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Chapter 3

From Social Experience to Cultural Expertise: The Role of Nonprofit Organizations in Identifying Sex Trafficking Victims in France

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Abstract

The links between nonprofit organizations and public authorities play a unique role in public policies for combatting trafficking in human beings for the purpose of sexual exploitation in France. Based on observations and interviews with actors in the social and penal sectors (police, justice) involved in the fight against trafficking, this article analyzes the way in which nonprofit organizations have constituted and claimed expertise in the field of detecting and identifying victims of trafficking. In this respect, the “cultural” expertise claimed by some non-governmental actors, linking the supposed origin of the victims and perpetrators with the particular methods of committing the offense and exercising constraint, seems to be particularly significant in their recognition as partners of public actors. In fact, this cultural expertise appears to be a key component in the circulation, exchange and mutual consolidation both of interpretations of trafficking and professional legitimacy between social and penal actors. However, cultural expertise being claimed by nonprofit organizations and used by law enforcement actors seems both to contribute to freezing the incommensurability of difference—by establishing the supposed opacity of certain practices or rationalities—and to allow a rapprochement between social and penal logics.

Keywords: human trafficking, sexual exploitation, nonprofit organizations, cultural expertise.

Renewed attention to the actors of public action beyond the state has made it possible to highlight the central role of associations in setting the agenda, developing and implementing public policies, particularly in the social field, as well as the growing interpenetration of the governmental and associative sectors (Smith, Lipsky 1993). The policy of combating trafficking in human beings is fully in line with this process, while presenting the particularity, with regard to the cases highlighted in the literature, of being anchored in a field of action and a problematization that is not only national, but international. In fact, human trafficking was established as a category of judicial and public action as early as the mid-19th century, thanks to the efforts of a transnational network of nonprofit organizations (Limoncelli 2010). The return of trafficking, sex trafficking in particular, to the international agenda in the 1990s¹ was also a product of the rallying of nonprofit cause entrepreneurs and the debate that arose from their differences: for instance, ever since the 1970s, the sex wars (Ferguson 1989) have pitted abolitionists and radical feminists—who equate prostitution to trafficking and for whom any form of prostitution is tantamount to commodifying women’s bodies—against libertarian feminists fighting for the right of women to control their bodies and a for definition of trafficking that distinguishes between free and forced prostitution.

This divide can also be observed among French nonprofit organizations: community health associations, initially created to fight AIDS in the context of prostitution and boasting a pro-rights approach, assumed an increasingly prominent role accompanying sex workers during the 1990s, whilst abolitionist actors, whose influence in public policy circles has grown considerably since the mid-20th century, still maintain strong connections with lawmakers (Mathieu 2014: 77; Jakšić, Jacquemart 2018). The former leverage experiential knowledge derived from prostitution and encourage the recruitment of sex workers as paid staff in the context of their prevention schemes. Many of them also draw upon the “sex trafficking” category to distinguish situations of prostitution encountered on the ground in terms of the degree and nature of the constraints (Simoni 2013, 2020)². On the contrary, most abolitionist actors consider that the policies implemented in the 1990s against trafficking merely contributed to euphemizing prostitution as a form of violence: by making a more or less implicit distinction between free and forced prostitution, and by focusing their repressive action on the latter,

these policies are accused of paving the way for prostitution to be recognized as a potentially voluntary activity—something abolitionist actors staunchly oppose (Jakšić 2016).

However, the question of trafficking became so prominent on national and international political agendas³ towards the late 20th century—and attracted so much public money—that more and more nonprofits started to bridge the gap, adding assistance to trafficking victims to their range of activities and therefore showcasing their expertise to public authorities. Even abolitionist organizations, initially the most reluctant, developed new partnerships with state agencies in the name of the fight against trafficking. Indeed the cause was considered a public action priority in the light of criticisms made by the Group of Experts on Action against Trafficking in Human Beings (GRETA), who considered that not enough effort went into identifying victims in France, that they did not enjoy sufficient access to rights and that traffickers were too rarely prosecuted. Not only was the issue judicialized when a new law was passed in 2013⁴, but a cross-ministerial initiative, the MIPROF (Inter-Ministerial Initiative for the Protection of Women Against Violence and the Fight Against Human Trafficking) was created that very same year. The national action plan against human trafficking, launched in 2014, was expected in particular to “rely on nonprofits” and on the “invaluable expertise” they had accumulated over the years regarding victim identification⁵. Largely dependent on public money⁶, these organizations operate in an increasingly competitive environment (Ragaru 2007: 71), their symbolic and financial recognition by public authorities chiefly hinging on their ability to identify victims.

Based on a field study combining observations and interviews carried out among nonprofit, legal and police actors involved in the fight against trafficking and/or victim support (see Methodology below), the first section of this chapter will be devoted to the identification approaches used by nonprofits⁷ to become legitimate partners of public authorities by emphasizing their ability to identify “trafficking victims” among the population of sex workers. I shall explore the consequences, in this process of turning activist know-how into expertise, of certain actors claiming to possess a specific cultural skill set regarding sex trafficking, and the consequences thereof both in terms of defining who should be considered a victim or a perpetrator, and on professional boundaries between the penal and the social field.

Methodology

This analysis is based on both individual and collective studies conducted in the context of the French-German project ProsCrim—Institutionalizing Trafficking in Human Beings. A French-German Comparison. This project aimed at understanding the labeling processes at work regarding the victims and perpetrators of sexual exploitation in France and Germany. Interviews and observations were conducted in a number of different arenas including NGOs, police and justice.

This chapter is based primarily on interviews and observations carried out among various nonprofit organizations providing support to sex workers and therefore engaged in identifying potential trafficking victims. Some of these organizations, often in the spirit of community associations⁸, have clearly made a priority of identifying trafficking victims and providing them with legal assistance. Others, having adopted an abolitionist stance and/or with a Catholic heritage, are mostly focused on providing social care services for sex workers, particularly when the latter are engaged in prostitution exit programs. However, with most funders at the national and international levels focusing on the fight against sex trafficking, they have gradually integrated that issue into the scope of their action and are keen to claim and demonstrate an ability to identify victims during their patrols in prostitution areas. In addition to the interviews conducted with the actors involved in these organizations, we also observed street patrol units working with sex workers⁹, as well as the daily work of an organization that had developed a unit specialized in supporting sex trafficking victims¹⁰. Finally, observations were conducted in arenas where nonprofits and representatives of the police and the judiciary mingle, for instance partnership organizations and training sessions.

Claiming Nonprofit Expertise in Victim Identification

“The starting point for involving public services is to improve the identification of trafficking victims, who will then be better informed and able to exercise their rights. This is the key stage in the fight against trafficking, from which everything else derives. To achieve this, it is necessary to provide more support for nonprofits in their outreach work”¹¹.

As key actors for identifying victims and channeling them towards police and justice services, nonprofits were asked by public authorities to produce “qualitative and quantitative data” about a phenomenon that is “by nature invisible”¹², thereby contributing to objectifying it. This trend towards the objectification of the nonprofit experience is, of course, one step in the long process of professionalizing non-governmental actors in general, and the actors engaged in supporting sex workers in particular. With abolitionism a central tenet of their action for more than half a century, the charity sector was long characterized by the primacy of a charitable, social-Catholic approach (embodied by the Mouvement du Nid—see Mathieu 2014: 77-78; also chapter in this volume) and on the voluntary (and religious) nature of the participation of most members. However, the rise of community health associations in the 1980-90s made the professionalization of the sector a key issue, since they were offering an alternative—formulated in terms of healthcare and access to rights—to the psychosocial, miserabilist interpretation of prostitution that had been dominant in abolitionist circles until then (see Mathieu in this volume).

In addition, this professionalization was part of a broader movement towards contractualizing their relationship with the State (Smith, Lipsky 1998 [1993]: 45), further reinforced by the development of public policies against trafficking. The fact that fighting human trafficking had become an international priority contributed to increased funding (at the national and European levels) being available to nonprofit organizations, particularly for identifying and accompanying trafficking victims. Since the State is supposed to deal with its constituents and manage its funds fairly, in order for nonprofit organizations to be recognized as possessing some know-how in matters of victim identification, it was necessary for their hitherto rather informal practices to be given a proper framework—if only in appearance. Nonprofits therefore started using “indicators” to reflect their victim identification efforts, emphasizing the social work aspect of the support provided, and adopted an approach by all appearances systematic, thus guaranteeing their supposed scientificity.

“We drafted internal guidelines on the rights of victims, listing the criteria for identification [...] and we are finalizing an internal methodology manual, but it’s a lot of work, we are not done yet. Not that we have any problem to tackle here... Our teams on the ground will say,

*'It's obvious to us, we just know when someone is a victim of human trafficking', however we lack credibility when we say that. The goal is to make this knowledge specific, objective [...] Our position is that nonprofit organizations are fully entitled to determine whether there is sufficient evidence, and that to increase our presence, we need to formalize the criteria for identification and produce reliable numbers about the victims we've been dealing with.'*¹³

Faced with police and judicial authorities who, as a rule, tend to be rather dismissive of social work (see e.g. Bittner 1990), clearly nonprofit actors cannot expect to be considered legitimate partners of public action merely by stating how “obvious”¹⁴ identifying potential victims is to them. However, two important things are at stake for the social sector as far as this legitimacy is concerned: the financial aspect is paramount, since state funding is conditioned by being recognized as competent for identifying and accompanying victims, but there are also social and judicial aspects, as the perceived legitimacy of a given organization will largely determine the treatment and outcome of the administrative and legal procedures they initiate, namely, the access to rights of the people they are endeavoring to help.

“Formalizing the identification of trafficking criteria is key in order for us to obtain, in this partnership with the police, the official recognition that ought to allow a person to be granted at least a temporary residence permit as well as a waiting and assessment period, i.e., emergency accommodation for at least a month.” (Interview, manager of a nonprofit organization supporting sex workers, Oct. 2015)¹⁵

The goal of the nonprofit world is thus to overcome the uncertainty that characterizes the identification of victims by providing evidence of their ability to objectify what they their practitioners call “intuition”: by resorting to a rhetoric of neutrality and objectivity, materialized here by the indicators, actors who were initially confined to a militant stance (either abolitionist or community-oriented/pro-rights) on prostitution matters are able to promote their expertise regarding the labeling of victims, thereby acquiring the status of potential partners of public action, particularly in the penal field. However, given the proliferation of indicators, both internationally¹⁶ and nationally¹⁷, nonprofits are quick to observe that “indicators, alone, are not reliable” (Seminar of the network of nonprofits

specializing in supporting trafficking victims, June 2016)¹⁸ and that understanding any single one of them involves mastering a “highly complex conceptual framework” (Nonprofit colloquium, Feb. 2016, intervention by the manager of a nonprofit)¹⁹. Such a framework would include the typical skills of social work with persons engaged in prostitution, but also a specific skill set required by the contemporary “cultural” developments in sex trafficking, since the victims are presented as immersed in a culture that is anathema to law-and-order professionals, making some “translation” work by nonprofit actors a necessity (Giordano 2014: 15; Darley, Dölemeyer 2020).

“Not your usual victim...”

Victim Othering as the Pivot of Nonprofit Expertise

“The big question mark is that they are not your usual victim—what they want, what they’re asking for, that’s the tricky part, you expect them to be asking for protection as victims of trafficking, but it’s far more complex .” (Interview, psychologist, shelter for trafficking victims, Oct. 2015)²⁰

To justify their role as information and knowledge “brokers”, nonprofit actors who have developed specific expertise on sex trafficking emphasize the (alleged) fundamental otherness of the victims, the comprehension of which, according to them, requires not only a degree of socio-psychological expertise but also some cultural expertise, unevenly distributed among nonprofit actors and yet absolutely key for them to be recognized by policing and judicial actors.

Trafficking Victim or Prostitute: a Maladjusted Social Figure

The survey conducted with three nonprofit organizations shows that most actors on the abolitionist “side” typically maintain a psychosocial vision of sex workers in general, tinged with a miserabilist brand of paternalism, characteristic (among other things) of the “abolitionist style” (Mathieu 2014:

125). Here, the potential victim of trafficking is subsumed under the figure of the prostitute, presented as a socially, sexually, and culturally maladjusted woman:

“She’s been, excuse my French, sucking cocks the whole time, [...] and yeah, the Louvre, she has no idea where that is ...” (Interview, social workers in a nonprofit offering support to sex workers, March 2016)²¹

Maladjusted to the standards of social life, the victim is considered to have a fundamentally perverted (by prostitution) relationship to the body and sexuality, failing to abide by the norms of decency, morality, and (sexual and emotional) stability expected from responsible adults²².

“Victims of sexual exploitation might just as well come naked to our office, it wouldn’t bother them!” (Training program for nonprofit organizations, November 2015)²³

Building up on a pet idea of victim rehabilitation social policies—that women engaged in prostitution should be guided, accompanied, and assisted in their transfiguration into subjects of the law (Giordano 2014: 15)—and barely, if at all, distinguishing trafficking from prostitution, these actors tend to picture the “victim of trafficking” as devoid of the social codes that structure interactions in general, and interactions with public institutions in particular. This is a way of justifying the support and compliance work done with potential victims (which often amounts to infantilizing them²⁴) by nonprofit organizations, who argue that they actually provide two services: on the one hand, they offer “translation” for public authorities, but they also work on the socialization of their clients to raise awareness about what is expected from them by the institutions they depend on to access their rights (Darley, Dölemeyer 2020; de Montvalon 2021). The knowledge and know-how nonprofit organizations claim to possess here in terms of identifying and accompanying victims hinge, however, not so much on social distance as on the purported cultural distance between the victims to be identified and the authorities in charge of recognizing them as rights holders.

Lucien says, referring to the Nigerian women boarding the street patrol bus, that they are impolite because they shout “chocolate, chocolate” without saying “please”. He explains they have to be taught how to say “*s’il vous plait*” and “*merci*”, since that is how it works in France. He says it’s also a

cultural trait, that in Nigeria you simply don't say these polite words, so they are not used to it. "They are ill-mannered, but they need to learn, because in France, that is how you obtain things from public institutions" (Street outreach with an organization assisting sex workers, Apr. 2016)²⁵.

The maladjustments observed are generally perceived to be connected to both the sexuality of the victims and their alleged cultural sphere: the fundamental otherness of the "victim to be saved"—a highly gendered figure, incidentally (Schwenken 2008)—thus derives from her sexual and cultural extraneousness. These processes of othering potential victims also confirm the extent to which "humanitarian reason" can only be enacted in the context of a deeply inegalitarian interactional framework (Fassin 2011) that constantly reiterates the asymmetry between the helper—a figure of the dominant norm—and the socially, sexually, and culturally-belittled helpee.

"The Nigerian" as the Quintessential Victim

In a number of professionalized nonprofit organizations, this vision is promoted in particular by psychologists trained in transcultural psychology, who tend to focus not only on the psychological, but also—and mostly—on the cultural aspects of sex trafficking. Their claims are based on framing trafficking (also popular in policing, judicial, and media circles) as a "cultural offense" (Darley 2021; chapter in this volume), i.e., one whose motivations are directly correlated and correlatable to the "culture" of those accountable to the law, and to which the Nigerian community is perceived to be particularly prone. The figure of the African victim thus appears to have superseded the prevalent 1990s figure of the "East European" victim (Jakšić 2016). Unlike the latter, however, African victims—as a result of dramatization logics powerfully playing on the intersections of race, class, and gender of the protagonists—do not feature in major information and awareness campaigns targeting the general public (Andrijasevic 2007). They are, however, at the heart of the day-to-day victim identification practices of both nonprofit actors and repressive institutions.

“It may sound discriminatory, but for us, with all Nigerians, there is a suspicion of prostitution and human trafficking.” (Training program for nonprofit organizations, November 2015)²⁶

It appears, therefore, that the rhetoric of justification of the specific know-how required for identifying and accompanying trafficking victims—both from a social work and psychological care perspective—is all the more easily deployed as the alleged cultural is great. As a result, Nigerian women, who in the present case embody a cultural distance presented as unsurpassable, occupy a special place in the victim identification process of nonprofit organizations as well as in the expertise it allows these organizations to put forward.

“Nigerian women really embody the community for whom the concept of trafficking makes the most sense. [...] Nigerian trafficking is the ultimate caricature! You take the textbook definition of trafficking and that’s exactly what they’re going through” (Fieldwork in an organization assisting sex workers, April 2016)²⁷.

Nigerian victims of trafficking are thus perceived as differing from other victims not only in terms of the traumatic experiences they have suffered (of migration in particular), but also by the unique role played by other women from the Nigerian “community” in the exploitation process, and by the fact that they are not aware of being victims—specific traits that are considered to make nonprofit know-how all the more indispensable. Crucially, exploiters are said to have a “hold” over Nigerian victims because of black magic rituals known as “*juju*”²⁸ (Taliani 2012), justifying the deployment of a “psycho-cultural” register of expertise. This register is used as a backdrop for training modules offered by some organizations. While theoretically concerned with identifying trafficking victims in general, these courses actually tend to focus on the specific psychological and cultural mindset of Nigerian victims (Training program for nonprofits, November 2015)²⁹.

“Few people are aware of this among psychologists, usually as soon as the girls mention voodoo, they get pigeonholed as psychotic. So, the trafficking issue remains unseen. [...] Also some of them reject medication, they are more into prayer, etc.” (Interview, Psychologist, shelter for trafficking victims, 27 Oct. 2015)³⁰.

Embodying the archetypal victim of trafficking, “the Nigerian woman”, with her label of cultural singularity, becomes an essential, and potentially essentialist, vector to justify the skills of social workers. Even more so, the “little Nigerian girl” (*toute petite Nigériane*)—a key figure in nonprofit training programs—provides a focus for moral indignation and compassionate engagement, because of the fantasy world of sexual innocence it brings to mind (Vance 2012). She also enhances the value of social work in terms of both identifying and accompanying these victims—embodying the ultimate figure of vulnerability.

“The girl seems confused, she says she has been in France for two days, she doesn’t know her address, she has lost the ability to think for herself, the ring has taken a hold on her even though she doesn’t realize it. Here, there’s a suspicion that she’s a minor based on physical appearance: she’s very small and thin, with very childlike features” (Training program for nonprofit organizations, November 2015)³¹.

An indisputable and undisputed victim, the Nigerian child performs the useful task of narrowing the uncertainty involved in nonprofits’ identification work—made difficult in Nigerian prostitution by the confusion of roles between victims and perpetrators (see later on in this chapter). She also summons all the power of the naïve, innocent victim (Jakšić 2016) as a voiceless, subjugated, ideal-type figure. Furthermore, she makes it even more necessary for nonprofit actors to claim a “facilitator” role between potential victims and the agencies that have the prerogative of granting them rights-holder status; in fact, this role is based on nonprofit workers’ ability to “make victims talk”—which is especially important with underage victims—but also to understand them and to translate the supposed mechanisms at work (place among siblings, family patterns, etc.), and how these put them at risk of becoming victims, into categories intelligible to public authorities.

Understanding Culture to Prosecute the Offense

More than a psychosocial interpretation of the victims and the specific type of assistance they need, it is this cultural competence that nonprofits claim—and most importantly, exchange, or even trade for

money, with public authorities, especially penal actors. The success of this approach can be explained in part by its ability to confine uncomfortable (sexual) practices to the realm of otherness, but also by the fact that it conveniently manages to abstract sexual exploitation from the antagonisms that are so ubiquitous when dealing with prostitution: technicized through the lens of cultural or geopolitical expertise, the problem is—to some extent at least—depoliticized. That nonprofit actors boasting this cultural expertise often hold university degrees is fairly relevant too: as a matter of fact, most of them have no training in social work at all, but rather a PhD—typically in law or sociology. This often results in adding some “geopolitical” value to the knowledge they deploy, by virtue of field trips made to the countries of origin of the victims, a surefire sign of a “methodologically” rigorous knowledge production process. Their academic papers specifically deal with how trafficking mechanisms vary depending on the country of origin of the smuggling rings (Simoni 2013, 2020). Ultimately, what sanctions their expert status with public authorities is this mix of academic education and cultural expertise, which in turn blends expert and layman knowledge (Schwenken 2008; Valverde 2003). The cultural aspects of trafficking are thus at the core of the training courses that these nonprofit actors provide at the French National School for the Judiciary (*École nationale de la magistrature—ENM*), where this knowledge is presented as indispensable, not only to make victims talk, but also to properly qualify the offense and potentially prosecute the perpetrators.

“As long as the victims have a feeling their interlocutor does not understand what they’re saying, they won’t talk. Whereas if their interlocutors master cultural aspects, in particular, then they will. If the interlocutor appreciates how significant the juju is, then the victim is more likely to open up” (Training of magistrates on trafficking in human beings, Nov. 2016)³²

Therefore, the juju is taught in detail—and relevant academic literature supplied—to the representatives of judicial institutions³³, and its contemporary operational methods are explained through the lens of enduring “precolonial” forms of justice. From this perspective, understanding the connection between the cult of certain divinities, the courthouse function played by the temples dedicated to them, and the “Nigerian mafias” is a prerequisite for the development of better cooperation between the Nigerian and French police forces in arresting the perpetrators.

By proposing to provide criminal justice actors with the “cultural” knowledge essential to understanding the offence, nonprofit organizations underline both the need for their intervention and their ability to produce a “dominant narrative” (Snajdr 2013) and common representations of the phenomenon of trafficking. However, their cultural expertise, initially claimed in order to facilitate institutional understanding of the victims of trafficking, is then used to understand the offence and its perpetrators, contributing to the blurring of associative and criminal logics.

Cultural expertise is indeed of particular importance for the target institutions when it is meant to support the penal work consisting in qualifying facts and offenses to prosecute perpetrators: some nonprofit actors base their entire credibility as reliable interlocutors of policing authorities—able to distinguish “true” victims from “fake” ones—on cultural expertise.³⁴ One specific feature of Nigerian sex trafficking is the existence of victim-perpetrators, i.e., young women who are victims of trafficking themselves, engaged in prostitution and bound by a major debt burden which they try to repay by recruiting even younger women who in turn work for them. These women are particularly despised by French judges on the grounds that they “make others go through what they have experienced themselves” (Interview, prosecuting judge, 28 Nov. 2016³⁵) (see Darley in this volume). As a consequence, the ability to “weed them out”, to “not get fooled” becomes a key indicator of the rigor and professionalism of nonprofit organizations. Observations conducted inside one organization claiming to be particularly skilled at identifying victims and perpetrators revealed that one key aspect of the daily activities of social workers was to distinguish between “real” and “fake” victims, between exploited and exploiting prostitutes.

[Conversation between two social workers]

“Are you in charge of Joy? She’s like, ‘I come once in a decade’, and when you give her an appointment it’s a no-show. Well, if she comes, you should know she’s a Madam [pimp]. Same gang as Blessing, Price and all that...”

“Well, then, if she shows up, I’ll chuck her out.” (Fieldwork in an organization assisting sex workers, April 2016)³⁶

This investigation work is not only meant to “filter out ambiguous girls” (Fieldwork in an organization assisting sex workers, April 2016)³⁷ and remove alleged traffickers from the perimeter of support activities, but also to corroborate information gathered from victims in order to identify their “Madam” (or pimp), and then encourage them to speak to the police so that the perpetrators might be arrested.

“[Social worker] *It would be nice [if Precious lodged a complaint] because Precious’ pimp, she’s 22 years old, tops, and basically she’s only got Precious, so not such a great target, but directly above her there’s a woman who has several girls, including two minors, according to Precious, so if Precious could talk, it would allow the police to make a move and help those other minors.*” (Fieldwork in an organization assisting sex workers, April 2016)³⁸

Here we can see that nonprofit actors partnering with control institutions (such as the organization involved here) implement not only “investigation” practices, but also sorting mechanisms characteristic of penal policies. This supports the idea that social actors that were initially engaged in the “rescue industry” (Agustin 2007), are increasingly resorting to penal justice when it comes to dealing with violence in general, and in particular violence disproportionately targeting women (Bernstein 2010).

Conclusion

Nonprofit organizations involved in providing support to sex workers need to prove to public authorities in general and penal actors in particular that they are qualified to accompany and identify victims of human trafficking, as both their funding and the access to rights of the victims they assist depend on it.

Not all nonprofit organizations agree that claiming recognition of expertise from public authorities is a good thing: while the psychosocial reading of abolitionist actors still decisively informs parliamentary debates and the legislation they produce, it appears to be marginalized by the actors of the penal chain involved in the day-to-day task of qualifying sex exploitation offenses (procuring or trafficking).

These actors, whose priority is to improve the efficiency of the fight against sexual exploitation and therefore the identification of victims and perpetrators, tend to focus instead on the specifically “cultural” knowledge and know-how that some nonprofits focused on the identification of trafficking victims claim to possess. Considering the cultural divide that separates trafficking victims (Nigerian in particular) from the institutions in charge of granting them access to rights, these nonprofits advertise themselves as “translators” for the authorities. However, the fact that penal actors tend to rely on the cultural expertise of nonprofit actors, and the cloak of academic legitimacy surrounding this expertise, rather seems to contribute to a culturalist interpretation of the offense (see Darley in this volume), by (re)producing the supposed cultural difference between the victims and perpetrators of trafficking on the one hand, and the institutions in charge of labeling them on the other.

This rapprochement between security and social actors around the cultural argument helps to build the legitimacy of the two families of actors involved: it allows the former to demonstrate an attention to the human aspect usually associated with the latter, and thus to distance themselves from the sole repressive dimension of their action; for the latter, their permeability to police logic favors their accession to the status of experts recognized by the criminal institutions and, indirectly, access to rights for their clients. However, in a context of strengthening links (particularly of economic dependence) between nonprofits and the state, the two groups of actors are not equals: the dynamics of contractualization, and the intensification of the financial dependence of nonprofits on the state, seem in fact to lead in the end, here as elsewhere (Smith, Lipsky: 144-146), to the alignment of their practices with those of the public authorities, in this case the criminal authorities.

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¹ This culminated in the "Palermo Protocol"—Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime—adopted by the UN on 15 November 2000, which aims to bridge ideological and moral divides to establish trafficking as a category of transnational penal policy. Human trafficking is defined in article 3 as "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."

² Other community health associations, however, argue that this broader acceptance of the "trafficking" label tends to promote a victimizing vision of sex workers, denying them any agency. See for instance Guillemaut, 2006, 2008. As a result, these actors are not involved in the production of expertise destined to public authorities, or in the potential blurring of traditional standards between penal and social logics that may ensue, as described below.

³ In France, the human trafficking offense—whose definition is directly inspired by the UN Protocol—was introduced in the Penal Code by the 2003 "domestic security" law (*loi de sécurité intérieure - LSI*).

⁴ Implementing the Directive 2011/36/UE of the European Parliament and of the Council of 5 April 2011, the 2013 law expanded the definition of human trafficking, which is now characterized not only by “the giving or receiving of payments or benefits”, but also by “the abuse of power or of a position of vulnerability”.

⁵ Introduction, National Action Plan Against Human Trafficking (2014-2016), Ministère des Droits des Femmes, de la Ville, de la Jeunesse et des Sports.

⁶ For instance, the plan provides for the creation of a fund (part of the budget of the Ministry of Women’s Rights, Urban Planning, Youth and Sports) to help finance the work of nonprofits. Most of the organizations we talked to were financed in part by the Women’s Rights division of the Ministry, the Interministerial Fund for Crime Prevention, city councils as well as European projects.

⁷ Generic terms such as “nonprofits”, “nonprofit actors”, “the nonprofit sector” and “the social work sector” are used interchangeably in the present chapter when referring to these nonprofit organizations and their members engaged in providing assistance to sex workers and identifying potential victims of trafficking among them.

⁸ The community association approach consists in including members of the public targeted by the action in the project and operations (staff, board of directors) of the organization.

⁹ Observations and interviews used in this chapter were carried out by Alban Jacquemart, Muriel Mille, and Mathilde Darley. The name of the concerned researcher is mentioned wherever field material is referred to.

¹⁰ Observations conducted by M. Darley.

¹¹ Introduction, *Plan d’action nationale contre la traite des êtres humains (2014-2016)*, Ministère des Droits des Femmes, de la Ville, de la Jeunesse et des Sports, p. 5. <https://www.cipdr.gouv.fr/wp-content/uploads/2018/01/Plan-daction-nationale-de-lutte-contre-la-traite-des-%C3%AAtres-humains-14-mai-2014-1.pdf> (accessed 19 Nov. 2021).

¹² Presentation conference of the findings of the study conducted by the MIPROF and the National Observatory Crime and Penal Responses (ONDRP), in partnership with the Collective “Ensemble contre la traite des êtres humains”, about victim support offered by nonprofits (*Les victimes de traite suivies par les associations en 2018*), 18 Oct. 2019, observed by M. Darley.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Conducted by M. Darley and A. Jacquemart.

¹⁶ Some of the organizations that produced criteria for the identification of trafficking victims include in particular the HCR, the UNODC, Interpol, and the ILO.

¹⁷ At the national level, a number of actors and organizations, including state agencies, have established criteria, and even “practical guidelines”, to help identify situations of trafficking. See for instance https://www.interieur.gouv.fr/content/download/74245/544572/file/7-Rapport-de-synthese-L_identification-des-victimes-de-la-traite-des-etres-humains.pdf; <https://traite.hypotheses.org/les-criteres>; http://www.allier.gouv.fr/IMG/pdf/alc_-_guide_identifier_accueillir_accompagner_les_victimes_de_traite.pdf; http://www.france-terre-asil.org/images/stories/publications/pdf/Identification_et_protection_des_victimes_de_la_traite_dans_un_contexte_de_migration_de_transit.pdf; <http://amicaledunid.org/wp-content/uploads/2018/03/Guide-de-l-accompagnement-TEH-AmicaleDuNid.pdf>;

¹⁸ Observed by M. Darley.

¹⁹ Observed by M. Darley et M. Mille.

²⁰ Conducted by M. Darley and A. Jacquemart.

²¹ Conducted by M. Darley and A. Jacquemart.

²² A representation that, incidentally has long been prevalent in the abolitionist discourse. See Mathieu 2014: 50

²³ Observed by M. Darley and A. Jacquemart.

²⁴ On representing trafficking victims as “helpless” and “childlike”, see also Doezema 2000.

²⁵ Observed by M. Mille.

²⁶ Observed by M. Darley and A. Jacquemart. On the persistence of ethnic and racial stereotypes in human trafficking matters, see also Agustín 2007: 178.

²⁷ Observed by M. Darley.

²⁸ This term, whose connotation is rather vague, is typically used by Nigerian women (as well as judicial actors) to refer both to their belief system and to the rituals they have to go through when pledging allegiance and committing to a) repaying a debt (usually an exorbitant one) to the person who arranged their trip to Europe and b) not reporting their pimp to the police. See IFRA 2019; Taliani 2012.

²⁹ Observed by M. Darley and A. Jacquemart.

³⁰ Conducted by M. Darley and A. Jacquemart.

³¹ Observed by M. Darley and A. Jacquemart.

³² Ecole nationale de la magistrature, observed by M. Darley.

³³ See also the conference “Temples néotraditionnels, clubs de femmes et groupes ‘cultistes’ de l’Etat d’Edo et leurs liens avec les réseaux de traite des êtres humains entre le Nigeria et l’Europe” (Neotraditional temples women’s clubs, and ‘cult’ groups of Edo State, in connection with human trafficking rings between Nigeria and Europe), organized by several nonprofits as well as the CNRS et the French Institute for Research in Africa (IFRA) at the Paris City Hall, 07 March 2019.

³⁴ For a discussion of how relevant such categories as “real” and “fake” stories/victims might be to think about trafficking, see for instance Camiscioli 2019.

³⁵ Conducted by M. Darley.

³⁶ Observed by M. Darley.

³⁷ *Ibid.*

³⁸ *Ibid.*