgeois women’s frustrations with the sexual double standards they faced and an increasingly legitimate commercial sexual sphere. However, far from being a political agenda, this characterises itself as:

one that locates social problems in deviant individuals rather than mainstream institutions, that seeks social remedies through criminal justice interventions rather than through a redistributive welfare state, and that advocates for the beneficence of the privileged rather than the empowerment of the oppressed. As such, this approach leaves intact the social structures that drive low-income women (and many men) into patterns of risky migration and exploitative informal sector employment, including those relatively rare but very real situations that would rightly qualify as ‘trafficking’ or ‘slavery’. (Bernstein, 2007: 137)

Meanwhile, there is limited evidence to support the efficacy of the capillarisation of the current punitive logics embraced by feminist organisations and activists, drawing attention to the disadvantageous and unequal position that women occupy in the criminal system, both as ‘victims’ and as ‘criminals’ (Crowhurst, 2012; Daich and Varela, 2020; Ward and Wylie, 2017).

Portuguese Feminism and the National Sex Wars

Although feminist ideals have been present in Portugal since the end of the nineteenth century, the self-identification of women’s groups as feminist has historically been somewhat reserved, and the consolidation of a feminist movement anything but obvious (Tavares, 2000). The antagonism, distrust, and institutional resistance shown towards women’s and feminist movements, and to women’s, gender, and feminist studies, helps explain why the term ‘feminism’ has long been censored as a ‘an accursed word’ (Carmo and Amâncio, 2004: 11, my translation; see also Ferreira, 2019; Tavares, 2011).

The silencing and instrumentalisation of women’s groups characterised the repressive and antifeminist Salazar-Caetano dictatorship (1926–1974). During what is also known as the *Estado Novo* (New State) regime, the only women’s organisations permitted were those of a charitable and conservative nature – a stance in line with understandings of female roles being limited to those of mother, wife, and homemaker (Pimentel, 2011). Even in the years immediately following the so-called ‘Carnation Revolution’ of 1974, and despite the expanded opportunities for mobilisation that accompanied it, the cultural and political context remained substantially closed to demands associated with feminism and autonomous women’s movements (Tavares, 2000, 2011). In an era of intense party-political disputes, one of its main protagonists, the revolutionary Left, viewed feminism as a destabilising and divisive bourgeois movement and subordinated gender-specific demands to class demands (Melo, 2016; Monteiro and Ferreira, 2016). As a result, demands pertaining to sexuality,

reproductive rights, and the end of patriarchy were met with particular resistance (Melo, 2016).

Against this backdrop, women's organisations adopted a series of strategic positions, among which were the cooperation of some women's groups with the left-wing parties within which they emerged and the adjustment of women's discourses and demands to better align with a 'socialist revolution' (Melo, 2016, 2017). An example of this approach is that of the Antifascist and Revolutionary Women's Union (UMAR), an organisation that emerged in 1976 from the female ranks of the far-left party Popular Democratic Union (UDP). An organisation with a similar path is the Women's Democratic Movement (MDM), which emerged in the authoritarian period as a semi-legal group tied to the clandestine Portuguese Communist Party (PCP). According to Daniela Melo (2016), the adoption of such strategies allowed women's organisations to benefit from the ideological, organisational, and financial resources of allied parties, giving them the opportunity to work towards changing both party political and societal perceptions of the most divisive feminist causes, such as abortion.

However, what Manuela Tavares (2011) describes as the dilution of feminism in anti-fascism through the intertwining of democratic and class issues with those of gender also came at a price. One cost was the fragmentation of the women's movement, now divided by ideological boundaries as well as by the competition for resources and members (Melo, 2016; Tavares, 2000, 2011). In particular, the rivalries between left-wing parties made cooperation between organisations affiliated to them increasingly unlikely, even after the revolutionary period had ended. Moreover, the exclusion of certain feminist demands by some women's organisations made shared actions with the few feminist organisations of the time unlikely.

In the context of the transition to democracy there was also the strategic choice of women's movements to opt for a cooperative relationship with the state, as well as with some political parties (Monteiro and Ferreira, 2016). In particular, women's movements pragmatically sought to find a space for mobilisation and access to political power within one of the state sectors in the process of modernisation: the current Commission for Citizenship and Gender Equality (CIG).

As an expression of Portuguese state feminism, this gender equality mechanism, integrated into the Presidency of the Council of Ministers, has for some time, through its two sections – the NGO and the Inter-Ministerial – of its Advisory Council constituted a formal space for discussion with women's associations and representatives of various government sectors (Monteiro, 2013). However, the cooperation of women's organisations with the CIG – which has historically had little concern with their strengthening – has, once again, influenced the possible repertoire of actions for the movements as well as their mobilisation structures (including types of activity and funding sources). In this way, such cooperation has contributed to its acquiescence, dependence, and substantial disempowerment (Monteiro and Ferreira, 2016; Tavares, 2011).

Yet scholarship suggests that state feminism itself did not have an easy path. If the pressures of transnational feminism favoured the presence of an official gender equality mechanism in the form of the CIG, state-centralism has also contributed to its marginalisation in political decision-making processes (Monteiro, 2013; Monteiro and Ferreira, 2016). Especially in recent decades, with heightened activity in the field of equality

policies, not least due to the imposition of international commitments, the CIG has increasingly configured itself as a bureaucratic and operative body – an executor of policies, rather than a militant and political body, policy proposer, or consultant (Monteiro, 2013). ‘Europeanisation’ and growing neoliberal tendencies have also contributed to the restructuring of the CIG’s relations with the women’s organisations of the Advisory Council, which have become increasingly formal and bureaucratic (Monteiro and Ferreira, 2016). In particular, the subcontracting of services to these organisations within the political priorities defined by the CIG went hand in hand with the drastic reduction of their funding.

In recent years, while some historic women’s organisations have remained cautious in mobilising the feminist label and recognition of the feminist legacy in defining their causes, new initiatives have energised the Portuguese context. Nevertheless, the Portuguese feminist movement appears far from having assumed a strength and ‘massiveness’ that has characterises other activist contexts, in response to recent conservative and neoliberal policy advances (see e.g. Daich and Varela, 2020).

Methodology

This article present results from research on ‘human trafficking,’ a topic with which I have been deeply engaged since 2014, mainly through two research projects. The first, conducted during 2014–2018, studied the protection of trafficked persons in Portugal, while the second project (2018–2024) explores the construction of counter-trafficking systems in Southern Europe. In accordance with national and institutional ethical standards, this work involved collecting more than fifty qualitative interviews with Portuguese state and non-state actors. Complementing this work was ethnographic research with ‘trafficking victims,’ which made it possible to identify conflict around prostitution policies as one of the reasons for the exit of ‘sex trafficking’ from the national idea of trafficking, and the tensions that have arisen from a criminal justice approach to trafficking, becoming one of the main limits in counter-trafficking interventions (Clemente, 2022).

Keeping in mind the experience of Portuguese feminism, in this article, I have relied on interviews that involved both feminist and women’s organisations. Among the former is the UMAR while the latter include the MDM and the Association of Women Against in Violence (AMCV). The selection of these organisations was based on their participation in the national counter-trafficking activities as part of the Network for Support and Protection of Victims of Trafficking (RAPVT). This multi-professional network, envisioned in the second National Action Plan to Prevent and Combat Trafficking in Human Beings (II PAPCTSH) – 2011–2013, is coordinated by the CIG. The first round of four interviews also included this agency, which has been tasked with co-ordinating counter-trafficking actions. The study soon revealed a reduced presence of trafficking on the agenda of non-state organisations. Between 2015 and 2019, I conducted three additional interviews with some of these organisations with a view to explore certain information and observations in greater depth.⁵ The article also draws on analysis of policy documents and feminist material and notes were taken on the

occasion of meetings and events of the RAPVT, as well as of the working groups of the UMAR.

I also need to acknowledge my own personal involvement. Participation, from 2018, within these networks and groups was made possible by work as volunteer in counter-trafficking activities within the UMAR. My experience within this organisation, with which I share a pro-sex workers' rights position, has informed my understanding of feminist organisations in Portugal. More generally, a critical counter-trafficking framework guided the thematic analysis of interviews and data collected in this article, and conclusions need to be understood as part of a multi-year long international research effort.

Prostitution: A Recent and Peripheral Issue

Prostitution is a sexuality-related topic left on the side-lines because of the conservatism and political foreclosure that has characterised Portuguese feminism. A founder of UMAR recalls that other struggles occupied the agenda of this and other organisations in the years immediately following the Carnation Revolution:

The issues of violence came quite late, in the 1990s, despite the Women's Liberation Movement having raised them. So [prostitution] was an untreated topic. We didn't know how to pick up on that issue to be able to deal with it. Portugal had such urgent problems during a long time, not least that we were beholden to the IMF and in a process of decolonisation... Even at the level of women's rights, there were other priorities. For a long time, hundreds of women died as a result of secret abortions. (UMAR, interview April 2018)

In more recent times, financial dependence on the state and the subordination of state support to a pre-defined agenda would seem to have further contributed to making dialogue and intervention with women in the sex market a completely exceptional experience for feminist and women's organisations alike. Indeed, the entry of prostitution into feminist debate can mostly be read as a consequence of the growing institutional concern with 'sex trafficking' (see also Duarte, 2012; Prata, 2015).

The various narratives described thus far have had a profound impact on the feminist conceptualisation of prostitution and related political demands. During democratisation and for a long time afterwards, feminist discourse framed prostitution as 'an attack on the social and economic rights of women and as a form of violence' (UMAR, interview April 2018). The few actors – including faith-based organisations – concerned with the issue of prostitution converged on the need to decriminalise and protect 'victims' of prostitution. As a result, the main policy outcome was the decriminalisation of prostitutes who, since the 1982 revision of the Criminal Code, were no longer prosecuted for the practice of prostitution, although pimping remained a criminal offence.

The absence of a robust and representative association of sex workers did little to facilitate the emergence of pro-sex workers' rights, further strengthening the identification of prostitution with trafficking (Duarte, 2012).⁶ Thus, in 1991, Portugal ratified the 1949 UN International Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

Since the early 2000s, a growing dialogue with the international feminist movement, stimulated by the association of some organisations with the World Women's March, has contributed not only to the strengthening of Portuguese feminism, but also to the predominance of abolitionist positions on prostitution. The latter were further bolstered by the foundation of the Portuguese Platform for Women's Rights in 2004. A member of the European Women's Lobby (EWL), this platform provides, as one of the conditions of participation of civil society organisations within it, adherence to the statutory goals of the EWL – an organisation well known for its abolitionist stance on prostitution (PpDM, 2018; see also EWL, 2013). Whilst the national and international funding of the platform would seem to offer great visibility to these positions, dialogue and intervention with people trading sex have been completely residual (see PpDM, 2020).

In recent years, and in conjunction with the entry of trafficking into the national agenda, in some instances, we have also witnessed a repositioning of some feminist organisations with respect to the issue of prostitution. This is the case with UMAR, which, with the 2011 General Assembly's resolution, affirmed the need to 'open the field to a different feminist reflection on prostitution,' with the aim of combating the stigma of prostitution and recognising the labour rights of prostitutes (UMAR, 2011, my translation). Research on the sex market (Oliveira, 2011; Ribeiro et al., 2005, 2007) – carried out by researchers whose commitment and political positioning often converged with leading figures in the organisation, fostering mutual relationships of trust – together with an ever-greater reflection on the issues of sexuality stimulated by dialogue with the wider LGBTQ+ movement, contributed to the repositioning of this organisation.

Subsequently, UMAR has actively participated in public debate on prostitution, which has further divided women's and feminist organisations, making prostitution one of the most divisive issues. In the words of a representative of the AMCV:

Prostitution is an issue that organisations cannot agree on. There is no agreement at the European or international level, and even in Portugal, the organisations that are more active in this area are not in agreement either. It is a fracturing theme, even violently, in the women's movement, even in Portugal. (AMCV, interview July 2016)

Such divisions and contrasts hence seem to have contributed towards forcing the issue of prostitution onto the margins of the Portuguese agenda.

Counter-Trafficking Mobilisation and Feminist Ideas of Trafficking

Now turning my attention to trafficking, in the democratic era, it is possible to discern a mobilisation against trafficking at the end of the 1970s in Portugal. This mobilisation was promoted by UMAR following the publication of journalistic articles denouncing cases of Portuguese women trafficked in Spain, at a time when trafficking was widely identified with prostitution. The action was described by UMAR as 'the visible phase of our stand against trafficking, but also against prostitution' (UMAR, interview April 2018).

In subsequent years, UMAR would slowly adopt the feminist mantle, and counter-trafficking remained on the periphery of its concerns. Meanwhile, since the late 1990s, Portugal – historically a country of emigration – witnessed a surge in immigration. In this human influx, a growing number of migrant women from Brazil and Eastern Europe started to appear in the national sex market – a development that served to polarise public debate. On the one hand, in 2003, a ‘open war’ of the self-proclaimed movement of ‘Bragança mothers’ was declared against the ‘invasion’ of northern Portugal by Brazilian women in the sex market, pointing towards an imagining of the migrant sex worker as a sexual, familial, and social threat (Pais, 2016). On the other hand, European counter-trafficking initiatives and funding, focused on ‘sex trafficking,’ suggested an opposing conceptualisation of the migratory experiences of women trading sex, encouraging some GOs to hunt down the ‘victims of sex trafficking’ (Clemente, 2022). This is the case of the CIG, who promoted the first interventions in this area.

In reality, since the first studies promoted by this governmental body as part of wider European programmes to combat sex trafficking, no hard evidence of this problem has emerged (see e.g. Manita and Oliveria, 2002). Over the years, new studies of the Portuguese sex market have questioned the alarm surrounding sex trafficking (Oliveira, 2011; Ribeiro et al., 2007). However, transnational power relations and the goal of compliance with international and European agendas on trafficking stimulated Portugal to take action against trafficking, initially identified with sex trafficking (Clemente, 2022).

This mobilisation exacerbated the protagonist stance of the CIG, who, as I mentioned earlier, assumed the role of coordinating counter-trafficking activities in the country. In the process of building the current counter-trafficking system, this institutional actor gave impetus to certain organisations, including some feminist and women’s organisations such as UMAR, MDM, and AMCV. While all of them had limited experience with potential ‘trafficking victims,’ as historical organisations belonging to the Council Advisory of the CIG, they held both the symbolic and social capital (Bourdieu, 1986) to be used against trafficking. In some cases, such as that of UMAR, they were invited to make available the structures dedicated to the assistance of women victims of gender violence for emergency responses to trafficking victims. The attempt to accumulate the cultural capital necessary to respond to institutional solicitations also encouraged informal actions by younger members of the organisation outside of predefined project activities:

In the field, what we were doing was making a kind of tour into the sex market. On the initiative of UMAR or with informal partnership between us and the Positive Association, which had the Red Light project. Basically, also to begin to understand the reality of prostitution and sex trafficking. Because UMAR was also asked to give opinions on public policies. We can only do a good job if we know the reality in the field. (...) The expectation was above all for us to gain knowledge about trafficking. Knowing who the people trafficked in Portugal were, what form the trafficking in persons took, who the actors in the field were. (UMAR, interview April 2018)

Meanwhile, similar to what has happened in other contexts (see e.g. Daich and Varela, 2014), some abolitionist women’s organisations tried to describe all sex workers as

‘trafficking victims.’ By importing the international abolitionist discourse on trafficking, they tried to make counter-trafficking a field of discussion on prostitution policies. However, this soon led to ‘irritation’ amongst those responsible for the institutional mobilisation against trafficking. In the words of a representative of the CIG:

The lack of seriousness of some organisations when debating these issues irritates me. They forget that there is a legal framework. There is nothing to stop there being proposals and lobbying if they have a clear and concrete proposal to change this. But things have to be built. We have already had attempts at legislative initiatives on prostitution by youth parties in Portugal. They failed of course. One thing is the position that I, or anyone else, may have as a citizen, another thing is when I am representing a public institution of the state. I cannot say: ‘Yes, the Portuguese state will legalise or criminalise prostitution.’ (CIG, interview August 2015)

In short, the prostitution debate that counter-trafficking ignited in Portugal put Portuguese state feminism under substantial strain. Its bureaucratic objective to build a counter-trafficking system had first to deal with the pressures from different organisations – Catholics, as well as women’s organisations – that were asking to intervene in the field of prostitution through the criminalisation of the procurement of sex. This goal could have jeopardised the higher goal of building a counter-trafficking system, due to the substantial political disagreement and consequent disinterest in prostitution, which represented a divisive issue at the international, European, and national level.

The result turned out to be rather unique. The conceptualisation of prostitution and its causes by Portuguese state feminism is certainly different from that arrived at by feminist organisations towards pro-sex workers’ rights. In particular, the CIG describes both prostitution and sex trafficking as a form of violence against women and a serious human rights violation (CIG, 2015). However, since the very first public debates on the subject, the CIG affirmed the need to distinguish prostitution from sex trafficking (see e.g. Varandas and Saraiva, 2000). This distinction between ‘forced’ and ‘voluntary’ prostitution made it possible to leave prostitution largely on the periphery of the concerns of Portuguese state feminism, thus safeguarding the primary objective of building a counter-trafficking system.

Feminist organisations such as the UMAR, that were pro-sex workers’ rights, saw this distinction as a way to contain abolitionist pressures. However, my observation of national and international debate suggests that, in recent years, the same distinction has been strategically mobilised by abolitionist women’s organisations to give more force to their demands. One of the most recent examples comes from a meeting of the Group of Experts on Action against Trafficking in Human Beings (GRETA) – the monitoring mechanism of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by States parties. It was on the occasion of the third round of evaluation of the convention’s implementation in Portugal that the mantra was repeated:

‘PpDM [emphasises its representative] distinguishes trafficking from prostitution.’ Whilst the source of their concerns and demands remains unclear, referring current public

consultation on the evaluation of the Victims' Rights Directive, she reminds everyone that the criminalisation of users of the sexual services of victims is encouraged both at a European, and international level. (Field Diary, June 14, 2021)

In some cases, in addition to distinguishing 'forced' from 'voluntary' prostitution, abolitionist women's organisations have come to accept the institutional invitation to avoiding the excessive focus on 'sex trafficking.' In the words of the MDM representative:

The CIG does not pronounce itself on the issue of prostitution. We raised this issue in the projects and in the network [RAPVT], but we were advised not to include the issue of prostitution. I think this is for political reasons. And, if you look at the documents of the EU, they also want to insist above all on labour exploitation. (MDM, interview July 2016)

In short, a neoliberal agreement between state feminism and some abolitionist women's organisations contributed to taking political demands on prostitution outside the national field of counter-trafficking. Sometimes, these organisations came to accept the institutional invitation to also put 'sex trafficking victims' on the periphery of their rescue anxiety whilst continuing to benefit from counter-trafficking funding and governmental partnerships.

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Everyone agreed on at least one point – organisations that are strongly abolitionists and organisations that are not, agreed that NGOs should formally identify victims. Then the numbers of trafficking victims would increase exponentially in Portugal. (UMAR, interview April 2018)

The excerpt above introduces one of the concerns upon which, at least in the first moments of construction of the current Portuguese counter-trafficking system, organisations concerned converged. Despite the divisions and tensions created by different readings of prostitution and trafficking, various civil society organisations – including feminist organisations – have felt challenged by practices such as the identification of victims by the police (see Decree-Law no. 49/2008 and Decree-Law no. 252/2000) and/or the subordination of their rights to collaboration in the criminal persecution of traffickers.

In particular, Portuguese Immigration Law made provision (in Art.109) for a residence permit to be issued to trafficking victims under three cumulative conditions: (i) the potential benefit of victims' presence for the purposes of an investigation and criminal proceedings; (ii) the victim's clear intention to co-operate with authorities to facilitate the investigation; and (iii) the cessation of relations with the suspected 'traffickers.' Since 2007, a special regime for granting a residence permit (Legislative Decree 368/2007) for victims unwilling or unable to co-operate with law enforcement, but justified by the personal situation of the victims or members of their families, has existed but has never been applied. All these practices – arising from the implementation of international

and European anti-trafficking norms and policies in the national context – are characterised by a focus on criminal justice.

In the context of this study, documentary research points towards some, albeit timid attempts at feminist resistance to an approach based on state security and criminal justice objectives. For example, in 2011, UMAR emphasised the absence of the right to work and migration (or, at the very least, its weak protection) as the cause of the trafficking, criticising practices encouraged by a conceptualisation of trafficking as a state security issue:

Some of these [counter-trafficking] campaigns end up serving the interests of police systems in combating illegal immigration, when we know that the real cause of the problem is the lack of legal status and work rights of immigrants. (UMAR, 2011)

Sometimes, even if without questioning a carceral approach to trafficking, essentially focused on the arrest and the criminal prosecution of traffickers, certain organisations have claimed to be a different kind of presence in counter-trafficking:

We've been asked to participate alongside women in judicial trials in cases of domestic violence and trafficking. We have never succeeded. (MDM, interview July 2016)

Such acts of resistance and claims need to deal with challenging 'trust' in the counter-trafficking system and its different actors – a challenge required at an institutional level, where the response to trafficking is focused on state security and criminal justice objectives. As a CIG representative explains:

Criminal justice wants to catch criminals and condemn them. To do this, the police have to collect evidence during the investigation. What do civil society organisations have here? The interest of organisations is to protect the victim. Thus, we have several actors, yet while their interests differ, they are not incompatible – quite the contrary. They are fully compatible. To be compatible there must be high levels of trust between these organisations. (CIG, interview August 2015)

Yet various organisations have emphasised the difficulty created by the central role played by police in a context where tendencies towards the criminalisation of migrants overlap with ambiguous attitudes towards prostitution (Oliveira, 2017; Ribeiro, 2005, 2007). This difficulty has produced what, at an institutional level, is sometimes described in terms of the 'self-exclusion' of various organisations. However, my observation within the counter-trafficking networks created in recent years confirms the experience of a representative of UMAR, who emphasised the procedural character of the current participation of more critical organisations, including feminist organisations:

There were meetings where there was some reflection on the issue, where there was an opening for organisations to ask questions [and] share ideas, which I believe were lost over time. The participation of the various organisations in counter-trafficking institutional networks such as the RAPVT ends up being closely articulated with what they [GOs] do

at the national level – practically everything that is done to implement the national counter-trafficking Action Plan. (UMAR, interview April 2018)

The increasingly reduced levels of participation in the counter-trafficking field by feminist and women's organisations would seem to have weakened the possibilities for more robust reflection on the current state security and criminal justice approach to trafficking in Portugal. Rather, in recent times, feminist and women's organisations seem to be divided, even with respect to the current criminal justice approach.

This is what is suggested by some more recent partnerships and interventions joining the forces of abolitionist women's organisations and institutional actors and focusing their attention on a conceptualisation of trafficking as a crime and the objective of its persecution. A recent example comes from the development of the app 'Acting Against Trafficking in Human Beings', developed by the MDM, in collaboration with the Ministry of Internal Affairs (MAI), through the Observatory on Trafficking in Human Beings (OTSH). It is on the occasion of the presentation of this app that the representative of the women's organisation drew attention to the security concern of making 'a distinction between human trafficking and other crimes such as illegal immigration' and the criminal justice objective to 'denounce [the crime of trafficking], through electronic complaint, directly to the MAI.'⁷ As for 'support for trafficking victims,' subordination to the persecution of traffickers seems to have been left outside current concerns while the embracing of carceral approaches extends and strengthens among non-state actors.

Discussion and Conclusion

'Trafficking' has not always been the main concern of feminist organisations. The evidence gathered for this study shows that, in a manner different from what has happened in other eras and contexts (see e.g. Bernstein, 2018; Doezema, 2010; Lobasz, 2019), in the Portugal, it certainly 'has not been a priority' (UMAR, interview April 2018). Its entry (and that of prostitution) into the feminist agenda is substantially linked to the opportunities created by the institutional counter-trafficking agenda and its objectives of implementing a counter-trafficking system. These goals have encouraged the call for various organisations – including feminist and women organisations – to provide evidence of trafficking, offering them at least the illusion of a space for discussion on issues that nevertheless soon proved to be divisive for Portuguese, as well as wider international feminism. The main issue here is the conceptualisation of trafficking and its relationship with prostitution and related policies.

I have also shown in this article that, similar to what happened at the international level at the time of the negotiation of the Palermo Protocol (Doezema, 1998, 2005), the potential impasse created by the abolitionist identification of trafficking with prostitution and the request from some organisations to intervene in the formulation of current prostitution policies has encouraged the mobilisation of a distinction between 'forced' and 'voluntary' prostitution. However, unlike what happened internationally, this distinction has been affirmed primarily by the abolitionist state feminist organisation coordinating counter-trafficking activities, later being adopted by various feminist and women's organisations, despite their differing ideas of prostitution.

Echoing and building upon Doezema's (1998, 2010) criticism, I have sought to question this distinction which, in the context of this study, first appears as a weapon promoting the progressive exclusion not only of sex workers but also 'sex trafficking victims,' and certain feminist organisations, from counter-trafficking. More broadly, the study reveals the distinction between 'forced' and 'voluntary' prostitution has progressively contributed to a neoliberal de-politicisation of the debate that calls into question the possibility of counter-trafficking being considered a 'lever for feminist voices' (Spanger, 2011).

Portuguese feminism's adoption of this distinction resembles a mechanism for the adjustment of the definition of the problem and their demands are not so different from those that have historically characterised their relationship with political and allied institutions. However, the feminist experience in counter-trafficking has remained distant from that which characterised issues such as the legalisation of abortion – an 'issue silenced,' for a certain time, within women's organisations working on a more favourable context within parties, in the absence of the support of state feminism (Tavares, 2011; see also Melo, 2016; Prata, 2015).

In the case of trafficking, the limited participation of feminist and women's organisations in defining trafficking and its victims seems to correspond neither to the possibility of a substantial strengthening of feminism, nor the creation of spaces for the strategic affirmation of transformative ideas and practices. Rather, the definition of trafficking that feminist organisations have accepted is contributing to a substantial clearing of the counter-trafficking field of potential conflicts and 'problematic' actors, including, most notably, sex workers themselves. These sex workers were soon followed by 'sex trafficking victims,' the rescue anxiety for whom is soon diluted by a neoliberal bureaucratic concern for heterogeneous and less conflicting forms of trafficking (see also Clemente, 2022). Finally, the same participation of feminist organisations in counter-trafficking has become progressively more procedural, lacking substantial involvement in debates and politics, as well as in the delivery of counter-trafficking services. This is particularly evident in the case of pro sex workers' rights feminist organisations which, similar to a number of organisations linked to migration or with a clearly pro sex workers' rights position (Clemente, 2021), currently occupy a peripheral position in the counter-trafficking field.

In the case of abolitionist women's organisations, my research suggests the gradual strengthening of neoliberal carceral approaches over transformative approaches via an increase in partnerships with the state security sector and technological (more than political) solutions to trafficking. If certain technologies, such as the referred to app, and collaborations risk expanding surveillance practices on women (and men, transgender and gender-diverse individuals) and bow to practices of criminal justice (see also Musto *et al.*, 2020), they also ensure the strengthening of economic, social, and symbolic capital (Bourdieu, 1986), and with it, the self-reproduction of some organisations. Advocacy for the social justice that has animated feminist and women's organisations and their allied parties for decades remains outside of their counter-trafficking discourse. This probably contributes to the fact that the different left parties, in addition to being deeply divided with respect to prostitution policies, remain distant from a problematization of current counter-trafficking policies.

Meanwhile, the words of the representatives of the Portuguese gender policy agency that coordinates counter-trafficking actions, in emphasising the limited possibilities of intervention on the political issues that trafficking raises, confirm the degeneration of mechanisms of state feminism into merely symbolic entities, ineffective at changing the terms of the policy-making process to coincide with those of feminist and women's organisations (Monteiro and Ferreira, 2016; see also Kantola and Outshoorn, 2007). Through this bureaucratic structure of governance, the state has managed to avoid the contrasts created by the prostitution (and other) debate(s), and has ensured the possibility of achieving its bureaucratic goal of building a national counter-trafficking system. This certainly strengthens state power over the different national actors as well as gaining international recognition, but does not necessarily correspond to the possibility of mounting an effective response, ensuring the rights of 'trafficking victims.'

The marginalisation of transformative feminist politics seems to contribute to the creation of a distance between statutory law and the law in practice – as is suggested by the failure to apply the special provision for granting a residence permit to trafficked persons unwilling or unable to co-operate with envisaged law enforcement by Legislative Decree 368/2007. Such an ineffectiveness of law and policies can also be seen in other fields, such as gender equality (Monteiro and Ferreira, 2016). However, in the counter-trafficking field, it does not seem to have created the same tensions between the state and women's movements. When taken as a whole, the experience of counter-trafficking feminism confirms the previous criticisms that indicated, in the superimposition of current neoliberalism on the state dependence of weak Portuguese feminism, the reasons for both reduced autonomous actions by feminism and the reduced effectiveness of policies (Tavares, 2011).

It is difficult to deny that counter-trafficking needs a feminist approach. Or at least a certain feminist approach, which recognises the need to articulate political actions inspired by principles of social justice (see also IWRAW, 2020). In the meanwhile, this study reveals that, in contexts characterised by a strong weakness of feminism and a high institutionalisation of counter-trafficking, the absence of sex workers and women who sell sex within feminist organisations do not contribute to the better articulation of feminist demands within counter-trafficking with the result of feminist organisations risk being mere instruments of liberal logics of governmentality. Resisting co-optation by state and contributing to political and social transformation seems to require counter-trafficking feminism to find other interlocutors and experiment with other practices. Or more simply, it requires putting into practice one of the most important feminist lessons: women's participation (see Fraser, 2013). Dialogues with sex workers have allowed some feminist organisations to 'discover' that '[the sex workers] are women like us' (UMAR, interview April 2018). Feminist policies seem now require the inclusion of what has been traditionally excluded from international counter-trafficking: sharing political actions with exploited people – 'trafficked' or not.

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Notes

1. I use the term 'trafficking' interchangeably with expressions such as 'human trafficking' and 'trafficking in persons' to refer to the movement of people with the aim of their exploitation. I occasionally use quotation marks to refer to these and other terms and expressions to emphasise the fact that I am not taking their meaning for granted.
2. I use the term 'prostitution' and the expressions 'sex work' and 'sex trade' interchangeably to refer to the exchange of sex or sexual services for money or other material benefits. This usage is basically emic, these terms and expressions being the ones most frequently used by individuals engaged in the sex market in referring to themselves and others. The internationally widespread use of the expression 'sex work' is linked to Carol Leigh's sex work rights activism and the emphasis on the need to acknowledge the labour of sex work, and to destigmatize the work of individuals engaged in the sex market. Meanwhile, Lourdes Barreto, founder of Brazilian Network of Prostitutes, proudly and provocatively shows the tattoo with the word *puta* (whore) on her body. As other activists, she prefers terms such as *puta* and *prostituta* (prostitute) to other expressions considered euphemisms that hide the full burden of stereotypes it is necessary to fight.
3. With second-wave feminism I refer to the women's movement that originated in the 1960s and 1970s in the United States – a movement that provoked extensive discussion on issues of social equality and discrimination, with sexuality and reproductive rights as two of its central concerns.
4. The Trafficking Protocol contains the definition of trafficking that informs the vast majority of regional and national laws. According to art. 3(a): '*Trafficking in persons* shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.'
5. In particular, I collected 2 interviews with the CIG with the participation of two representatives of this institution; 3 interviews with three UMAR representatives; an interview with a representative of the MDM; an interview with two representatives of the AMCV.

6. In recent years, the creation of the Life Sharing Group collective in the north-eastern city of Braga and the Sex Workers's Movement in Lisbon stand out.
7. See also <https://www.dn.pt/pais/movimento-de-mulheres-cria-aplicacao-para-telemovel-contratafico-humano-11445620.html> (last time consulted, November 2021).

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