

# Cinderella Deceived

Analyzing a Brazilian Myth Regarding Trafficking in Persons.

*Ana Paula da Silva, UFV*

*Thaddeus Gregory Blanchette, PPGCiaC, UFRJ Macaé*

*Andressa Raylane Bento, UFRJ, Macaé*

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## **Abstract**

This article provides an overview of how trafficking in persons has come to be imagined in Brazil. We stipulate that a mythical narrative has become central to discourses about trafficking used to guide policy-makers and educate civil society. We perform a structural analysis of this myth arguing that its acceptance, combined with the persistence of laws that define trafficking solely as the migration of prostitutes, has shifted public discussion towards a paradigm of passivity and law enforcement where members of certain social categories must be “educated to understand that they are victims” and their movements must be curtailed.

**Keywords:** Trafficking in persons, prostitution, Brazil, myths

## **Resumo**

O presente artigo fornece uma visão geral de como o tráfico de pessoas tem sido imaginado no Brasil. Afirmamos que uma narrativa mítica tornou-se central para os discursos sobre o tráfico utilizados para orientar os agentes políticos e educar a sociedade civil. Realizamos uma análise estrutural desse mito, argumentando que a sua aceitação, combinada com a persistência de leis que definem o tráfico apenas como a migração de prostitutas, tem criado, na discussão pública, um paradigma de passividade e de estrito legalismo, onde os membros de certas categorias sociais devem ser “educados para entenderem que são vítimas” e seus movimentos devem ser reprimidos.

**Palavras-chave:** tráfico de pessoas, prostituição, Brasil, mitos

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The greatest obstacle to discovery is not ignorance;  
it is the illusion of knowledge.

Daniel Boorstin

## Introduction

It has now become common sense knowledge that *trafficking in persons* is supposedly the second most lucrative crime in the world after drug trafficking, involving some 2.4 million victims and moving more than 32 billion dollars annually (to cite what have been perhaps the most commonly heard statistics).<sup>1</sup> Trafficking in persons, we are repeatedly told by politicians, journalists, “engaged” celebrities, the cinema and even *telenovelas*<sup>2</sup>, is a horrendous crime in which individuals are forced or tricked to leave their homes in order to engage in slave labor elsewhere. Among the bits of received wisdom regarding trafficking which have been reproduced across the global mediascape is that the majority of these victims are women and children

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1 The attribution for these numbers is generally understood to be the United Nations Office on Drugs and Crime (for a typical citation, see Melo, 2012). It should be noted, however, that UNODC is quite clear that its estimates are not by any means definitive due to the clandestine nature of the crime. It also should be noted that many organizations which cite these statistics routinely inflate (see Emancipasia, 2012) or deflate (see ONU Brasil, 2012) them by as much as a factor of ten. The United Nations itself also generates contradictory statistics regarding trafficking (for an excellent snapshot of this, see UNODC Bangkok’s Trafficking Statistics Project). According to UNODC’s fact sheet regarding the crime (UNODC, 2009a), the source for the estimated 2.4 million trafficking victims is the International Labor Organization (ILO) and this number properly refers to all victims of slavery in the world. In 2012, however, the ILO produced a global estimate of forced labor that was almost nine times higher than that quoted three years earlier (ILO, 2012). Finally, UNODC has not yet described the methodology behind this claim. Given that 21,400 trafficking victims had been discovered world-wide in 2009 (UNODC, 2009b), it seems that the Organization’s “conservative estimates” are simply based on the presumption that for every victim revealed, something like 99 go unreported.

2 In October 2012, Brazil’s largest TV. Network, Globo, began a telenovela (or soap opera), *Salve Jorge*, whose main themes revolve around the plight of fictional Brazilian women who are tricked into sexual slavery in Europe.

recruited for sexual slavery. Awareness campaigns worldwide have reproduced images of crated, wrapped, packaged and/or bar-coded woman as the most recognizable visual metaphor for trafficking (**Illustration 1**).

What exactly constitutes *trafficking in persons* and how its victims should be identified, counted and aided, however, are questions that are still open today, nine years after the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (the Palermo Protocol) went into effect<sup>3</sup>. Multiple and contested criteria have been employed by actors within a series of fields<sup>4</sup> (the prostitutes' and immigrants' rights movements, abolitionism<sup>5</sup>, the struggles against child labor and sexual exploitation, nationalist anti-sexual tourism campaigns, etc.) to define *trafficking in persons* within a context of increased anti-immigration sentiment and legislation brought about by recent terrorist attacks against Europe and the United States and reinforced by the current global economic crisis. A diverse series of activities that have long been part of the global scenario and which have generally been recognized and repressed as illegal (at least among the nations of Europe, South and North America) are today being swept under the rubric of "trafficking in persons", including sexual exploitation (variously defined), forced labor, organ removal, forced marriages, illegal adoption, begging and forced participation in armed conflicts (UNODC, 2012: 12).

Within each national context what is and what is not considered to be *trafficking in persons* is being actively constructed against the general backdrop of the stipulations of the Palermo Protocol following the correlation of forces, conceptual disputes, historical demands and legal dispositions present in each society. *Trafficking in persons* thus isn't so much an "unrecognized crime" as it is a globalized<sup>6</sup> conceptual reorganization of existing criminal and semi-legal activities within the boundaries of the nascent and burgeoning political field of international law enforcement. To understand the data

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3 December 2003, according to UNODC (2009b: 8)

4 We take "field" here in the sense attributed by Pierre Bourdieu, as a network of objective relations between objectively defined positions which seek to impose determinations upon agents and institutions in the structure of the distribution of power (Bourdieu, apud Waquant, 1989: 39).

5 "Abolitionism", in this context, signifies the loose alliance of organizations and individuals who understand prostitution to be, ipso facto, slavery and who thus seek to legally prohibit it worldwide. Because of their beliefs, abolitionist organizations involved in the anti-trafficking struggle tend to count as "trafficked" any individual engaged in sex work, independent of their condition.

6 Local adaptations of globalized products or phenomenon.



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Illustration 1. Packaged or contained women in anti-trafficking campaign imagery from around the world.

- 1.
2. <http://dangerouslee.biz/2012/10/26/the-stop-human-trafficking-campaign/>
3. Anti-trafficking poster produced by the Brazilian federal government
4. <http://jagausta.wordpress.com/2010/09/02/the-human-commodity/>
5. <http://www.adrants.com/2009/05/luggageconfined-woman-brings-sex.php>
6. <http://www.soroptimist-ukpac.org/about/show/356/>

that is being produced regarding trafficking in persons in any given country, one must first understand how the concept has been historically defined there and how these definitions have changed – if at all – under international pressures following the establishment of the Palermo Protocol. More importantly, one needs to understand how the crime is being *imagined* for, in order to be effective, laws, educational programs, awareness campaigns and even research must first conceptualize traffickers and trafficked.

This article is an attempt to provide an overview of how *trafficking in persons* has come to be imagined in Brazil. We believe that what we call “the myth of Maria, an exemplary victim” is the current hegemonic narrative used to imagine trafficking, guide policy-makers and educate civil society. Meanwhile, Brazil’s laws regarding trafficking have remained essentially unchanged since the 1940s and continue to define aiding the migration of prostitutes as the only legally recognized form of the crime<sup>7</sup>. We argue that the general diffusion and acceptance of this “myth of Maria”, when combined with the persistence of laws that define trafficking exclusively as aiding the migration of prostitutes, has shifted public discussion in Brazil away from the citizenship, rights and empowerment of sex workers and migrants towards a paradigm of passivity and law enforcement where members of certain social categories must be “educated to understand that they are victims” and their movements must be curtailed.

## Methodology and structure

The present article is based upon three different sources of ethnographic fieldwork, as well as the analysis of documents and images carried out from 2003 to 2012. We originally became involved with the theme of trafficking in persons through our research into sex tourism in Copacabana (Blanchette & Silva, 2005), which has since spun off investigations of carioca sex work in general (Blanchette & Silva, 2011a), as well as sex tourism and work in other areas of Brazil, particularly São Paulo (Silva, 2011). Associated with this, we have engaged in an on-going “netnography”<sup>8</sup> project in the largest

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7 Forced labor, organ removal and illegal adoption are also crimes under Brazilian law, but are not legally qualified as trafficking.

8 See Langer and Beckman (2005) for a fuller discussion of internet-based ethnography’s methods, strengths and shortcomings.

Portuguese and English-language sex-tourism oriented websites (with a total of 29,779 posts read, analyzed and filed in our database and another 21,080 read up to 12.2012). These two ethnographic projects have put us into constant contact over the past eight years with men and women who migrate in search of sex work overseas or who come to Brazil in search of sex workers.

Our third axis of ethnographic research began in 2005 with our participation – first at a local and then at a national level – in the seminars, meetings and workshops surrounding the construction and implementation of Brazil’s first national anti-trafficking plan. Our experiences during these events allowed us to collect and analyze the discourses regarding trafficking of persons being employed by a series of social actors. It also put us into contact with federally-subsidized research into trafficking, which began to take place following the turn of the century<sup>9</sup>, as well as a wide selection of educational materials and campaigns being produced by the government and NGOs. Between 2009 to 2011, we were frequently employed as educators in workshops throughout Brazil, where we were asked to talk about sex work and its connections to trafficking in persons. Finally, in 2012, Blanchette became a member of the committee set up by the Rio de Janeiro State Secretariat for Social Assistance and Human Rights to coordinate anti-trafficking activities. All of these experiences allowed us to engage in fieldwork, observing and participating in the construction of Brazil’s post-Palermo Protocol anti-trafficking policies.

We shall begin our analysis with a brief discussion of myths, segueing into a history of anti-trafficking discourse in Brazil and the world prior to the 1990s, followed by a very brief analysis of its rebirth during that decade. We focus here on Brazil’s anti-trafficking legislation and how it compares to the stipulations of the UN’s Palermo Protocol, which Brazil ratified in 2004.

In the second half of the article, we present the “the myth of Maria”, which we believe is the narrative currently informing most of Brazil’s anti-trafficking discourse. We analyze the structure of this myth and show how it does not take into consideration many of the situations, problems and rights violations encountered by Brazilians during their trajectories of migration. We look at how the category of “trafficking victim” seems be reconfiguring

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9 A partial list of some of the most important works produced or subsidized by the Brazilian federal government during this period include: CECRIA, 2002; MinJus, 2008; Colares, 2008; Piscitelli & Vasconcelos, 2008; OIT, 2006; MinJus 2010; Piscitelli, 2007.

discourses regarding migration and sex work in Brazil, changing the focus from citizenship, empowerment and rights to one which emphasizes victimization, vulnerabilities and law enforcement. Finally, we give examples of how Brazil's police forces, informed by the Myth and enforcing inadequate and obsolete anti-trafficking laws, end up violating the rights of people identified as "potential trafficking victims".

### **Regarding myths**

When we classify the story of Maria as a "myth", we are not saying that such stories do not occur or that they are lies. It is a fact that Brazil exports large numbers of its citizens to work in overseas sex industries. Many of these migrants end up suffering from exploitation and human rights violations, just as their non-sex-working countrymen and women do, both at home and abroad. A myth, however, does not attempt to recount these people's stories in a politically neutral sense and certainly doesn't place much emphasis upon these immigrants' own understandings of their experiences. Myths are exemplary: they are told to pass along a lesson and to make sense of reality within a given moral and political framework. In doing so, they portray reality within a very specific light, highlighting some aspects and diminishing or ignoring others. As veteran researcher John Frederick puts it:

A myth is simplistic: it cannot express the complexities of an issue, entertain controversy, or encompass "gray areas". Like a popular film, it presents morals, heroism, and emotionality as readily as facts. A myth is conservative: it is resistant to change and discourages innovative ideas and interventions, while being easily influenced by cultural prejudices and political agendas. And it is pseudo-knowledge: in the absence of knowledge about the actual trafficking episode, it provides donors and policy makers with the validation to create interventions or policies (Frederick, 2005: 128).

Myths are the preferred language of moral panic, a situation, according to Stanley Cohen, where a condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests (Cohen, 1973: 9). These panics (and the consequent social villains they bring to the public's attention) are generally created by moral entrepreneurs, people who instigate popular outrage regarding social and political questions,

suggesting and implementing rules, generally in the form of legislation, in order to deal with the problem which they have brought to the public's attention (ibid; Becker, 1963).

The Myth of Maria does not so much express reality as shape it, directing attention away from certain elements of Brazilian immigrant experiences while highlighting others. It recasts what trafficking scholar David A. Feingold calls "immigration gone wrong" as the result of organized transnational criminal enterprise. Instead of looking at migrant women as agency-endowed subjects who leave home voluntarily in search of better lives and who, along the way, become enmeshed in exploitative or coercive situations, whose negative impact is multiplied by xenophobic migration laws, the Myth of Maria casts these women as agency-less victims, recruited by mafiosos and in need of State-directed intervention and rescue. Complicated social relations, actions and networks are thus reduced to two dimensions and four colors, with clear-cut "good guys" and "bad guys" (Feingold, 2010: Loc.1456-69).

We have analyzed elsewhere the historical development of the Myth of Maria as well its blind spots when compared to the experiences of Brazilian migrants labeled "trafficking victims" (Blanchette, Silva, & Bento, 2013; Blanchette & Silva 2011a). What we want to do now is analyze the structure of this myth and, in so doing, seek out its deeper meanings in order to better hypothesize about its persistence as the principal Brazilian narrative regarding trafficking in persons in the face of ever-increasing amounts of data which illustrate its factual insufficiency.

In conducting our dissection, we apply Lévi-Strauss' (1963) guidelines for the structural analysis of myths. It should be emphasized that Lévi-Strauss' understanding of mythological thought has little to do with the notion of falsifying reality. Instead, it concentrates on how human thought organizes reality according to the concrete experience of social groups. Myths, in this understanding, are used to organize social relations and reflect upon certain wider, existential questions and Lévi-Strauss would certainly object to Frederick's contention that myths are a form of "pseudo-knowledge". It is our contention that the Myth of Maria is not pseudo-knowledge, but a particular construction of knowledge which organizes facts according to certain moral and political values regarding migration and prostitution and which simplifies and moralizes the trafficking in persons phenomenon. We will discuss this point further in our conclusions, below.



## Combating prostitution and the traffic in white slaves in early 20th century Brazil

Historian Cristiana Schettini describes an incident that occurred during the first wave of anti-trafficking legislation in Brazil and which – *mutatis mutandis* – could serve as a general model for a large part of the anti-prostitution policing activities that have taken place in our country over the last 100 years:

The year 1896 had barely begun when the Precinct Captain of the 4th Urban District decided to remove the prostitutes who resided along and about Senhor dos Passos and Sete de Setembro streets, launching a campaign which sought to morally cleanse the busy center of [of Rio de Janeiro]. Under threat of prison, Brazilian and foreign women were given only a few days to abandon their houses. The Captain then opened a series of investigations into the men and women who rented to the prostitutes, seeking to charge these landlords as pimps. Applying the newly-minted Penal Code of the Republic, the Captain charged the landlords with “aiding and abetting, or giving housing” to the prostitutes in order to “gain profits from this speculation”. (Schettini, 2006:17)

Then, as now, Brazil had no laws on its books either prohibiting or regulating prostitution. In seeking to remove prostitutes from the center of Rio de Janeiro, the police captain of the 4<sup>th</sup> district couldn't legitimately arrest the women or rezone their activities, absent some other accusation. Then, as now, the law which permitted active police intervention into sexual commerce was the law prohibiting third parties from profiting from the prostitution of others. This was written in such broad terms that it defined as “*proxenetas*” (pimps) literally anyone who accepted coin from or gave succor to prostitutes, including their husbands, roommates and the landlords and –ladies who rented them houses and rooms. By casting the struggle against prostitution as a struggle against pimps, the police of what was then Brazil's federal capital were thus able to effectively criminalize an activity which had never been made illegal under Brazilian law.

A key part of this process was getting the public to accept police raids that put sex working women out of their houses and the members of their social networks in jail. One of the main tools utilized by the carioca elite to this end was Rio de Janeiro's nascent mass media. As Schettini points out, the specter of trafficking in persons was widely mobilized during the late 19th and early 20th centuries during the moral and hygienic campaigns that

attempted to recast Rio as a “modern, Europeanized city”. Sensationalist stories about so-called “white slavery” were an important component of these campaigns, used to mobilize popular sentiment against prostitution and justify police actions against the city’s informal red light districts. The crusading captain of the 4th district, for example, was accompanied on his rounds by a journalist who reported the repressive measures in one of the Rio’s most important newspapers (ibid: 17-20).

What was lost in the rush to attack the putative pimps, however, were the points of view of the prostitutes themselves. As Schettini puts it, these women’s voices were “confined to mythologizing and depoliticized reports”, only recorded by the media when they “expressed the imaginations, desires and expectations” of the moralizing elite, which – of course – meant repeating the narrative of innocence sold into white slavery (ibid: 20). Prostitutes’ autochthonous understandings of their situation and their suggestions for improving it were drowned out by the cacophony of moral panic.

Due to the work of historians like Schettini, Beatriz Kushnir (1996) and Margareth Rago (1991), however, we are able to get a glimpse of the “private lives of the public women” of early twentieth century Brazil (Kushnir, 1996: 21). These authors show that prostitutes were not helpless slaves, in thrall to pimps and destitute of agency. Kushnir and Rago document the formation of mutual aid societies among Jewish immigrant prostitutes that also included many of the people accused by the authorities of being pimps and exploiters. Schettini reviews the women’s constant legal skirmishes, where they made ample use of the concept of *habeas corpus* to assert that they themselves were the owners of their bodies and thus legally able to do as they pleased with them. The documents analyzed by Schettini also reveal that accusations of pimping were creatively used by women to guarantee their independence from abusive lovers, husbands, or landlords. According to this author, the sex workers of early 20th century Brazil were engaged in a variety of “complex agreements and relationships that went well beyond the pimp-slave dyad, even when these relationships were marked by inequality and violence” (Schettini, 2006: 154).

Despite the rhetoric of combating the traffic in white slaves, however, police actions during this period were not primarily concerned with aiding or empowering sex working women, but with social engineering and the institution of a new urban order that attempted to stigmatize and exclude prostitutes. This pattern which would be repeated over the next 100 years:

Narratives of white slavery and accusations of pimping served in different ways to justify the most varied forms of police intervention into the meaning of urban space and its occupation by a series of social groups. All the police officials who participated in the anti-trafficking struggle during the three republican decades would probably agree that their activities were a form of “moral sanitation”. The changes in Brazil’s penal code [during this period], the “administrative powers” of the police [which allowed them to treat a legal activity – prostitution – as if it were criminal] and the international pressures to be vigilant with regards to foreign men and women, all ended up consolidating narratives of slavery and trafficking of women in the city. These narratives, in turn, ended up legitimizing a complex process of stigmatization of those people who were in one form or another involved with prostitution during this period (ibid: 153).

It was in 1940, during the government of dictator Getúlio Vargas, that today’s legal codes regarding sex work were written. Like the earlier Republican codes, these eschewed both the regulation and prohibition of prostitution. Six separate laws were established prohibiting the crime of “sexual exploitation”<sup>10</sup>, taking as their general guideline the ample definitions of this crime established during the early 20th century (Schettini, 2006: 105-106)<sup>11</sup>.

The new penal code maintained what was to become a long-term tradition of prostitution legislation in Brazil. As Schettini and Blanchette point out (2013, forthcoming), Brazilian public policy with regards to sex work can perhaps be best understood as an extra-legal form of regulation, which concentrates discretionary power in the hands of the police and charges them with a mandate to control sexual commerce without actually prohibiting it. Wide-reaching and vaguely defined laws make almost any kind of activity surrounding the sale of sex a potentially criminal act, depending upon the interpretation of the police and the courts. Prostitution itself, however, is not illegal. The police can thus intervene as circumstances demand without taking on a legal obligation to eliminate prostitution, or even be held to a given, fixed position with regards to it.

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10 Interestingly enough, the term “sexual exploitation” has never been specifically defined in Brazilian jurisprudence. One of the Brazilian Prostitutes’ Movement’s specific political demands is that it be legally understood as “focring someone into prostitution or impeding their leaving it”.

11 In other words, “pimp” once again was defined as anyone who received money from or gave shelter or aid to a prostitute.

In other words, for the past century or more, prostitution has been situationally il/legal in Brazil. The way it is handled by police depends upon contextual and shifting arrangements of forces involving public opinion, the cash flows of sexual commerce and prostitutes' willingness and ability to hammer out deals with the police or, failing that, to insist upon *habeas corpus*.

The formulation of Brazil's first (and to date only) anti-trafficking law in 1940 needs to be understood within this general scenario: laws touching upon prostitution in Brazil have traditionally been vague, wide-ranging and contextually enforced with an eye to organizing sexual commerce and limiting it to certain regions, rather than prohibiting it altogether or improving the lives and working conditions of prostitutes (Blanchette & Schettini, 2013, forthcoming).

### **Defining trafficking: Article 231 and the Palermo Protocol**

Since 1940, trafficking in persons has been legally defined in Brazil by Article 231 of the penal code as "Promoting or facilitating the entrance into national territory by a woman who has come here to act as a prostitute, or the exit from national territory of a woman who'll act as a prostitute in a foreign country". This law has been modified twice. In 2005, it was changed slightly so that it would refer to any person working as a prostitute and not just women. Additionally, Article 231A was included in the penal code at this time, applying the law to movements within Brazil. In 2009, minor changes were made to the law's language, equating prostitution with "other forms of sexual exploitation" (JusBrasil, 2012). A larger and more significant change also occurred at this time, however: Article 231 was reclassified. Originally, it was part of a larger set qualified as "crimes against customs". In 2009, it became part of a new set, "crimes against dignity", suggesting a change in the law's focus.

In spite of these mostly cosmetic changes, however, Article 231 continues to define *trafficking in persons* simply and solely as aiding and abetting the movement of prostitutes. The use of violence or coercion in the course of these movements is understood to be an aggravating – but not necessary – element of the offense. This means that simply loaning a friend money so that they can migrate and engage in sex work somewhere else, even if no interest is charged, is legally classifiable as trafficking in persons. It can also

plausibly be considered to be a crime if the money is freely *given* as a present. In fact, money doesn't even have to change hands for someone to be accused of trafficking under Brazilian law: merely helping a prostitute book a flight or discussing how sex work conditions are better elsewhere are acts that could be construed as criminal under Article 231<sup>12</sup>. Article 231A, which extends the scope of the anti-trafficking law to movements within Brazilian territory, is so vaguely written that it could be applied to paying a call girl's taxi fare.

To put it simply, according to Brazilian law, in order for *trafficking in persons* to occur...

1) A person must move from point A to point B in order to engage in prostitution; and...

2) This movement must be aided and abetted by another person (understood to be the trafficker).

The law applies even if the migrant prostitute works independently and never encounters any exploitation or human rights violations whatsoever. The law *does not* apply, conversely, to any other form of migration for labor exploitation, no matter how violent or coercive. While Brazil also has laws on its books prohibiting slave labor and the sale of organs (to mention just two of the most commonly cited forms of trafficking), these crimes are not formally, legally understood to be trafficking. They are occasionally included in rhetoric regarding the crime, but are more often ignored when it comes time to generate statistics or moving anecdotes about trafficking.

When Article 231 was written in 1940, it followed the trends of the times. The anti-trafficking movement of the first half of the 20th century was more concerned with reinforcing traditional understandings of morality and female sexuality in the face of women's increased social and physical mobility than it was in protecting women as citizens and bearers of rights (Donovan, 2006; Doezema 2000). The first international anti-trafficking treaty originated in Paris in 1904, when 13 countries met to sign the International Accord for the Suppression of the Traffic of White Women. On this occasion, the crime of trafficking was defined as "procur[ing], entic[ing], or le[ading] away" a woman or girl "for immoral purposes" – a definition which included prostitution,

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12 In May 2013, a Federal Police officer charged with anti-trafficking operations in southwest Brazil specifically confirmed this hypothesis to us. "I could definitely convict someone of trafficking, even if they simply freely gave money or information to a woman or helped her book a ticket," he proudly declared at an anti-trafficking event organized by the Rio de Janeiro attorney general's office (Ministério Público).

but which could be interpreted to mean any sort of sexual activity outside the bonds of monogamous marriage (Anonymous, 1904). This definition was successively refined by treaties in 1921 and 1933, but its basic content remained the same. The prejudices and assumptions regarding women, sexuality and power which underpin these early anti-trafficking treaties are obvious and are revealed by such terms as “leading away” and the constant equation of “girls” and “women” as functionally and socially identical. Here we have a view of women as essentially sexually passive creatures, “naturally” chaste and virginal unless acted upon by an outside force. (Ferreira, 2009: 21-24).

The last legal instrument produced by this early conceptualization of trafficking was the United Nation’s “Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others” of 1949, almost a decade after Article 231 was established in the Brazilian penal code. Like its Brazilian forerunner, the 1949 treaty defines trafficking solely and exclusively in terms of prostitution, although unlike Article 231, it does not specify the gender of the victims, a situation the Brazilian law would only rectify in 2005 (UN, 1949). According to Jo Doezema and Kamala Kempadoo, the treaty’s intent and conception focuses upon the abolition of prostitution and its strictures have been supported in the years since its signing by a global alliance of conservative religious groups and the abolitionist branch of feminism, who see the trafficking issue as a constituent component of a larger campaign to make prostitution illegal (Dozema, 2000; Kempadoo 2005: xi).

In the 1990s, the concept of trafficking in persons was redefined. In 1996, Radihika Coomaraswamy, the UN’s Special Rapporteur on Violence Against Women, commissioned a worldwide research project into the question. The project’s final report advised the UN to disconnect processes of recruitment and transportation under coercion from sex work itself. Under this new definition of *trafficking in persons*, prostitution was to be considered a legitimate form of work and trafficking became all forms of recruitment and transportation for work or services through the use of violence, threats, coercion, or fraud (Kempadoo, 2005: xii). Following this new orientation, the United Nations would ultimately recommend that consensual sex work be legalized world-wide as a necessary step to combat HIV and stigma-related violence (Patria, 2007).

In 2000, the new understanding of prostitution and trafficking was codified by the UN Protocol to Prevent, Suppress and Punish Trafficking

in Persons, Especially Women and Children – also known as the Palermo Protocol. This defines *trafficking in persons* in the following manner:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring 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, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. (UN, 2000).

While clearly changing the focus of the international struggle from prostitution to any and all forms of coerced or fraudulent recruitment for labor exploitation, the Protocol still contains some points which conceptually link it to earlier anti-trafficking treaties. For one, it continues to specify trafficking as a question of particular interest to women and children and, by lumping these two categories together, symbolically situates adult women as the equivalent, in rights and vulnerabilities, to children. Furthermore, it does not specify what constitutes “sexual exploitation”, although it does indicate that this not be understood as independent, consensual sex work (since “exploitation” here is linked to the concept of “exploitation of others”). As Piscitelli points out (2010: 365-67), however, this lack conceptual definition is almost certainly a practical result of the fact that the two great alliances which participated in the formulation of the Protocol<sup>13</sup> have opposing views regarding prostitution. Consensus regarding what “sexual exploitation” consists of could thus not be reached.

When Brazil ratified the Protocol in 2004, it committed itself to dealing with trafficking according to this new framework. Since then, Article 23<sup>1</sup> has been modified twice, but on both occasions the changes have more tightly linked the concept of trafficking to the migration of sex workers, ignoring both the other forms of trafficking stipulated by the Protocol and the UN’s repeated recommendations that prostitution itself not be considered, *ipso*

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<sup>13</sup> Abolitionists and groups which focus more specifically upon slave labor and reject the notion that all prostitution is slavery.

*facto*, a sufficient component of trafficking. One can thus say that, as trafficking discourse once again becomes consolidated in Brazil, the country's penal code is moving in the opposite direction from that stipulated by the international agreements that Brazil has signed.

The government's National Plan to Combat Trafficking is formally committed to the Palermo Protocol as its definition of trafficking, as are the federal, state and municipal anti-trafficking committees which are springing up all across Brazil. These official organs recognize that other forms of the crime exist beyond trafficking for sexual exploitation. However, educational campaigns, programs to prepare law enforcement and government officials to fight trafficking and federally-funded research continue to largely focus upon the identification and prevention of aided prostitute migration. More importantly, Brazil's law enforcement agencies and criminal justice system, from the federal level on down, still recognize aided prostitute migration as a sufficient and necessary definition of trafficking. For all intents and purposes, then, for the criminal justice system, trafficking in persons in Brazil exclusively means aiding and abetting the migration of sex workers, whether or not exploitation, coercion, or slavery is involved.

On a local level, this has translated into an across-the-board increase in anti-vice campaigns. Raids of brothels and red light districts under the pretense of investigating charges of trafficking and sexual exploitation have become a means through which municipal authorities attempt to push sex workers out of the path of urban development programs linked to the upcoming World's Cup and Olympic Games (Blanchette, 2012b<sup>14</sup>). At a national level, it means that the activities of the federal police have, up to now, concentrated on repressing the international migration of Brazilian women who are suspected of being sex workers.

The current wave of anti-prostitution repression in Brazil is somewhat surprising because, until recently, the country has been one of the few in the world to actively support prostitutes' rights. As Paul Amar points out, Brazil has employed prostitutes' organizations in HIV education and has even gone

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14 Blanchette estimates that some 40 brothels, *privés*, saunas, clubs and street scenes have been forcibly closed or threatened with closing in Rio de Janeiro from 2010-2012 as opposed to 3 during the immediately preceding five year period. See Magalhães, 2012 for a brief overview of the most recent and disruptive raids in Rio de Janeiro. Silva (2011) claims that this process began a few years earlier in São Paulo. See Estado de São Paulo, 2008 for more information on Paulista raids.



so far as to lose access to USAID money by refusing to take the U.S. government's pledge not to work with groups that support prostitution (Amar, 2009). As mentioned above, prostitution has never been outlawed in Brazil and sex work is classified as a form of work by the country's Labor Ministry (MinTrab, 2012). Bills to regulate sex work and codify sex worker rights have been repeatedly introduced into the Brazilian Congress and, until recently, representatives of the Brazilian Prostitutes' Network were consulted by the Health Ministry on a variety of issues.

Given this history of relative tolerance, the shift towards the increased repression of prostitution that has taken place over the last few years is all the more surprising. When we look at the justifications being put forth by the federal police, district attorneys' offices and local police, however, we see that a series of accusations are being leveled at prostitution venues which echo those raised during the first wave of anti-trafficking activities in the late 19th century<sup>15</sup>. It seems that Brazil is once again turning away from tolerating sex work, using accusations of trafficking and sexual slavery to engage in projects of social and physical engineering which will "pacify" our unruly cities, hopefully in time for the sporting mega-events of 2014 and 2016.

As was the case in 1896, a key component of these campaigns has been the popularization, through the mass media, of a hegemonic mythologizing narrative that purports to relate the details of a "typical case" of trafficking in women but which, when analyzed, expresses the fears, desires and expectations of a moralizing elite while drowning out sex workers' voices and opinions. This myth paves over the contradictions inherent between Brazil's anti-trafficking laws and the stipulations of the Palermo Protocol, presenting what are essentially moral crusades against prostitution as necessary (if sometimes regrettable) police actions in the name of saving the helpless victims of modern slavery.

We call this the "Myth of Maria, an exemplary trafficking victim", and it is to its analysis that we now must turn.

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<sup>15</sup> For a paradigmatic example of these sorts of accusations, see the charges leveled in the May 2012 brothel raids by the Rio de Janeiro District Attorney's office (Ministério Público) which associate prostitution with trafficking, sexual exploitation, the corruption of minors and police corruption, among other things. It is notable, however, that the DA was unable to present conclusive evidence to support any of these allegations in the more than 25 raids conducted (Magalhães, 2012).

## Maria, an exemplary trafficking victim

The Myth of Maria came into being as an exemplary tale promoted by moral entrepreneurs. It preceded formal research into trafficking phenomena in Brazil, informed certain studies to such a degree that it undermined their scientific worth and soldiers on today, long after many of its main precepts have been problematized by ethnographers.<sup>16</sup> It has now become the central narrative for journalists, NGOs and politicians who seek to communicate to the Brazilian public a sense of urgency regarding trafficking in persons. The myth has also become central to the confection of material designed to educate the Brazilian public regarding trafficking, as we can see in the pamphlets produced in Rio de Janeiro by Projeto TRAMA and the story produced by the Bahian NGO CHAME, presented in **Illustration 2**. Finally, the Myth of Maria has now literally gone “prime time”, becoming the central drama in Globo Network’s late 2012 *telenovela*, *Salve Jorge*, where the main character is recruited to work overseas in the service industry, only to find herself being auctioned off as a sex slave in Turkey.<sup>17</sup>

In its most basic form, the Myth of Maria<sup>18</sup> recounts the story of a young, innocent Brazilian woman (almost always black or brown and always poor) who is recruited by an unscrupulous fraud (generally a white, blond, blue-eyed foreigner) for overseas work (usually as a maid or dancer). When she arrives at her destination, Maria is forced to work as a prostitute and can find no way out of her desperate situation. If the story has a happy ending, it usually involves Maria being saved by the police and “repatriated” back to Brazil. The story is “exemplary” in two senses. First, it is presented as a typical example of certain Brazilian women’s experiences with overseas migration.

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16 See, for example, the extensive opus of anthropologist Adriana Piscitelli (especially 2004a, 2004b, 2006, 2007a, 2007b, 2008a, 2008b, 2009) and also Teixeira (2008), Pelucio (2010, 2012), Oliveira (2008), Blanchette (2012) and Blanchette & Silva (2005, 2010, 2011a). We deal with the development of this myth in a forthcoming article which will be published in 2013 in *Dialectical Anthropology*. For quantitative data that undermines many of the myths presumptions, see MinJus, 2010.

17 It should be pointed out that neither we nor any of the researchers, NGO activists, politicians or police whom we know in the anti-trafficking field has ever heard of Brazilian women being auctioned off as slaves. One of the journalists who interviewed the novela’s writer claims that Gloria Perez got the idea for this particular dramatic twist from reading fiction written during the first wave of trafficking in persons panic in Brazil at the beginning of the 20th century. If this is true, then trafficking narratives in our country have now come full circle, cannibalizing the stories told about Eastern European women who immigrated to Brazil in the early 1900s in order to give emotional force to fictional narratives regarding Brazilian immigrants to Europe today.

18 When given a name, the victim is almost always “Maria”, usually “dos Santos” or “de Silva”. This is perhaps the most generic name possible for a Brazilian woman and it has symbolic overtones of poverty, ignorance and anonymity.



Versions of the Myth of Maria, produced as educational material by Brazilian anti-trafficking NGOs over a decade.

1. Scenes from an educational comic-book produced by the Bahian anti-trafficking NGO CHAME in 1998.
2. Illustration from anti-trafficking pamphlet produced by Projeto Trama in 2006.
3. Luggage-tag produced by the Carioca ONG Projeto Trama in 2005.

Secondly, it is meant to impart a lesson to potential Marias: it is better for them to stay in Brazil than face the dangers of migration.

We'll take as our basic text for analysis an iteration of the myth originally produced in 2005 by journalist Renata Summa. This version is quite typical, although it omits some details that commonly appear,<sup>19</sup> while adding in others that often do not occur or occur in different forms<sup>20</sup>:

Maria wakes early, rising before the sun. She takes two different buses to get to the posh neighborhood where she works. She arrives home, exhausted. She knows that her life can be more than this. Maria has a dream: she wants to give a better life to her son and her parents. Maria is beautiful. One day, she receives a proposal to work in a club in Spain. She's wary, but the money's good, so they say. It can guarantee the Future.<sup>21</sup> Without knowing what to expect, Maria decides to risk it.

Maria doesn't yet know it, but she will have the same destiny as the other 75 thousand Brazilians who've been trafficked to Europe. As soon as she arrives at the nightclub, she learns she must pay for her ticket. Her passport is taken from her by the pimps so that she can't escape. She won't see any of the money that was promised to her. She may be prohibited from going out, or even beaten. But one thing is for certain: Maria will be forced to prostitute herself (Summa, 2005).

In **Table 1**, we see that this story can be divided into 17 discrete elements, which can be further bundled into five columns. The number sequence refers to the elements' chronological order, which can also be inferred by reading top to bottom and left to right. The columns group these elements according to their salient common feature.

The first column, "Work", has to do with Maria's relationship to labor and this is directly related to the second column which can be classified as descriptions of Maria herself. Here, we understand that because she is a woman, a daughter and mother, Maria labors within the larger context of a gendered family structure. Her work is further gendered by its setting in a "posh neighborhood" (rather than in a factory), implying that Maria provides

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19 As we can see in illustration 2, Maria is generally stipulated as black or brown and the nationality of her recruiter is generally identified as foreign, almost always "blond and blue-eyed". In the version of the story analyzed here, race/color markers are omitted.

20 I.e., the claims regarding how many Brazilian women have been trafficked.

21 Capitalized in the original.

domestic services to richer families – a job that is overwhelmingly feminized in Brazil<sup>22</sup>. In order to arrive at her job, she must take two different buses, a fact which situates her as a poor resident of the margins of urban Brazil.

In this iteration of the myth, no mention is made of Maria's color/race. When this element is specified, however, it generally appears as "black" or "brown". Because Maria is "beautiful", we are led to understand that she is coveted for sexual relations – a situation that is potentialized in iterations of the myth that describe her as non-white and "exotic" in European eyes. For element #14 ("Makes no money [in Spain]") to occur, however, it is imperative that Maria be understood as innocent and easily manipulated or intimidated by others. Column Two's descriptors allow for this, situating Maria as a working class "family girl" in traditional Brazilian parlance regarding female sexuality: she is sober, industrious, chaste and obedient. She knows little of life outside her limited social horizons and works for the betterment of her family, not herself.

Column Three, "Movements/Identity", takes in the two movements which Maria makes in the story, both of which are connected to her identity. Maria's initial daily journey is symbolically linked to her having a home and to her identification as daughter and mother whose labor supports her family. The fact that the work is exhausting underlines that Maria is justified in her desire to find other work. When Maria decides to migrate to Spain, however, she becomes individualized in a very traditional Brazilian sense. According to anthropologist Roberto DaMatta, conservative social tradition in Brazil situates the *house*<sup>23</sup> and the *street* as two distinct moral regions, defined by their own ethics and inhabited by different types of human beings (DaMatta, 1997: 44-48; 1990: 196-200). At home, we are known and protected from the harsh realities of life while in the streets we are anonymous, placed at the mercy of a brutal system that is completely indifferent to our human needs. By leaving *home*, Maria not only leaves Brazil for Spain, but symbolically moves from her home/family to the *streets*. In this individualizing movement, she does not become a citizen, a carrier of rights and privileges, but rather an anonymous individual, lost in an indistinct mass, who cannot expect any consideration whatsoever from the State or society at large.

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22 According to the IBGE, 20% of Brazilian female workers work as domestic laborers as opposed to less than 1% of male workers. (IBGE/PNAD 2004).

23 It should be noted that "house" and "home" are one and the same word in Portuguese: *casa*.

Work	Descriptors	Movements/Identity	Views of world	Outside Influences
2) Works in posh neighborhood.	(3) Lives in the suburbs (is poor). (5) Is a beautiful woman. (7) Is mother. (8) Is daughter.	(1) Goes to work, arrives home, exhausted.  (11) Goes to Spain, loses her identity, becoming one of a massive number.	(4) Knows life can be more. (6) Dreams of a better life for her family.  (10) Mistrustful, but understands migration to Spain to be the key to her future.	(9) Approached to work in Spain and make a lot of money.  (12) Forced to pay debt. (13) Pimps take passport. (15) Maria is beaten and imprisoned. (16) Forced to work.
(14) Makes no money in Spain.  (17) Works as prostitute.				

Table 1: The symbolic structure of the Myth of Maria.

Given the fact that the *home* represents the “natural” sphere of the woman in this traditional cosmology and given the persistent Brazilian cultural tradition of dividing females into two general groupings, *family* and *street*, with the second category being linked to feminine sexual promiscuity, dishonesty and corruption, it is no surprise that Maria’s migration ends in prostitution. The myth, however, cannot present Maria as an inadequate heroine, deserving of her fate. The symbolic bundles present in Columns Four and Five can thus be understood as explaining the reasons for Maria’s fall without attributing moral causality to her. Column Four refers to her views of the world. Because she works in a posh neighborhood, Maria is aware of the fact that she does not have access to many things in life. If she has a defect, it is that she is a dreamer, whose visions of the possible push her to go beyond the probable in the name of improving her family’s lot. But – ingénue that she is – she thinks of Europe as a place where all of her wishes will come true – a dreamland which we (the sober consumers of the myth) know to be a nightmare, at least for the likes of Maria.

Maria would never take steps to migrate on her own, however: she goes to Europe because she is *recruited* to do so. Again, the myth must cast her as essentially passive in the construction of her fate: her sins are those of omission, not commission. Because Maria is the heroine of this myth (indeed, the entire point of the story is to use her plight to generate emotional affect), she cannot be held responsible for her fall: there has to be an outside influences which impels her into slavery. These are bundled together in Column Five.

Recruiters – in the form of pimps, mafiosos and other reprehensible types – must appear in the myth for the story to have easily identified villains. They must be seen as abusing Maria for two main reasons: 1) to accentuate their evil nature, and; 2) to underline the fact that a good girl like Maria would never choose to do sex work unless forced to do so. Finally, Maria is transformed into a sex slave who makes no money, closing off all possibility that leaving Brazil and working overseas might actually be a rewarding strategy for this young woman. While Maria’s discontent with her situation in Brazil is understood as legitimate, Europe is postulated as an even worse place for her. Element #17 thus becomes the nadir of the story, the moral to which all efforts are directed: by leaving home in search of a better future, Maria is transformed in one single tumble from poor-but-honest family girl to enslaved and brutalized prostitute.

One particular element of Column Five needs to be discussed in depth, however, and this is Item #13, the retention of Maria’s passport.

In modern anti-trafficking narratives, the loss of one’s passport has become such an iconic meme that it has been situated as a necessary and sufficient step for the enslavement of immigrants. Indeed, Brazil’s first nationwide anti-trafficking campaign revolved around posters and pamphlets informing potential immigrants that traffickers “first take your passport, then take your freedom” (see **Illustration 1**).

Reflection regarding this meme quickly reveals its problems, however. Obviously, the loss of one’s passport means relatively little in terms of one’s ability to move about. New passports are routinely emitted to people who have lost theirs by consulates and embassies. Absent other forms of coercion, the retention of one’s passport is nothing more than a nuisance: it means a delay of perhaps a week for international travel and no delay at all for local travel. Bus and train tickets can be purchased for travel within most western European nations (and the United States and Canada) without showing I.D.

The myth’s insistence that the lack of a passport means effective imprisonment is thus factually incorrect and this is a point that several of our prostitute immigrant informants confirm. The persistence of this element in trafficking narratives is quite significant in symbolic terms, however. It reveals that the Myth is told from the point of view of the State and not from the point of view of immigrants themselves. A valid passport is, of course,

necessary in order legally to cross most international frontiers and – referring back to Item #11 in Column Three – it is only this sort of movement which is of interest in constructing Maria’s plight. Without her passport, she cannot immediately return to Brazil, which the myth naturalizes as her “proper” place in the world. In terms of the story’s logic, Maria is in peril as long as she stays outside Brazil. This, then, is the true problem which the myth is discussing: the fact that a poor, black or brown Brazilian woman is out and about in the world without proper supervision.

A last – and extremely relevant – characteristic of the Myth of Maria can be found in the operators it most commonly employs to discuss the hopes and dreams of the women it situates as victims. These are frequently couched in the language of fairy tales. This is notoriously the case in Joel Zito Araújo’s documentary film, *Cinderellas, Wolves & An Enchanted Prince* (*Cinderellas, Lobos, & Um Príncipe Encantado*, 2008). The language pops up almost universally whenever the Myth of Maria is recounted, however. The belief that women labeled as trafficking victims make their decisions to migrate based on fairy tales, in which they see themselves as Cinderellas being courted by handsome princes (in reality viscous pimps) serves a dual purpose. In the first place, it infantilizes and trivializes these women and calls into question their ability to make rational decisions in their own best interests. Children, of course, believe fairy tales and a woman who sees herself as Cinderella is dangerously infantile and in need of sober guidance. But the second, more subtle meaning of “fairy tale” language is that it reassures those who recount and listen to the myth that Brazil’s legions of poor black and brown Marias are *not* Cinderellas, that their proper place is not at the European ball but back home, sweeping out the chimney. It is only through hard and constant work, in Brazil, that socio-economic mobility is possible for them.

Although this myth purports to warn us about trafficking, what it really is discussing, then, is the “proper” place of poor, non-white Brazilian women in the world. These women should be at home, laboring in hard and unrewarding jobs to slowly improve their family’s lot. For them to attempt to change their situation through migration is for them to risk complete declassification as a citizen and a woman.



## Who's met Maria?

It has been difficult to find confirmed cases of trafficking in persons in Brazil which parallel the Myth of Maria. This, paradoxically, has seemed to increase the Myth's acceptance as a "typical" report of trafficking. An incident which took place in November, 2012 during a discussion between federal anti-trafficking investigators and members of several NGOs engaged in combating trafficking in the state of Rio de Janeiro demonstrates the story's durability as a guiding narrative. Although this is one particular case, it is illustrative of a type of conversation that we've often had in our interactions with government officials and members of the anti-trafficking movement over the past several years.

During the meeting, we related the results of our research among migrant prostitutes in Rio de Janeiro, pointing out that while many of our informants reported encountering human rights violations in Europe, these were mostly at the hands of police and immigration authorities. Furthermore, we reported that our informants claimed that fraud and coercion were generally not used in recruiting Brazilian women for sex work in Europe and that everyone we had talked to said they had migrated of their own free will and likewise freely worked as prostitutes.

At this point, a young woman from one of the most important and long-standing Carioca anti-trafficking organizations spoke up. The NGO that she works for has been central to the formulation of anti-trafficking educational campaigns in Rio de Janeiro for over 8 years and has been collecting and collating information regarding accusations of trafficking in the state during that period. The organization also makes abundant use of the Myth of Maria in the educational material it produces.

"Maybe the reason you're not finding women who've been forced or tricked into prostitution is due to the fact that you've been working with prostitutes," the intern said. "Our organization works mostly with non-prostitutes, so that's why we find all these cases of women who've been lied to and tricked or forced into prostitution overseas."

"That could very well be the case," we replied. "We are certainly open to that possibility. How many cases of women, tricked or forced into prostitution overseas has your organization discovered?"

The young woman admitted that she had been working with the NGO for a year or so and that the only trafficking case that she personally knew

of involved a Guatemalan man who'd been tricked into coming to Rio for forced labor in the civil construction industry. She then passed the question on to her predecessor, who had worked for the NGO for most of the prior decade before leaving to take up a government position. This woman detailed the many educational campaigns and other activities the organization had developed during the last decade, but did not answer our question. So we put it to her again:

“But during this period, how many cases of women tricked or forced into overseas prostitution did you discover?”

“There was one case involving two women six or seven years ago...” the civil servant said, hesitating and nodding at the NGO's current president and indicating that he take up the story. This gentlemen couldn't remember the incident. After a back-and-forth that lasted five minutes, it was revealed that the only case anyone present could remember that approximated the story laid out in the Myth of Maria involved two women who had migrated to Spain, worked as dancers and later voluntarily decided to work as prostitutes because the money was better, only to become frightened by the possibility of coercion, returning to Brazil.

We pointed out that this was only one incident, not “many” and that while the women might indeed have encountered sexual exploitation, they weren't tricked or coerced into prostitution and hadn't migrated in function of it. It was thus problematic to classify it as “trafficking”, according to the Palermo Protocol.

“Yes,” the intern replied. “But just because we don't have any cases like this [the story related in the Myth of Maria] doesn't mean they don't exist.”

“But by contrast,” we pointed out, “we have found a half dozen cases of Brazilian sex workers who have gone overseas, were arrested by European police, labeled as trafficking victims, deported back to Brazil and who report that they were never enslaved, coerced, or forced into anything, other than leaving Europe against their will. We've also found dozens of cases of Brazilian sex workers who've voluntarily gone to Europe, encountered difficulties and even exploitation, but were unable to report these to the authorities because they knew they'd be immediately arrested and deported as irregular, sex-working immigrants. How is it that these stories, which are quite common among prostitutes in Rio and easy to document, have become of secondary importance when compared to a story, which is used in all of

your organization’s literature, and for which we have a hard time finding a documented example?”

No one in the room was able to answer our question.

This, then, illustrates the real damage caused by the Myth of Maria: by focusing attention on “innocent women, tricked into sexual slavery”, it pushes the needs, demands and experiences of sex-workers and migrants into the background. Reforming laws and organizing support infrastructures for Brazilian migrants overseas and sex workers at home requires a certain degree of political consensus and this is much harder to create than emotional affect through the use of myths. As anthropologist and congressional researcher Maia Sprandel points out, during the same period in which Brazil signed and ratified the Palermo Protocol and instituted its national policy and first national plan to combat trafficking, long-standing juridical projects to modify the country’s obsolete and incoherent migration and prostitution laws were repeatedly tabled in the Brazilian Congress: “In a context in which laws are produced and approved, taking into consideration the parameters stipulated by international treaties and conventions that the country has signed, the work of identifying the State’s legislative categories has become tedious and arid” (Sprandel, 2012).

What are not tedious and arid, however, are alarming stories of young women in sexual bondage.

In the face of opposition by conservative feminists and Christians, it is probably impossible for Congress to redefine “sexual exploitation” as “forcing someone to prostitute themselves or impeding their leaving prostitution” (as a recent senate judicial committee recommended; Senado Federal, 2012<sup>24</sup>). The requisite votes to overhaul Brazil’s migration statutes (formulated during the military dictatorship) are also probably not available. Everyone, however, can get behind saving young women from overseas sexual slavery. Many of our informants in NGOs have repeatedly told us that while there is little to no money available for work on women’s rights, the rights of immigrants or prostitutes’ rights, anti-trafficking projects are being relatively lavishly funded, nationally and internationally. As David E. Feingold remarks, stories like the Myth of Maria have tremendous “advocacy value” (Feingold, 2010: Loc.1480-93).

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24 This is also a long-term demand of the countries’ organized prostitutes’ rights movement.

## **Conclusion: the human rights cost of mythically-enabled policy**

It might seem strange to apply structural analysis to a myth created within the context of a complex, large, nationally organized society such as Brazil. We do so advisedly and our analysis above can perhaps be better understood by structuralist fundamentalists as incorporating elements of Lévi-Straussian analysis instead of being, in and of itself, a structuralist critique. We believe, however, that the Myth of Maria is very close to a myth in the sense postulated by Lévi-Strauss in that it organizes reality according to the experiences and needs of a given group of people. While the Myth of Maria may not be very factual, it is indeed a rational story, told in an attempt to make sense of the world.

Lévi-Strauss himself was uncomfortable with the supposed absolute division between scientific (i.e. “modern”) and mythological (i.e. “primitive”) thought and his understanding of myths were one attempt to explode this dichotomy. It should be pointed out in this context that certain questions, by their very nature, escape a more fact-based approach. Immense claims have been made about trafficking in persons, but very little is factually known about the phenomena. Furthermore, much that is factually known contradicts many of the postulates stipulated by the world’s principle anti-trafficking organizations.<sup>25</sup> Finally, the anti-trafficking movement has come into being in Brazil from “the top down”, largely organized through the activities of the federal government, responding to political demands from the United Nations and the United States. There has been no popular movement of trafficking victims in Brazil: formulation of a national anti-trafficking policy has not been on any mass movement’s agenda. As a result, Brazil’s anti-trafficking policy has largely been the creation of a very small group of State and NGO agents who have attempted to “sell” their results to society at large through “education and capacitation” campaigns. In this process, the political “cart” has come before the “factual” horse: policy is being made with little reference to what is factually known about trafficking. Indeed, as we have discussed above, Brazil’s anti-trafficking agents do not even have a working consensus regarding what trafficking actually is<sup>26</sup>.

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25 See Frederick (2005) for an excellent example of how information doesn’t match imagination in a trafficking context (Nepal) which, for many years, was considered paradigmatic by many of the world’s foremost anti-trafficking organizations.

26 This fact has been made painfully clear to the authors in our present work in Rio de Janeiro’s State

In this sort of environment, Stephen Jay Gould's remarks about scientific racism seem especially *apropos*: "[S]ome topics are invested with enormous social importance but blessed with very little reliable information. When the ratio of data to social impact is so low, a history of scientific attitudes may be little more than an oblique record of social change" (Gould, 1981: 22). What is currently driving a fair portion of anti-trafficking policy in Brazil (which is largely imagined by its architects as being created according to "scientifically" produced data regarding the phenomenon) seems to be a larger social shift away from the relatively liberal and tolerant attitudes regarding prostitution and migration that characterized social policy in the 1980-90s and towards a more conservative and restrictive understanding of these phenomena. Within this shift, the Myth of Maria has become an important way of aligning certain facts (while ignoring others) with international demands to stem illegal/irregular migration and common-sense, moralizing notions of prostitution among a very specific group: the actors that currently dominate the political field where our nation's anti-trafficking policies and plans are being constructed.

We have described this group of policy-makers elsewhere (Blanchette & Silva, 2010: 340) as relatively homogenous in terms of their social markers. Its members are largely white or light brown, college-educated and composed of state functionaries (particularly members of the state security, health and social welfare apparatuses), professional NGO activists and members of church-based groups. They are in the upper 10% of Brazilian society in terms of class and most have travelled internationally. This is, in short, very much an elite, engaged in making policy for a population that it imagines as antithetical to itself in almost every way possible (i.e. as black, poor, uneducated, unsophisticated and untraveled).

Ela Wiecko de Castilho has analyzed how a certain traditionalist view of women as a fragile sex, "naturally" linked to the reproduction of family life, has persisted among the police, lawyers and judges charged with enforcing Brazil's anti-trafficking laws (2008). For these people and their conservative feminist and religious allies, it is impossible that women would choose to work in prostitution of their own free will and migration in order to work in

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anti-trafficking committee, where plans for repressing trafficking, capacitating civil society and attending to victims are being laid even while it is admitted that we still have no local, state or national consensus regarding what trafficking actually is.

prostitution must thus be forced, typically by a woman's abject poverty or lack of education. However, as both Castilho and Oliveira point out (2008, 2008), those cases in which people have actually been condemned for the crime of trafficking in persons in Brazil tend to demonstrate a curious indifference with regards to whether or not the victims of the crime were subjected to conditions of work analogous to slavery, or were forced, tricked or otherwise coerced into sex work. Instead, the court cases studied by Castilho demonstrate an abiding belief that poor, uneducated and black or brown Brazilian women are stripped of all possibility of autonomy or agency by their social condition and that it's the place of the law not to provide these women with a better life, but to prevent their recruitment for overseas sex work, not the least because this promotes "incorrect ideas regarding Brazilian women". A form of "non-criminal criminalization" is thus created in which the rights of these women to freely move about the world are curtailed in the name of repressing prostitution, something which is not considered illegal under Brazilian law (Castilho, 2008: 114).

In her article "Control in the Name of Protection", Caroline Ausserer (2011) has analyzed how illegal/irregular immigrants, especially those involved in sex work, have been transformed into "dangerous others" and threats to domestic tranquility by trafficking discourse. Immigration, according to this author, has thus transformed into a security issue, moving away from a focus on immigrant rights and towards criminalization, surveillance and law enforcement.

The Myth of Maria internalizes and to a certain extent re-polarizes these views. In this Brazilian variant of anti-trafficking discourse, racialized (and sexualized) poor Brazilians caught up in processes of immigration understood to be "trafficking" are portrayed as the agency-less victims of criminalized (and also racialized) Others who recruit them for overseas slavery. The Brazilian discourse thus negates the view of poor black and brown Brazilian immigrants as "dangerous" while continuing to understand them as "abject". In this manner, a pragmatic international consensus with regards to the control of immigration is formed: the nations of Western Europe and North America engage in anti-trafficking policies to keep the racialized, abject Other out while Brazil does the same to keep racialized Brazilians, made abject by poverty, in. In the first case, control is exercised in the name of protecting the nation from threat and contamination: in the second, it is exercised in the name of protecting certain national populations from "overseas

exploitation” (while remaining strategically silent about the exploitation they suffer in Brazil). In both cases, the same social type is subjected to greater surveillance, law enforcement and curtailment of international movement.<sup>27</sup>

Castilho, Oliveira and Ausserer point to a general scenario in which emigration from Brazil is increasingly problematized for a certain part of the population by a series of legal and security agents. Within Brazil, these agents and their allies in civil society understand themselves to be operating to protect child-like, agency-less beings from their own foolish impulses while simultaneously preventing “wrong ideas regarding Brazilian women” from spreading overseas. Within this general scenario, discourse within the political field of anti-trafficking policy in Brazil has increasingly revolved around stopping a “certain type” of immigrant from leaving the country. Imagined as poor, black, female and helpless, this woman is understood as someone whose trajectory of immigration must be interdicted “for her own good” and for the “honor of the nation” (Blanchette & Silva, 2010).

It is within this context that the Myth of Maria takes shape, not as a way not of *inventing* facts, but as a rational (if not exceptionally factual) way of selectively incorporating certain facts within the larger political projects and social views of a class of people who understand themselves to be protectors of the poor and caretakers of the nation. It is a story which is told to organize social relations and to reflect upon Brazilian identity at a moment in which Brazil is seemingly poised to bolster its international status, while being simultaneously recognized internationally as an exporter of large numbers of sexualized and racialized irregular and illegal migrants to higher-status nations that seek to stop – or at least greatly restrict – movements across their borders.

One might ask, however, if it isn’t all rather academic whether or not the Myth of Maria factually reports the experiences of Brazilians caught up in migrations that might be classified as trafficking in persons. After all (as one member of the Rio de Janeiro state anti-trafficking committee recently asked us) “Isn’t the overall goal of everyone to fight against modern slavery? Isn’t anything that mobilizes people to think about or work towards that end valid?”

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27 Brazil also seems to be moving towards increased use of trafficking discourse in the “classical” sense discussed by Ausserer, by applying it to racialized, Othered, abjectified populations such as the Bolivians, Haitians and Paraguayans seeking to illegally or irregularly immigrate to Brazil.

The problem with this line of thought is that it ignores what is actually being done. Money and resources are being spent to combat the (often fictional) villains reported by the myth and to aid (likewise often fictional) victims while the demands of real migrants and sex workers are ignored. Instead of seeing migrants caught up in situations classified as trafficking as actors with projects, goals and desires, the Myth of Maria promotes a view of these people as passive objects, fooled into migration through their own ignorance and ridiculous dreams. Money which could thus be spent on enabling migrants to achieve their human rights<sup>28</sup>, or organizing sex workers so that they might have a meaningful role in defining the laws which are applied to them, is instead being directed to educational campaigns which seek to “teach these people that they are victims”. This last phrase is commonly employed by government officials and members of anti-trafficking NGOs in Brazil when discussing the goals of trafficking prevention campaigns. It sums up, in a nutshell, what is wrong with the Myth of Maria: it promulgates a view that migrants and sex workers are not holders of rights, but unconscious enablers of their own victimization. Such people are not to be listened to, but talked at.

More seriously, however, as was the case during Brazil’s first anti-trafficking campaigns during the early 20th century, repetition of the myth of enslaved innocence has enabled police to engage in policies that violate constitutional and human rights with little to no public outcry. Perhaps the most illustrative case has been the Brazilian Federal Police’s enactment of what they classify as “preventative actions against trafficking”.

We first heard this policy explained in mid-2011, when we sat in on a local meeting of the Parliamentary Investigative Commission into Trafficking of Persons, chaired by Senator Marinor Brito. A representative of the Federal Police squad charged with repressing trafficking in Rio de Janeiro described how his team works. He began with the standard reiteration of the Myth of Maria, describing the typical trafficking victim as “a person who is recruited to leave Brazil, our national territory, who is deluded that they’re going to work in a country with a strong currency, who often doesn’t know that they are going to work outside of Brazil as a prostitute and who goes seduced by

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<sup>28</sup> Which ultimately means citizenship rights, given that national legal spheres are still by far the predominant legal arenas for rights-based struggles.



the idea that they are going to improve their lives”, but who is so innocent or frightened by the experience that they are not willing to go to the police.

Because of this persistent lack of cooperation by victims, the agent went on to explain, the Federal Police’s only recourse was to act preventatively:

It’s a rare case when a victim wants to denounce that she has been a victim of trafficking. So the police have to send the case on to the migration authorities in preventative fashion. On one recent occasion, we acted preventatively regarding the embarkation of some dancers [which was denounced] via the hotline [listed on the Brazilian poster in **Illustration 1**, above]. Our most recent case involved 13 women who were going to Turkey. Everything indicated that they were going to be sexually exploited... so the Federal Police acted in a preventative manner, trying to impede their embarkation.

“Acting preventatively”, in this case, meant sequestering the women in a room alone with federal agents and informing them that “the Federal Police have received a report that you are embarking on a trip in order to engage in a crime. We suggest that you do not go.”

When the agent was later asked what the women decided to do, he claimed that they all decided not to go but, by that time, “their plane had already left the ground, anyhow”, making it unclear as to whether the women had really been given any choice in the matter. Other examples of “preventative actions” given in the final report of the Commission (Senado Federal: 2012) make it clear, however, that women believed to be leaving the country to work as prostitutes are prohibited from doing so by the Federal Police, even though prostitution has yet to occur and might, in fact, never occur.

By employing the Myth of Maria – that trafficking victims are women drawn from the most miserable sectors of Brazilian society, operating under a false consciousness, highly suggestive and controllable due to their almost child-like innocence and passivity – the Brazilian Federal Police argue that the basic coordinates of western jurisprudence needs must be overturned. *Habeas corpus* does not apply in cases where trafficking *might* occur, where potential victims are detained by the police in order to avoid the possibility that they might engage in sex work overseas. It should be noted here that representatives of the Federal Police (and other Brazilian police forces) have repeatedly told us that, whatever the national anti-trafficking plan might say, their only legal mandate to fight trafficking is Article 231 of the Penal Code,

which, as we've discussed above, defines trafficking solely and simply as the migration of prostitutes. This means that for Brazilian women perceived to be sex workers, the borders of Europe and the United States have now shifted to the exit lines of Brazil's airports, with Brazil's federal police acting as auxiliaries for foreign immigration authorities.

On a more local level, many state and municipal police forces are now using the argument of "repressing sexual exploitation" to close down sexual commercial venues in large numbers, particularly in those cities which will be housing the 2014 World's Cup and 2016 Olympic Games. Once again, the search for innocence betrayed, as in the trafficking panic of the early 20th century, is overriding the basic considerations of *habeas corpus*. As one of the São Paulo Municipal Police's principal anti-trafficking inspectors put it to us in 2010: "I know that most prostitutes are not trafficking victims. In order to find the ones that are, however, I have to arrest all of the prostitutes".

We then asked what in Brazilian jurisprudence permitted him to arrest all members of a legal profession based on the presumptive participation of some of its members in a crime?

"Constitutionally, I have no right at all to do this," he said, a small smile flashing briefly over his face. "But in the day-to-day functioning of the law, however, it's entirely possible. And necessary."

Would it be likewise necessary to arrest all members of the São Paulo municipal police in order effectively get to the members of that force which were criminals and corrupt, we asked?

"That would be going too far," the policeman said, laughing. "We're needed to keep order. Especially with the World's Cup coming up"

The desires of some Brazilian police forces to utilize anti-trafficking discourse in order to "clean up" their cities in preparation for the World's Cup were revealed in no uncertain fashion in July 2012 after a series of raids on Carioca prostitution venues resulted in *habeas corpus* hearings for several venue owners. Citing the District Attorney's office brief that it was "imperative" that the court help close down prostitution, particularly in tourism regions "in order to contribute to changing [Rio's] soiled image" in preparation for the sporting events of 2014 and 2016, Judge Rubens Casara denounced the raids as hygienist and moralist in scope. Noting that the DA had not found a single woman willing to testify that she had been sexually exploited and

further commenting that prostitution isn't a crime in Brazil, the judge dismissed all charges against the owners (Magalhães, 2012).

This unexpected result highlights the fact that, as has been the case throughout the 20th century, charges of sexual exploitation, pimping and trafficking will continue to be used as the primary weapons in any struggle to close down prostitution venues and that, furthermore, crusades against prostitution in Brazil are rarely driven by concerns over the concrete lives or freedoms of the women involved. Finally, it shows that the battlefield for the rights of these women continues to be (as Schettini pointed out in the context of the early 20th century anti-trafficking campaigns: 2006) the individual court room, where judges decide on a case-by-case basis whether men and women identified as prostitutes actually have a right to control their bodies or not.

In some ways then, the situation in Brazil is not as dire for sex workers as it is elsewhere, where prostitution is flatly prohibited. One needs only to reflect on the fact that between 2008 and 2010, the U.S. federal government identified 527 victims of trafficking within that country's borders while, simultaneously, registering more than 150,000 arrests for prostitution (Department of Justice, 2011; FBI, 2012), to realize that, all things considered, Brazil is still relatively tolerant towards sex work.

The Brazilian government officials and NGO members working in the anti-trafficking field in our country are still quick to point to these facts and are equally quick to remind all and sundry that not all prostitutes can be considered to be trafficking victims. Looking at the history of prostitution and trafficking laws in Brazil, however, should alert us to the fact that legal tolerance can very well co-exist with de facto repression. International pressure to make purchasing sex illegal is increasing and while prostitutes are not necessarily criminals under Brazilian law, they are also not specifically protected and, as our Paulista inspector reminds us above, when it comes to prostitutes, what the constitution says and what the police do in Brazil are often two entirely different things.

As the first decade of the second great global anti-trafficking campaign comes to a close, it's difficult not to ask what could have happened if Brazil had taken the road less travelled and had used the interest generated in trafficking to invite migrant and sex worker groups to actively to engage in the construction of the national policies concerning them. As retired prostitute

Gabriela Leite, head of the Davida Prostitutes' Rights group and ex-president of the Brazilian Prostitutes' Network remarked to us:

In spite of the fact that the Brazilian prostitutes' movement has been fighting against the enslavement of sex workers for over thirty years, we were never contacted during the course of the construction of the National Anti-Trafficking Policy and we have rarely been invited to contribute to Brazil's Anti-Trafficking Plans. What is worse, certain people who are heavily involved in promoting the anti-trafficking campaign have gone on record claiming that they were the ones who first educated us about trafficking! As if we've never talked about the enslavement, battery and murder of prostitutes! If those people had studied the history of prostitution in Brazil, they would be aware of why the prostitutes' movement does not like to talk about "trafficking": Article 231 of the Penal Code has been used to arrest our friends, husbands and relatives since its inception in 1940. We want to talk about prostitutes' rights, not about prostitutes as victims! This has been a political decision and not a mark of our ignorance. We could have been – and still could be – important strategic partners in the fight against sexual exploitation, but we only will work with a government policy that will guarantee the human and constitutional rights of prostitutes, first and foremost. And that means the rights of prostitutes to work, migrate and enjoy the benefits of their labors, like any other worker (Entrevista com Gabriela Leite, 5.12.2012).

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