



Presidenza del Consiglio dei Ministri
Dipartimento per le Pari Opportunità

TRAFFICKING IN HUMAN BEINGS

National framework

Due to its geographical position, Italy is one of the main ports of entry for thousands of migrants, mainly with an illegal status, who are looking for a better future in wealthy Western Europe. Within these migration flows, there are many victims of trafficking as well. Therefore Italy is one of the European countries which are most affected both by smuggling of migrants and trafficking in human beings.

Italy is a country of destination and transit for women, children and men subjected to THB for the purposes of sexual exploitation and forced labour. In recent years, some transgender persons have also been trafficked for sexual exploitation in Italy. Although forced prostitution is still the main form of exploitation of trafficked persons in Italy – affecting women and girls - an increasing number of people (mainly men) is subjected to forced labour and debt bondage, mostly in the agricultural sector in southern Italy and the service sectors in northern Italy. Recruiters or middlemen are often used as enforcers for overseeing the work on farms in the south; reportedly they are often foreigners linked to organized crime groups in southern Italy.

Especially immigrant workers in the agriculture, construction, and domestic service sectors and those working in hotels and restaurants are vulnerable to forced labour. Women and children who are trafficked for forced prostitution mainly come from Nigeria, Romania, Bulgaria, Moldova, Albania, and Ukraine, but also from Russia, South America, North and East Africa, China. Victims of forced labour originate mainly from South-Eastern Europe (Poland, Romania, Albania, Bulgaria), Asia (India, Pakistan, Bangladesh, China), North Africa (Morocco, Egypt, Tunisia), and Central Africa (Senegal, Ghana and Cote d'Ivoire, Nigeria).

Legal framework

Since 1998, Italy has been at the forefront of the fight against trafficking in human beings and the protection of victims, both children and adults. The Italian model, which is still considered a best practice in this field, was built upon the principle that an effective anti-trafficking strategy should be based on:

- A human rights' protection and promotion approach
- A multi-agency and integrated approach

Therefore, Italian legal provisions against THB and exploitation are based on a **victim rights-centered approach**:

1. Article 18 of the National Law on Migration (Legislative Decree No. 286 of 1998)
2. Article 13 of the National Law against Trafficking in Human (Law No. 228 of 2003)

1) Art. 18 of the Consolidated Act of measures regulating immigration and the norms on the condition of foreign citizens (hereinafter referred to as Legislative Decree No. 286 of 1998) foresees the granting of a special residence permit for victims of trafficking for reasons of social protection.

The main objective of this law is to allow trafficked or exploited persons to escape from the conditioning of the criminal organization or individual exploiters they are subjected to and to offer them the possibility to start a new life in Italy or in their country of origin. The granting of the special residence permit is independent from reporting the traffickers/exploiters to the law enforcement authorities by the victim. The only necessary condition to obtain the permit is to meet the requirements provided for by the law, to participate in the “article 18” assistance programme and complete it. The residence permit can be issued on the basis of two procedures:

- The “judicial path”, when a report to the police has been made or when criminal proceedings have been started. It implies that the victim will co-operate with the police and public prosecutor. They will be instrumental in bringing charges against the perpetrator;
- The “social path”, when the NGOs or public social service assisting the trafficked persons consider that they are in immediate danger. The trafficked person is not obliged to report traffickers to the police, but is expected to give extensive

information (“statement”) to law enforcement agencies through the public social services or the private sector accredited NGOs.

The requirements for the issuing of a residence permit can be summarized as follows:

- existence of situation of violence or serious exploitation and of concrete danger for the personal safety of the foreigner; because of his/her attempt to escape from the criminal organisation
- the aforementioned situation can be identified during police operations, investigations or proceedings, or in the course of social service assistance provided by local authorities or NGOs
- the proposal for granting a residence permit can be made both by the District Attorney – if a prosecution has already been started – and by the Local Authorities’ social services or NGOs in charge of social protection projects.

The permit is issued for 6 months and may be renewed for an additional year; it does not oblige the person to go back home once the programme is over. Furthermore, the residence permit for humanitarian reasons can be converted into a residence permit for education or for work, allowing the foreigner to remain in Italy in accordance with the regulations governing the presence of foreigners on the national territory.

In 2007 a law came into force that extended the target group for Article 18 provisions:

- Law 17/2007 turning Law Decree No. 300 of 28 December 2006 into law and containing the extension of limits provided for by legislative provisions. Article 6, para. 4, provides that Article 18 shall be applied also to victims of trafficking that are EU-nationals. They can therefore access the Programme of social assistance and protection and benefit from all services offered.

2) Law No. 228 of 2003 “Provisions against Trafficking in Human Beings”. The law acknowledged the definition of trafficking provided in the Palermo Protocol. The law introduced the offences of ‘Reducing to or keeping in slavery or servitude’, ‘Trafficking in persons’, and ‘Trading in slaves’, amending the related provisions of the Criminal Code (art. 600, 601, 602). For these offences the law establishes harsh penalties

ranging from eight to twenty years' imprisonment, with an increase of one third to a half when the victims are minors, or when reduction into slavery or servitude condition aims at further sexual exploitation or removal of organs.

Furthermore, within Article 13, Law No. 228/2003 includes a provision for the creation of a short-term protection programme for both Italian and foreign victims of slavery, servitude and trafficking aiming at “temporarily guaranteeing adequate accommodation, food and healthcare conditions to the victims”.

With **Law No. 108 of 2 July 2010**, Italy ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

Commitment of the Department for Equal Opportunities at national and international level

The Department for Equal Opportunities is the national authority in charge of promoting and coordinating action for the protection of trafficked persons. It supervises the functioning of the national assistance system through the Inter-ministerial Commission for the Support to Victims of Trafficking, Violence and Exploitation, that is chaired by the Department for Equal Opportunities and is composed of representatives of the Ministry of Justice, Ministry of the Interior, Ministry of Labour and Social Policies, Under-secretary for Family Policies, United State-Regions Conference, National Association of Italian Municipalities.

The Italian national system provides for two types of **programmes for the assistance to trafficked persons**, on the basis of the abovementioned laws:

- A short-term programme (“Article 13 Programme”) is provided for by Art. 13 of the anti-trafficking law (Law 228/2003) establishing a Special Fund for the implementation of temporary assistance programmes for Italian, communitarian and foreign victims of “reduction to or maintaining into slavery or servitude conditions” and “trafficking” (offences envisaged by Articles 600 and 601 of the Penal Code). According to the law, trafficked persons can benefit from a three-months programme that, when applicable, may be extended for a further three

months. They are provided with accommodation, social assistance, and health care services. Once the programme is over, the assisted persons can continue to be helped under the Article 18 Programme;

- A long-term programme (“Article 18 Programme”) is provided for by Art. 18 of the Immigration Law (Legislative Decree 286/98) “Residence permits for social protection grounds”. It provides both foreigner and EU nationals with high-level social protection measures, such as individual recovery and social integration plans, long-term residential care facilities, health care, counselling, legal assistance, education, vocational training, apprenticeships and job placement. The foreseen duration of this programme is 1 year, but it can be extended if necessary.

Every year the Department for Equal Opportunities launches a call for proposals to fund the assistance programmes. Both local authorities and certified NGOs can apply for funding. All programmes need to be co-funded by Regions or local authorities, with a view to ensuring the local government ownership of actions to be implemented on a specific territory.

In compliance with the national provisions for the protection of victims of trafficking, the Italian Government provides, on the one hand, the abovementioned assistance programmes and, on the other hand, “**system actions**”, namely:

Anti-trafficking Free Helpline

It allows victims of trafficking to get in touch with professionals who can help them escape from exploiters. It was established in July 2000. In Italy the “Numero Verde” hotline provides detailed information on legislation, as well as services granted to trafficked persons in Italy and, upon request, refers them to the relevant service providers. Information is provided in the various languages spoken by the main target groups, including English, Albanian, Russian, French, Spanish, Rumanian, Bulgarian, Hungarian and Chinese.

Assisted Voluntary Return

It is a project coordinated and funded by the Ministry of the Interior and implemented by the IOM (International Organization for Migration) for the re-integration of victims of trafficking in their country of origin. The project started in July 2001 and has already

assisted more than 200 people. These projects give the possibility of a secure and human return and reintegration providing the victims of trafficking with information, counselling and travel arrangements, in order to reduce their vulnerability to being re-trafficked.

Therefore, the national assistance system for trafficked persons is structured as follows:

<p>First contact with potential victims of trafficking and exploitation. Referral of victims to the appropriate social services</p>	<p>→</p>	<p>Anti-trafficking Free Helpline</p>
<p>Identification, case evaluation, damage reduction and first assistance</p>	<p>→</p>	<p>“Article 13” Programmes</p>
<p>Long term assistance, social inclusion of trafficked persons in Italy Or Return of the victims to their home country</p>	<p>→</p>	<p>“Article 18” Programmes Assisted voluntary Return</p>

Most recently, with a view to implementing an even more comprehensive national strategy against THB, the Department for Equal Opportunities – in cooperation with all the national authorities committed to this issue and all the other relevant public and private actors – started working at the elaboration of a **National Action Plan against Trafficking**. The technical board for the elaboration of the national action plan against trafficking was established by the Department for Equal Opportunities in 2010 and started working in January 2011. Representatives of the main Ministries and institutions involved, as well as representatives of the national network of NGOs working in the field of anti-trafficking (CNCA) participate in the working sessions of the board on a permanent basis. The first draft of the plan is supposed to be finalized by the end of 2011. The Plan will take in due consideration the specific needs of trafficked/exploited children, as well as a gender-based approach, as cross-cutting issues to the national strategy to be developed. The National Action Plan will also provide for the establishment of a national referral mechanism for trafficked persons, including minimum

standards for protection and standard operating procedures for the referral of victims to the proper service providers.

Data and results

As for the **collection of data**, the Department for Equal Opportunities is currently working on a project for the establishment of a national observatory and a comprehensive database on trafficking in human beings. In this regard, it is worth specifying that, although prostitution is one of the forms of exploitation linked to trafficking in human beings, the Department for Equal Opportunities does not collect nor process data on prostitution as such. Data and statistics can be provided by the DEO only with regard to victims or presumed victims of trafficking who are beneficiaries of the projects of first assistance and social protection promoted and co-funded by the DEO. These persons, both adults and children, can be subjected both to forced labour and forced prostitution, or to other forms of exploitation (forced begging, illegal activities, etc.).

As already indicated during the previous meetings of the Informal Network of NREMs, the structure for the assistance of trafficked people has been based on the so-called “Art. 13” and “Art.18” projects (respectively for temporary and long-term assistance of victims) until the entry into force of Legislative Decree No 24/2014 this year (see below).

From 2000 to 2013, 665 projects were co-funded within the framework of art. 18 of Legislative Decree No 286/1998 (“Art. 18 projects”) and, from 2006 to 2013, 166 projects were co-funded under art. 13 of Law No 228/2003 (“Art. 13 projects”).

Transposing Directive 2011/36/UE

On 28 March 2014, Legislative Decree No 24 of 4 March 2014 establishing the “Implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA” entered into force. It had been published in the Official Journal No 60 of 13 March 2014.

In line with the holistic approach adopted by the European Union including the aspects of prevention, protection and punishment, the Italian legislator amended articles 600 (Placing or holding a person in conditions of slavery or servitude) and 601 (Trafficking in persons) of the Italian Penal Code with the aim of strengthening the punishment of perpetrators by

ensuring that all forms of trafficking in human beings are punished under the Criminal Code, and with a view to providing a comprehensive definition of such crimes in compliance with the European directive. As far as minors are concerned, the conduct is punished as trafficking in persons even if the crime is not committed by fraud, deceit, threat or by promising or giving money.

As for the protection of victims of human trafficking, in accordance with the European directive, the Legislative Decree also amended the Italian Code of Criminal Procedure in order to extend the existing protection already envisaged for child victims or mentally ill adult victims concerned with the hearing of evidence to all adult victims in particularly vulnerable conditions. More specifically, art. 1 of the Decree specifies the subjects that can be considered as vulnerable persons, namely minors, unaccompanied minors, elderly persons, disabled persons, women, especially if pregnant, single parents with underage children, persons with mental disorders, as well as persons who suffered rape or other serious forms of physical, psychological, sexual or gender-based violence. With the aim of further strengthening the protection of victims, the Legislative Decree provides for the obligation to adequately inform them, especially unaccompanied minors who are victims of human trafficking, of their rights and establishes that a further decree will be adopted to define specific mechanisms for the determination of their age and their identification. In addition, Legislative Decree No 24/2014 lays down that the training pathways provided by the competent Administrations shall include, for the concerned public officials, specific training modules on issues concerning trafficking in human beings.

One of the main innovations introduced by the Decree in compliance with Directive 2011/36/EU is the recognition of the victims' right to compensation. Such a compensation, which amounts to 1,500 Euros for each victim, shall be paid in accordance with the terms established by the Decree under the Annual Fund for Anti-Trafficking Measures. The fund already exists and, according to the relevant law, it should be fed with the proceeds derived from the confiscation of assets following a judgment of conviction.

The Department for Equal Opportunities of the Italian Presidency of the Council of Ministers is the authority responsible for guidance, coordination and monitoring of interventions related to trafficking in human beings. Besides these tasks, the Legislative Decree officially recognizes the role of the Department as the equivalent mechanism and national contact point for the EU Anti-Trafficking Coordinator. It also aims at making the prevention and

fight against this phenomenon, as well as the assistance and social integration of victims, more effective and coordinated. To this end and with a view to avoiding duplication of effort and thus improving the protection of victims, it provides for the unification of short-term and long-term assistance programmes (the so-called “art.13” and “art. 18” projects), which have been in place until the entry into force of the Legislative Decree, into one single programme of emergence, assistance and social integration guaranteeing victims adequate board, lodging and health care on a transitional basis and, subsequently, the continuation of assistance and social integration.

A further novelty introduced by Legislative Decree No 24/2014 is the obligation to adopt, within three months from the date of its entry into force, the first National Action Plan against Trafficking in and Serious Exploitation of Human Beings, with a view to identifying multiannual intervention strategies for the prevention and fight against these phenomena, as well as measures aimed at increasing public awareness, social prevention, emergence and social integration of victims. The National Action Plan is currently being finalized and will be adopted by the end of 2015.

Legislative Decree No 24/2014 finally introduces further innovative measures, the so-called rules of reference, according to which the Administrations dealing with the protection and assistance of the victims of trafficking and those competent for asylum shall identify coordinating measures among the institutional activities for which they are respectively competent, also for the purpose of establishing mechanisms of reference between the two systems of protection.

Transnational cooperation and management of EU funded projects on THB

Over the last years, the Department for Equal Opportunities has promoted, as well as participated in, important transnational initiatives in the field of anti-trafficking. **JLS/2007/ISEC/576/ “Transnational, cross-sector action to combat trafficking for the purpose of labour exploitation. Identifying and assisting victims – FREED”** (June 2008 – July 2010). The main aim of the project was to increase and spread awareness of the phenomenon of forced labour, of the forms that it takes in modern-day economies and of its interrelation with human trafficking and exploitation of labour, in order to develop and implement effective measures for preventing and combating it. The results of the project, with the necessary updates, were included in the **National Action Plan against Trafficking in and**

Serious Exploitation of Human Beings.

JLS/2007/ISEC/571 “Development of a Transnational Referral Mechanism for Victims of Trafficking between Countries of Origin and Destination – TRM-EU” (May 2008 – February 2010). The project was managed by the Italian Department for Equal Opportunities of the Presidency of the Council of Ministers in co-operation with the International Centre for Migration Policy Development (ICMPD). The overall objective of the TRM-EU project was to develop a functional, institutionalised transnational referral mechanism for trafficked persons between EU and non-EU countries (countries of destination/transit/origin) and thus contribute to a more effective and sustainable national and EU-wide anti-trafficking response.

The results of the project, with the necessary updates, were included in the **National Action Plan against Trafficking in and Serious Exploitation of Human Beings.**