

Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings



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Report submitted by the authorities of Italy
on measures taken to comply with
Committee of the Parties Recommendation
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of the Council of Europe Convention
on Action against Trafficking in Human Beings

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Reply to the List of GRETA's proposals concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Italy

Proposals No. 1, 2, 3

Legislative Decree No. 24 of 4 March 2014 implemented Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims and replacing Framework Decision 2002/629/JHA.

The Legislative Decree recasts the provision under Article 601 c.p.¹ (trafficking in persons) by describing a wide range of conducts whereby the offence of trafficking is committed. Therefore, the concept has been widened. A particularly hard penalty regime is confirmed (a term of eight to twenty years' imprisonment) to be applied even when the victim is a minor and in all trafficking cases, even if the actions are different from those included in the first paragraph of the provision.

By the way, the provision makes express reference to the situation of 'vulnerability'. Paragraph 2 of Article 2 of the above mentioned Legislative Decree defines 'vulnerability' as "a situation where the person concerned has no other real and acceptable choice than yield to the abuse he/she is subject to".

Through this addition to the legislation, the protection through criminal law for prosecuting was further widened to the situations when a victim is vulnerable. In these cases, the fact that he/she gives his/her consent or not is completely irrelevant, because the consent is presumed to be improperly given.

Proposals No. 4, 6, and 7

The implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, through Legislative Decree No. 24 of 4 March 2014, has allowed Italy to significantly change its system for the prevention and fight against human trafficking, which was already considered as one of the governmental best practices at the European and international levels.

In line with Legislative Decree, the first National Action Plan against Trafficking in and Serious Exploitation of Human Beings was drafted and adopted by the Council of Ministers in February 2016.

The Plan identifies the Italian Presidency of the Council of Ministers – Department for Equal Opportunities - as the coordinating authority of the Government's action on the topic, thus confirming the humanitarian and victim-oriented approach, which traditionally characterizes the activities of the Italian Government on the subject. The Plan, which was developed in line with the priority actions of the EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016), is aimed at promoting the full accountability of all involved institutions (at all governmental levels, from national to local) on its strategic and operational objectives, while clarifying the respective functions and facilitating the coordination, the efficient use of available resources and the monitoring of activities. The document also reiterates the importance of partnerships with NGOs working in this field.

The Plan is aimed at identifying multiannual intervention strategies through the implementation of measures aimed at:

¹ C.P.: Criminal Code.

- Adopting prevention policies through the increase of knowledge on the phenomenon and the dissemination of such knowledge, through targeted actions in the countries of origin and communication and awareness activities;
- Improving the emergence of the phenomenon and ensuring an effective and coordinated response;
- Devising adequate mechanisms for the rapid identification of human trafficking victims through the drafting of specific guidelines on the topic;
- Establishing a National Referral Mechanism;
- Updating and strengthening the existing reception actions;
- Providing multi-agency training;
- Adopting specific guidelines on the fulfilment of the obligation to inform victims of 1) their right to stay permit and to ask for international protection; 2) the opportunity to ask for psychological assistance by an association having proved experience on the topic; 3) request for legal aid; 4) ask for a protected hearing; 5) ask for the compulsory presence of an expert in psychology or child psychiatry for minors during examination.

Considering the complexity and cross-cutting nature of the interventions to be carried out, the Plan has envisaged the establishment of a coordinating political and institutional Steering Committee (*Cabina di Regia*), which ensures the adoption of a multi-disciplinary and integrated approach among the different stakeholders, including both institutions and NGOs. The Committee, which was officially set up on 2 August 2016, is chaired by the Italian Minister in charge of Equal Opportunities, Ms. Maria Elena Boschi, and is composed of the representatives of Central Administrations, Regions, and local authorities.

During the Steering Committee meetings, discussions are held to define the programming and funding policies of interventions for combating trafficking and severe exploitation, particularly with regard to:

- identifying requirements;
- defining methods for funding the national system for combating trafficking.

The Steering Committee should facilitate the activation of a series of fruitful processes, within which it is appropriate to highlight:

- the necessary transition from an experimentation stage to a phase characterized by an integrated system of policies and services in which the overall set of sector interventions can be improved;
- the actual activation of all project activities that can be deployed at the individual geographical area level;
- the strengthening and systematization of the wealth of networks already created within the individual geographical areas, while promoting strong interaction at local level amongst the various institutional levels and the parties concerned by this phenomenon;
- the involvement of players that generally do not play a role within the "anti-trafficking" sector, such as - for example - companies, organizations of employers, employment agencies, consumers' associations and the media (local and/or national radio, newspapers and TV channels) to provide an important contribution to identifying and protecting victims, in particular with reference to social/work inclusion activities, as well as to preventing and combating crime;
- better and more effective coordination between the various projects active in regional areas, also promoting optimization in terms of resources and not duplicating efforts;
- the adoption of national policies for preventing and combating trafficking, which are standard across all regional areas and the adoption of a national policy coordination project/programme/action;

- the study and in-depth investigation of the most significant legal issues for the protection of trafficking victims, also in order to develop legislative amendment or ministerial circular proposals;
- the monitoring conventions on trafficking, to map the development cooperation and international cooperation interventions carried out by the various ministries.

The Steering Committee is the first governmental coordinating body on trafficking in human beings and represents a forum for discussion for the definition of guidelines and the implementation and funding of actions for the fight against human trafficking and serious exploitation, as well as for the coordination of the inter-institutional working groups that will monitor the implementation of the Plan.

As for policies and guidance, the Steering Committee will be supported with proposals and in-depth analyses by the third sector and trade union organizations in order to establish an essential dialogue with the local entities and among all the relevant stakeholders.

Furthermore, the Steering Committee will also consult the scientific and academic community with the aim of receiving, in the period covered by the Plan, information on possible change in the phenomenon, thus creating an early warning system able to influence the future political choices.

The Steering Committee must also promote a synergistic effect in terms of policy in relation to the planning of interventions and in terms of funding, with the possibility to use the various funds available in an integrated manner. The specificity of the phenomenon of trafficking in human beings requires the capacity to contemplate competitive strategies and cooperative strategies, to best leverage all resources available and create important local synergies by adopting a network approach.

From this perspective, the capacity to promote public/third sector private partnerships takes on strategic value, by focusing on the centrality of the local dimension as a privileged area for understanding needs, helping to plan solutions and rearranging resources.

The management of the partnership process has to do with how the various parties involved in the collaboration coordinate with each other. The effectiveness of this action is undoubtedly indicative of the extent of the future success and sustainability of the projects carried out. Public-private partnerships are surely a tool which, better than others, can enable different parties to share resources and skills to contribute locally to reaching ambitious objectives, such as those linked to the development of a local area with a view to combating the phenomenon of trafficking in human beings.

The success of the public-private partnership is linked to the added value that it provides to traditional systems of social, institutional and market interaction, deriving from the sharing of skills, actions, economic resources and innovative solutions that this type of relationship has already achieved in the activities carried out from 2000 to date, and from the advantages already standardized for all players involved. For the Public Administration, there are surely advantages relating to more "links" with the networks already present locally, and for the private third sector there are advantages in terms of greater opportunities to support the cause and interplay with other organizational models.

Other main innovations included in the Legislative Decree concern the measures for preventing and assisting minors. Article 1, paragraph 1 of the Decree pays special attention to this group.

Legislative Decree No. 24 of 4 March 2014 provides for in Article 1, paragraph 1, that "In implementing the provisions of this Decree, the specific situation of vulnerable persons such as minors, unaccompanied minors, the elderly, disabled people, women, especially if pregnant, single parents with minor children, people with mental disorders, people who have been subjected to torture, rapes or other serious forms of psychological, physical, sexual

and gender-based violence shall be taken into account, on the basis of an individual assessment of the victim”.

For unaccompanied foreign minors who are victims of trafficking there is the obligation to provide them with information on their rights, including any access to international protection measures. Moreover, when it is necessary to determine the minor age of a person, this task should be carried out in a multidisciplinary manner and in full respect of the rights of the child, without prejudice of being considered a minor.

Article 10, paragraph 2 of the Decree also provides for that a foreigner shall be informed, in his/her language of origin, of the content of Article 18 of the Consolidated Immigration Law and the possibility to obtain international protection.

With specific reference to unaccompanied foreign minors, their reception is divided into two stages:

- First reception – with the involvement of highly specialized governmental structures for the identification and possible status and age assessment, identified and authorized by the Regions under the coordination of the Ministry of the Interior, also with a view to accelerating the possible reunification with relatives living also in other EU countries;
- Second level reception of all unaccompanied foreign minors within the framework of the SPRAR (System for the protection of asylum seekers and refugees), which will be adequately strengthened and funded.

In a nutshell, this system works through the activation of governmental structures throughout the national territory offering short reception during the first identification stage and the possible status and age assessment, as well as through the planning of subsequent reception with adequate strengthening of the SPRAR network posts, within the framework of specific local projects. Therefore, in compliance with art. 183 of Law 190/2014, SPRAR is progressively becoming the national reception system for all unaccompanied foreign minors, after their initial reception period spent in the ad hoc governmental structures. Such approach was also confirmed by Legislative Decree No. 142/2015 establishing the “Implementation of Directive 2013/33/EU on laying down standards for the reception of applicants for international protection, as well as of Directive 2013/32/EU on common procedures for granting and withdrawing international protection”, in which the different reception stages are widely described and the role of the different actors is highlighted in detail.

Trafficking in human beings is a complex and global phenomenon which no country alone can eradicate. Therefore, the national Action Plan envisages the coordination of international cooperation actions among all the relevant administrations and the third sector, with a view to strengthening and promoting the collaboration between our country, the international organizations working to prevent and combat this phenomenon (OSCE, IOM, UNHCR, etc.), European and non-European countries involved in the phenomenon.

Proposals No. 5, 8, and 22

Art. 7 of Legislative Decree No. 24 of 4 March 2014 implementing Directive 2011/36/EU identifies the Presidency of the Council of Ministers - Department for Equal Opportunities - as the body responsible for coordinating, monitoring and evaluating the results of prevention, combating and victim social protection policies, while giving it a central role in national sector policies, with particular reference to activities regarding the setting of guidelines for and coordinating social interventions to prevent the phenomenon and provide assistance, as well as planning financial resources for the victims’ assistance and social

integration interventions. Therefore, the Department for Equal Opportunities is considered as the Italian Equivalent Mechanism pursuant to Directive 2011/36/EU as an alternative to the National Rapporteur.

In line with both the Plan and the Decree of the President of the Council of Ministers of 16 May 2016 establishing the single Programme for the emergence, assistance and social integration of victims, on 10 June 2016, the Italian Government issued a public Call for proposals to fund projects for the emergence, assistance and social integration of victims, for a total amount of almost 15 million euros aimed at promoting an integrated and multi-dimensional inclusion, integration and personal independence pathway.

The abovementioned resources represent the highest amount ever allocated for the financing of projects for the protection of victims. As a result of the Call, 18 local projects have been funded, thus allowing a significant extension of the protection capacity of the national assistance network. In 2017 and the future years, the total amount of funds for assistance, protection and social inclusion actions is going to be further increased on the basis of the 2017 Budget Law, which will be adopted by the end of this year.

Proposal No. 9

In the Italian legal system, the offence of illegal entrance and residence has not been abolished yet.

Proposal No. 10:

Prevention should include specific joint training of all sector operators, public and private social workers, law enforcement agencies, the Judiciary and local police, with particular attention devoted to increasing the involvement of labour and local health authority inspectors. These activities should be carried out locally to generate real operational results, with the transfer of practices and information to the central level (with a view to creating a veritable National Referral Mechanism (NRM) system). The topic of joint and continuous training of all sector operators is central within a strategy aimed at the emergence of this phenomenon. Joint training and the deployment of a range of professional skills make it possible to construct common sensibilities, shared language and effective reporting and referral tools.

Within the National Action Plan, special attention is paid to the training of all stakeholders/operators working at all levels and coming into contact with potential/alleged victims of human trafficking. More specifically, training actions are envisaged in compliance with the obligations introduced by Art. 5 of Legislative Decree 24/2014 aimed, as set forth by recital 25 of the EU Directive, at law enforcement agencies, including those responsible for border control, immigration service officials in Police Headquarters and Prefectures, members of the Judiciary, labour inspectors, Ministry of Foreign Affairs and International Cooperation personnel, trade union organizations, social workers and assistants, particularly with reference to the personnel of public entities and private social entities working to support victims of trafficking and severe exploitation, healthcare and consular personnel, reception network personnel (reception centers, immigrant removal centers, temporary facilities, projects of SPRAR), members of the Territorial Commissions for the recognition of international protection, public officials associated with the local entity, such as social assistants and registry office personnel. Priority importance should be placed on the training of law enforcement agencies, who, in most cases, establish the initial contact with trafficking victims and therefore play a crucial role in identifying them. As regards local entities, the training of local police is fundamental (as they are closer to the community and citizens, especially in suburban and rural areas).

As for the training of the actors combating trafficking in human beings, it is worth mentioning that - concerning judges and prosecutors – the High Council of the Judiciary plays an active role by introducing this subject in the annual meetings for training and professional updating.

In 2016, the Guardia di Finanza carried out 6 training initiatives for its personnel at both central and local level, with particular reference to the staff working at the forefront to combat emergencies linked to the phenomenon of illegal immigration.

The Ministry of the Interior – Department for Civil Liberties and Immigration, by means of the locally competent Prefectures, is responsible for the staff acting in various ways in the different kinds of reception centers, in relation to which, upon entrustment of the service in favour of the Managing Body, it ascertains that the latter is equipped with highly qualified human resources, that have the professional qualifications enabling the accomplishment of the tasks for which they have been appointed, according to the relevant provisions in force (e.g. enrollment in the professional registers). The compliance with some requirements, provided for by the Tender specifications in force, approved with the Minister's Decree of 21/11/2008 for the entrustment of the management service of the reception facilities, represents a guarantee for both the professional staff involved and those who can benefit from the quality of the social, legal, health and reception services. As for the protection system for asylum seekers and refugees (SPRAR), the experience acquired by some managing bodies, which have been acting on the territory for several years, has enabled the development of a specific capability in the identification of the victims of trafficking.

Proposals No. 11 and 12

The National Action Plan against Trafficking in and Serious Exploitation of Human Beings envisages the establishment of a specific system for the monitoring and check of the progress achieved, the verification of the impact of the adopted policies and a central database collecting data from all the competent Administrations, such as the Ministry of the Interior and the Ministry of Justice.

In 2017, the first national database on human trafficking will be defined and set up in collaboration with the relevant Ministries, Regions, and local authorities, as well as with the reference associations working in this field. This instrument will allow Italy to fully comply with the data collection and analysis provisions envisaged by Directive 2011/36/EU, thus facilitating the national coordination role of the Department for Equal Opportunities, as well as its functions as equivalent mechanism in the EU context.

Also, in 2017, a new national Call for proposals or a similar tool for the funding of local projects for the implementation of the single Programme for the emergence, assistance and social integration of victims will be prepared and published. In doing this, the Department will take into account the results of the 2016 Call for proposals in relation to the effectiveness and local distribution of interventions. To this end, "essential levels of provision and their standard costs" will be identified in order to start to make the actions for the protection of the rights of victims more homogenous throughout the national territory.

With the same aim, a costs/benefits analysis of the application of the protection measures envisaged in the single Programme will be carried out, thus identifying and monitoring several indicators on the number, types and quality of the protection services, the multiplier effects of the implemented actions, the transferability of results, the effects in terms of criminal activities, the consequences on the communities' wellbeing in terms of security and public health, the promotion of best practices and the created employability.

Under the Prevention dimension included in the Plan, many actions are envisaged in order to increase knowledge and the dissemination of knowledge on the phenomenon, such as, inter alia:

- awareness-raising projects for responsible and aware tourism, in order to reduce demand for trafficking victims for the purpose of sexual exploitation, to be carried out in Italy as well as in the countries of origin, in concert with the Ministry of Foreign Affairs and International Cooperation, the OECD and the UN, as well as the NGOs that work in Italian Cooperation;
- awareness-raising projects on the matter of severe labour exploitation to be carried out, also in concert with the ILO, in countries of origin and of transit;
- joint training activities amongst operators of anti-trafficking systems, operators of the international protection system and systems for unaccompanied minors, to define procedures and partnerships to identify trafficking victims and methods for interaction amongst the respective systems;
- research on the reduction of demand for the services provided by the victims of trafficking in human beings;
- establishing structured mechanisms for coordination with the Ministry of Education, University and Research, which should contribute towards improving didactic initiatives (curricular and/or extracurricular) regarding the matter of trafficking in its various interconnections with topics of gender violence, migratory phenomena, transnational organised crime, forms of modern slavery, the repeated violation of human rights, gender education, Development Education and Global citizenship Education. Intercultural education and education regarding legality should be an integral part of educational courses;
- actions for integrated cooperation with the private sector for the implementation of interventions meant to raise awareness on the use of forced labour, including with the introduction of the ethical certification label;
- research on groups at high risk of trafficking and on the phenomenon of re-trafficking;
- research on victim recruitment online and through social networks;
- studies and research on the phenomenon of trafficking in Italy, on aspects of gender, its evolutions and factors of risk and vulnerability which facilitate the various forms of trafficking;
- research to better understand the role of organised crime and corruption in trafficking linked to the various forms of exploitation;
- systematic intervention monitoring activities (victims assisted, types of services offered, projects funded, etc.) and follow-ups on the conditions of people that have participated in protection programmes;
- specific training projects on the evolution of trafficking and all related phenomena, with specific attention placed on issues of gender, establishing ad hoc training modules on trafficking for the sexual exploitation and labour exploitation, including domestic, of women and minors.

Proposals No. 13 and 14

Trafficking in human beings is a typical transnational offence. Therefore, an effective action for preventing and combating it could only be obtained through a synergic action of all countries through which this offence is committed. Unfortunately, this has not been fully achieved. It is not due to legislative shortcomings or inaction of the professionals, but to real difficulties of dialogue with the countries where the phenomenon arises from, most of them being part of the African continent.

The National Anti-Mafia and Anti-Terrorism Directorate has played a role of coordination and impulse of investigations on human trafficking, as Law No. 228/2005 established that they lie within the jurisdiction of the District Anti-Mafia Directorates. The DNA tried to develop Protocols to

facilitate strategic contacts for international cooperation by encouraging Italian District Prosecuting Offices to make great use of the instrument provided for in Article 34 of the Council of Europe Convention. This means some direct information exchanges to allow a direct and dynamic approach to investigations, when compared with the traditional approach of judicial assistance.

It simultaneously signed Memoranda and Memoranda of Understanding with a number of countries, which are interested by the phenomenon of trafficking in human beings. It has sometimes been successful in activating parallel investigations, through relations of bilateral cooperation with foreign counterparts.

Important progress in the coordinated fight against trafficking in human beings were made possible, in recent times, thanks to the initiatives promoted by the "European Border and Coast Guard Agency – E.B.C.G.", which implements the organization and tasks of the previous European agency for the management of international cooperation at the external borders of the Member States of the European Union, to which the Corps has long been providing a structured cooperation.

This new Agency, established by Regulation (EU) 2016/1624 of the European Parliament and of the Council on 14 September 2016, entered into force on 6 October 2016, and was officially presented to the Member States during a meeting held in Warsaw on 8-10 November of this year.

The E.B.C.G. does not have own assets and personnel, but it can rely on funds allocated specifically by the European Union and on an articulate range of land and air-naval assets, made available by the single Member States.

In Italy, the Frontex operational structures are the following:

- a) the National Coordination Center (N.C.C.), identified as the Ministry of the Interior - Central Directorate for Immigration and Border Police, which performs the functions of coordination of the operational interventions at sea and the tasks of acquiring and analyzing information related to surveillance, prevention and fight against illegal immigration;
- b) the International Coordination Center for operational activities (I.C.C.), established in 2011 at the Guardia di Finanza Operational Air-Naval Command in Pratica di Mare, whose role is the organization and management of joint operations promoted by the Agency and whose operational area is the section of the EU air and sea border off the Italian coasts, reconfirming in this way the strategic role played by the Corps in exercising the management of the activities promoted by the Agency;
- c) various Local Operational Centers (L.C.C.), established each time according to the needs of the different operations, set up at the control rooms of the Corps Units located where the various operations take place.

The planning of the operations is detailed in "*operational plans*", which are documents specifying, for each operation, the specific targets, the participating Member States, the assets employed, the national bodies involved and the rules of engagement.

In the last 5 years, the Guardia di Finanza has taken part in 23 joint operations promoted by *Frontex*.

The Guardia di Finanza is currently participating, with air-naval patrolling, in the following initiatives:

- d) "*POSEIDON*" along the European sea and air border off the Greek coasts;
- e) "*INDALO*" involving the southern coasts of Spain;
- f) "*TRITON*" being implemented in the Mediterranean Sea, off the Italian coasts, specifically those of Sicily, Calabria and Apulia. In this context, the Corps is also deeply involved in the role of coordinating the operations at sea, through the *International Coordination Centre* (I.C.C.) set

up at the mentioned Corp's Command in Pratica di Mare, where every day Liaison Officers of the participating Countries and Agencies hold meetings to exchange operational and logistical information, and also to prepare situation reports, to plan the operations and to prepare a balance of the interventions for further analysis.

In this regard, the "Frontex" Agency has established a Regional Office in Catania, named "European Union Regional Task Force", with the task of analyzing the elements gathered in the immediate aftermath of the landings in the framework of operation "Triton", and also of enhancing the level of cooperation with the "Europol", "Easo", and "Eurojust" Agencies, as well as with the operating Police Forces and Judicial Authorities.

In addition to representatives from European Police Forces and Agencies, the mentioned *task force* also includes members of the Corps having specific investigations skills in the field of money laundering and financial flow controls.

In fact, it is in Catania that an effective integrated operational model was tested, involving the local Organized Crime Investigation Group (G.I.C.O.), with the use of agents with criminal police tasks on board the naval unit providing the assistance; this allows to anticipate at sea the execution of a series of investigative activities that would otherwise be more complex to perform after the landing; these include the interview of migrants, aimed at gathering relevant evidence on the presence of people smugglers, the routes that were followed, the payment methods, and also the seizure of telephone devices, GPS devices and documents of investigative interest.

Finally, in the framework of initiatives aimed at strengthening the action against illegal trafficking at sea, as well as the safety of life at sea, attention is drawn to the operational directives issued by the General Headquarters – III Department Operations, which have already been successfully tested by the GdF S.C.I.C.O. e and Tax Police Units/G.I.C.O. of Catania, concerning a "tactical" satellite interception system installed on board one of the Corps' naval units. This activity represents a unique precedent of absolute strategic and operational relevance, in terms of jurisdiction and procedures, due to the *modus operandi* and the favorable orientation it provides the investigating magistrates, as well as for the central role that the Corps' air-naval *engagement* component plays in the prevention and enforcement action against illegal traffics on high seas, resulting in a further enhancement of the "Maritime Police" role assigned to the Guardia di Finanza, also with regard to the investigations conducted by other Police Forces.

The Corps also takes part in the activities of AWF/SOC/FP Phoenix under the EUROPOL framework through the Central Organized Crime Investigation Service.

In this context, on 30 and 31 August 2016, an Officer of the mentioned Service took part in the international forum "*Expert meeting on smuggling of migrants and THB activities around reception and asylum centers*", held in The Hague (Netherlands).

Proposal No. 15

Immigration is a structural phenomenon and, in recent years, migrant communities have taken on an increasingly decisive role in society, due to which it may be useful to involve Associations that are more representative of those communities in communication campaigns and consult them, when deemed necessary, to obtain useful information for policies intended to prevent trafficking. This direct involvement of migrant communities can also help to strengthen the active participation of foreign nationals in social and civil life. And it is just as important to provide for information and awareness-raising campaigns addressed at the general public to overcome stereotypes and promote the values of legality, as well as in schools, to encourage the involvement of students and teachers alike.

As a general approach, it is important to present and discuss a gender specific perspective in information and awareness-raising campaigns. Anti-trafficking campaigns have enormous potential to convey accurate information to women, men and their communities.

The following actions are envisaged by the National Action Plan on Trafficking in and Serious Exploitation of Human Beings:

- actions conducted in the reference communities through integrated educational and local participation strategies supporting information, awareness-raising, educational activities and training for the activation of social change agents;
- actions aimed at institutions, organizations and individuals capable of replicating the content of the campaign, disseminating correct information on the topic and triggering cultural change processes, resulting in a de facto improvement of the campaign's impact and sustainability;
- trafficking information campaigns, taking care to take a gender-specific approach that does not further propagate stereotypes, to be focused on the connections between gender discrimination and its impact on the lives of women, their experiences and the risks of trafficking, to be focused on those structural changes that could change models of inequality and reduce the risks of trafficking;
- cross-media and multi-language campaigns providing information about and promoting the toll-free anti-trafficking helpline and the system of interventions to help victims;
- structured information campaigns to listen to the stories of how trafficking actually occurs, told by women coming from a range of environments, who have very different desires, values, expectations and life histories;
- dual-purpose information and awareness-raising measures to be carried out in airports and with airport workers who work on the ground and flights (with regard to the possibility that airports may be locations of transit of victims brought to Italy or clients who go abroad for sexual tourism or "healthcare" - in the case of transplants of organs obtained from trafficking for the purpose of organ harvesting);
- actions to raise the awareness of minors regarding the phenomenon and the associated risks, through a participatory approach and methodology;
- awareness-raising actions in primary and secondary schools as well as universities to ensure that young people, especially males, are attentive to the problem of the social model in which relations between the sexes are seen;
- training of journalists.

Proposal No. 16

Administrative control measures are fundamental preventive tools to be used beforehand, at the border and within the country. The ability to check travel, residency and work documents as well as the skills for proactively monitoring legal and illegal recruitment practices and workplaces are decisive in identifying presumed and potential victims and the vulnerable sectors in which exploitation may take place. Particular attention must be paid to demand and the effects that migration and labour policies may have in increasing the level of migrant vulnerability and, as a result, their involvement in trafficking and exploitation rings. Indeed, a lack of legal migration opportunities, in light of the great demand for flexible workers and economic services in the countries of destination, as well as the corresponding supply of low-cost labour and services, may be causes for trafficking. These issues should also be faced within the scope of a preventive approach. (European Commission, op. cit.)

The current risk is that trafficking for the purpose of labour exploitation may become a structural component of certain production sectors, with organised criminal groups that are increasingly prone to exploiting the social vulnerability of workers, especially migrant

workers. The different aspects of labour supervisory activities and social legislation are entrusted not only to the inspection personnel of the Ministry of Labour and Social Policies, but also to the Carabinieri Unit for the Protection of Labour, the Tax Police, which carries out highly important prevention and repression actions to combat the exploitation of "under the table" and illegal labour, the inspection personnel of the Social security and insurance entities and the inspection personnel of the local health authorities. A significant means for combating labour exploitation is the law dedicated to combating the phenomenon of the gangmaster system, which is meant to guarantee greater effectiveness in combating the phenomenon in the criminal law system, with particular attention dedicated to the unlawful accumulation of wealth by those who exploit workers.

The Italian Legislator has taken important initiatives through Law No. 199 of 29 October 2016, which aims at combating the serious phenomenon of labor exploitation. The Law provides for serious sanctions (1 to 6 years' imprisonment and a fine of 500 to 1000 Euros for each exploited worker) for any person recruiting, using, hiring or employing the workforce in conditions of exploitation. It establishes aggravating circumstances if the offence is committed with violence or threats, when the number of exploited workers is more than three, when the victims are minors not of working age, when workers are exposed to serious dangers for their health.

The Law also contains indicators to acknowledge the situations of labor exploitation (when wages are remarkably lower than those included in national contracts; there are violations to the rules on working hours, rest, health conditions; workers are subject to degrading conditions).

The Law – providing for a mitigating circumstance for those cooperating with Justice – provides the attribution of the proceeds from confiscations to the Anti-Trafficking Fund. The benefits of this Fund are given to the victims of labor exploitation.

The Law also establishes a compulsory confiscation – even a *confisca per equivalente* (a confiscation of the equivalent amount or value) – as a consequence of conviction and the introduction of this crime among those offences whereby the administrative responsibility of the institutions has been provided for (Legislative Decree No. 231/2001).

The action of the Guardia di Finanza against undeclared work and forms of irregular labor or "black labor", as well as labor exploitation, including foreign workers, is based on a multi-disciplinary approach aimed at targeting all forms of illegality linked to this phenomenon, besides trafficking in human beings, such as tax and contribution evasion, fraud against the social security system, manufacturing and trade of items bearing counterfeit trademarks, and is oriented towards all the sectors involving a more intense use of manpower.

For this reason, the aim of the Corps' action plans is not solely to recover the tax and contributions evaded, but also to attack the large assets and riches that are amassed by those exploiting irregular labor.

This objective is pursued through different levels of intervention:

- a. during tax audits conducted on the premises of firms and self-employment activities.

In this regard, it is required that whenever GdF members visit premises that are used for business, agricultural or professional activities, they must identify the people that are actually present; the information obtained is then cross-checked both with the information that the employers are obliged to provide to the Employment Centers, and with the other compulsory books and registers;

- b. in the framework of the ordinary action for the economic control of the territory, which is accomplished through frequent and capillary interventions.

These controls, coordinated regionally and organized at the provincial level, are directed towards targets that are selected according to precise intelligence and risk analysis activities, so as to

address, under an organic and systematic operational plan, cases of undeclared labor that are more widespread in certain areas of the national territory;

- c. through economic-financial police investigations and criminal police investigations in the most serious cases, targeting criminal groups that exploit black labor in an organized manner, and that also exploit irregular foreign workers in numerous illegal activities;
- d. by executing project-based control plans, prepared by the Special Units, which, starting from the dynamic study of the most widespread illegal phenomena of the subjects involved and the territorial areas in which they occur, and drawing from the territorial units' best practices, they proceed to gather the data from the IT systems, aggregating and analyzing them, in order to obtain signs of tax evasion and "risk" subjects; the data is then provided to the territorial units for the start of inspection actions based on common control methodologies.

The directives issued by the General Headquarters – III Department Operations establish that the interventions in the sector need to be, as a priority, aimed at targeting:

- e. the use of "black labor", considering the pluri-offensive nature of the crime. In this regard, the investigative activities are aimed at identifying cases of unlawful intermediation by unauthorized persons (so-called "*caporalato*", illegal recruitment and employment), having considered the serious forms of abuse and violence against the workers that characterize this kind of workforce employment – which is generally made up of immigrant and illegal workers – who are underpaid and forced to work in poor health and sanitary conditions and in violation of safety regulations;
- f. phenomenon of interposition of workforce and fictitious employment contracts aimed at obtaining unlawful social security benefits from the National Social Security Service (INPS);
- g. irregularities linked to the application of atypical or flexible contracts (for example: permanent contracts, use of *vouchers*, *part-time* contracts, etc.), as well as the phenomenon of fake VAT Reg. numbers and occasional cooperation, which often conceal subordinate employment relations.

In order to further strengthen the countering action against all forms of work linked to illegality, the Corps, in implementation of the political priorities of the Ministry of Economy and Finance for 2016, has identified, among the activities conducted under the 1st strategic objective, which is the countering of tax evasion, avoidance and fraud, a specific Operational Plan aimed at preventing and suppressing the phenomenon of black and irregular labor and all related illegal matters, such as contributions evasion and fraud against the social security system, through the execution of targeted interventions (to be developed through traditional inspection models such as tax audits and controls), adapted to the available resources and the illegal phenomenon identified on the basis of intelligence activity, risk analysis and economic control of the territory, in addition to criminal police investigations.

In performing its general criminal police function, the Corps is also engaged in preventing and countering the most serious forms of labor exploiting, which is often associated with cases of exploitation or violence or threatening, such as those constituting, with an aggravated penalty, the crime provided for by art. 603-*bis* of the Penal Code, as amended by Law 29 October 2016, no. 199. Besides being detrimental to the economic system and the legal market, these behaviors also seriously damage the workers, especially if they are in poor economic and social conditions.

The illegal recruitment and employment phenomenon ("*caporalato*") often exploits illegal workforce, and this occurs more frequently in the agricultural sector and during the harvesting seasons.

To confirm the emphasis the Corps places on this particular type of criminality, information exchange with other bodies and institutions have been strengthened over time, also through specific memoranda of understanding, as it is the case of the memoranda signed with the General

Directorate for Inspective Activity of the Ministry of Labor and Social Policies in October 2010, and with INAIL in March 2013, respectively, both being aimed at improving the analysis of the context and risk areas, improving the exchange of information and useful data to prevent and suppress these phenomena and also to facilitate coordination between operational units.

In 2015, the efforts made in this particular operational context resulted in 74 investigation mandates received from the Judicial Authorities, 58 of which were completed. In the period January-September 2016, in the same sector, the operational Units initiated 73 investigation mandates and completed 58 of them.

The total data concerning the actions carried out in 2015 and 2016 (from January to October 2016) by the Guardia di Finanza to combat undeclared work and the so-called '*caporalato*' is reported below:

FIGHT AGAINST UNDECLARED WORK	2015	2016 (Jan. – Oct.)*
Black laborers discovered (no.)	11,290	8,822
Irregular laborers discovered (no.)	12,428	6,461
Employers placed on record for the use of irregular and black labor (no.)	5,184	3,937

UNLAWFUL INTERMEDIATION OF LABOR	2015	2016 (Jan. – Oct.)*
Subjects placed on record (no.)	340	143
Subjects reported (no.)	307	76
Violations established (no.)	98	58

Annex 1 to this reply reports the main investigations carried out in 2015 and 2016 (January – September 2016) by the service Units of the Guardia di Finanza to combat undeclared work and unauthorised recruitment and employment ("*caporalato*").

Proposal No. 18

With reference to the prevention activities through empowerment actions for vulnerable groups of human trafficking victims, it is worth mentioning that the National Action Plan against trafficking in human beings provides for:

- external resources for projects managing inclusion programmes and forms of facilitated access for victims to allow for an effective individual inclusion and integration plan;
- assistance and social integration for victims of trafficking, violence and severe exploitation - possibly those who have already benefited from initial support measures - throughout a second-level personalised, integrated and multi-dimensional assistance procedure to be developed as part of the projects of the Single programme pursuant to art. 18 of Legislative Decree 286/98, for active inclusion and integration and personal autonomy (also using new technologies and customary ICT processes), meant to favour their social integration in Italy or their voluntary assisted return to their country of origin;

- deploying actions for motivation, empowerment and the increased employability of migrants, orientation, training and job placement, including through the experimentation of networks consisting of highly qualified entities working with a view to planning and strengthening actions to combat trafficking, while guaranteeing access to social services and the labour market for parties at high risk of exclusion;
- aiming for a process of social inclusion of immigrants and trafficking victims which leaves wide room for multicultural encounters and interaction between individuals, each with their own cultural background and respectful of the other's, as specified in the Secure integration plan. Identity and Encounter of 2010, in addition to the Integration Agreement that came into force on 10 March 2010;
- creating networks between social/healthcare services, employment services, unions, employers' organizations and third sector associations in order to promote means for the social/work inclusion of trafficking victims;
- activating/strengthening an interregional job search network to favour the mobility of trafficking victims in relation to work opportunities linked to the formal or informal skills of the end beneficiaries of the interventions, including with interventions for the recognition of these skills within the Employment Centre system;
- planning social/working inclusion paths within social protection services/programmes (preparation of individualized work coaching plans, provision of a chain of linked services beginning with the creation of a personal plan);
- improving the possibility of taking advantage of professional training, removing any formal obstacles to access, and work training apprenticeships for the development of practical basic and technical skills. Indeed, apprenticeships are often a particularly useful means for motivating beneficiaries (including financially, which is fundamental to improve autonomy in daily life) and to open the door to the labour market for persons who have few access opportunities;
- driving collaboration relationships/agreements with the business world and/or with sector associations to strengthen and also leverage corporate social responsibility as defined in the Communication of the European Commission of 25 October 2011;
- constructing integrated coaching projects for job placement, incentivizing companies to hire and adapting working environments;
- activating work-life balance measures for female trafficking victims to allow for participation in training courses to acquire linguistic and cultural skills and knowledge (for example, with the creation of economically accessible, high quality services for children).

Proposal No. 20

The adoption of the first "National Action Plan against Trafficking in and Serious Exploitation of Human Beings" is also important to identify multi-year strategies of intervention for preventing and combating the phenomenon, to promote awareness actions, social prevention, emergence and social integration of the victims.

Some very important rules were laid down in the annexes to the National Action Plan against Trafficking in human beings and a National Referral Mechanism was introduced for the victims of trafficking, whereby Standard Operating Procedures (SOP) were listed to ensure full "step-by-step" assistance to the victims of trafficking.

In particular, they indicate more suitable procedures for the identification and treatment of the victims of trafficking - especially in the case of minors - to ensure adequate assistance to their special state of vulnerability and the respect for their rights. These instructions are addressed to all actors engaged in combating trafficking and coming into contact with the victims of trafficking in any of these stages: identification, protection, assistance, civil and criminal proceedings, possible return to the country of origin.

The work has translated into a practical instrument the recommendations of the European Union for the establishment of referral systems, including the cross-border referral in collaboration with the EU Member States, third countries and the international organizations.

More specifically, special attention is paid to the proper use of such systems for the identification and treatment of human trafficking victims, especially minors, with the aim of making sure that they receive adequate assistance, in line with their particular state of vulnerability and while respecting their rights. The National Referral Mechanism (NRM) for Victims of Human Trafficking mainly addresses all the actors involved in the fight against this phenomenon coming into contact with victims (both alleged or recognized) and participating in one of the following stages: identification, protection, assistance, civil and criminal proceedings, return to the country of origin.

Its objective is to provide the abovementioned actors with the necessary tools to implement the abovementioned stages aimed at ensuring adequate assistance and protection to victims. The NRM includes a detailed set of SOPs, each made up of different measures:

SOP 1 – Identification

SOP 2 – First assistance and protection

SOP 3 – Long-term assistance and social inclusion

SOP 4 – Assisted voluntary return and social inclusion

SOP 5 – Criminal and Civil proceedings

Each SOP includes a set of measures that not always follow a chronological order. Sometimes they need to be implemented simultaneously. In some other cases they need to follow a different implementation order based, for example, on different national legislations and the related provisions in force. Furthermore, some measures can be different from each other depending on the situation of the country or the individual condition and should therefore specifically contextualized.

As for minor victims of human trafficking, all the adopted measures should have as primary objective the minor's best interest, which results from a precise and in-depth assessment carried out by trained and skilled professionals. Each decision should be made by taking into account the minor's opinions, which should be pro-actively requested at all stages by both the staff and the involved decision-makers according to their competences.

For some measures lists of indicators are provided, which are considered as useful tools to be used in the different circumstances (e.g. to carry out the preliminary analysis, draft the risk assessment, formally identify a trafficked person, evaluate their needs, etc.). It is also fundamental to always take into account the importance of indicators as useful tools to be applied carefully, with the aim of avoiding the risk of unintentionally elaborating the profile of a victim which could hamper the real identification of victims and the full respect for their fundamental rights.

The second Annex to the Plan lists adequate mechanisms for a quick identification of the victims of trafficking, gives guidelines to allow the coordination of protection systems for the victims of trafficking with the system protecting the rights of those in need of international protection and the system for the reception of unaccompanied minors.

The guidelines contain rules on the identification, interview, data collection, referral mechanism and prevention.

In relation to the activities aiming at the **identification of human trafficking victims, also unaccompanied minors from third countries**, the following actions have been undertaken:

- ***Praesidium Project***: the project, co-funded by the European Commission for the migratory flows which illegally reach the Italian shores, was started in the 2006 and involved several entities such as UNHCR, the Red Cross, Save the Children and IOM. In the framework of Praesidium, IOM has been dealing, more than the others, with the

victims of trafficking; as a matter of fact, in the disembarkation places as well as in the several reception facilities in Sicily, Apulia and Calabria, IOM has been carrying out an information and legal assistance activity for migrants (adults and unaccompanied minors) concerning the risks related to illegal migration, the trafficking in human beings and to the enslavement with the purpose of labour and sexual exploitation. IOM, in order to contribute to the prompt identification of the potential victims of trafficking, has developed a system of **indicators** (e.g. nationality, route, the low level of education, the declaration to be orphan, to have paid for a big debt or to have not paid for the journey and to be sponsored by a “good Samaritan”).

In the framework of this project, since April 2014, two anti-trafficking teams (one in Sicily and one in Apulia) have been set up; they are made up of a cultural mediator and a legal counselor which have cooperated with the local authorities in the victims’ identification through an information and legal counseling activity (by means of collective and individual interviews) and, in case of identification of the victims of trafficking, such victims were reported to the Public Security Authority and referred to the specific reception services, according to Art. 18 of Legislative Decree No. 286/98 and Art. 13 of Law No. 228/2003.

The Praesidium project was concluded in June 2015, while on 1 July the **Assistance Project** was started, funded with AMIF, which has been continuing the actions undertaken with the Praesidium project in a similar way.

For the **identification activities of unaccompanied minors from third countries who are victims of trafficking**, the Department for Civil Liberties and Immigration, by means of specific agreements and protocols, has been involving IOM and other relevant humanitarian organizations (Save the Children – UNHCR) in the reception system for Unaccompanied Minors from Third Countries, which have supported the activities of the project operators for UAMs with their information and legal counseling activities, by facilitating a sure and prompt identification of possible situations connected with this phenomenon.

The Ministry of the Interior – Department for Civil Liberties and Immigration, through the funding provided by the National Commission for the Right to Asylum, is carrying out a project with UNHCR for the drawing up (which is going to be completed) of the “**Guidelines concerning the international protection applicants who are victims of trafficking**” addressed to the Local Commissions for the Recognition of the International Protection, aiming at defining the measures for a correct and prompt identification of the trafficking victims in the framework of the international protection application procedure.

At local level, the Ministry of the Interior – Department for Civil Liberties and Immigration has:

- ✓ concluded **Protocols** among the **Prefectures of Bari, Parma, Campobasso and Matera with the relevant Municipalities and non-profit entities**, aiming at protecting the international protection applicants, who are victims of exploitation and trafficking;
- ✓ concluded **Protocols respectively among the Local Commissions for the Recognition of the International Protection of Gorizia, Milan, Salerno and Turin, and the Municipalities of Trieste, Milan, Salerno, Turin and non-profit associations** aiming at favouring a correct identification and appropriate protection of the victims in the framework of the international protection application.

In compliance with Legislative Decree No. 24/2014 a new decree on the rapid assessment of the age of unaccompanied foreign minors victims of human trafficking through a non-intrusive multi-disciplinary procedure is in the process of being approved.

Proposal No. 21

For the purpose of setting up specific reception services for minors who are victims of trafficking and of ensuring the best interest of the child, the Department for Civil Liberties and Immigration has developed **a new reception system** for unaccompanied minors from third countries, structured in two phases:

- **first reception:** provided in highly specialized Governmental facilities for a strictly required period which, in any case, cannot exceed 60 days, for the identification activities and the possible age assessment. The Ministry of Interior, in agreement with the competent local bodies, activates and manages them, also according to agreements concluded with the competent local Bodies.

In this framework, the attention has to be focused on the information and legal support activity carried out by IOM-UNHCR-SAVE THE CHILDREN – from disembarkment, which supports the activities of the operators of the first reception centers, activated by the competent Unit of the Department, in the framework of the AMIF Funds.

- **Second level of reception** in the framework of the Protection System for asylum seekers and refugees – SPRAR – which has been accordingly enhanced. In the framework of the new organization of the second level reception of the SPRAR network, in order to enhance the prevention and protection measures in favour of unaccompanied minors from third countries, an additional economic support has been provided for those local reception projects, which give further services to particularly vulnerable unaccompanied minors from third countries, such as the minors who are victims of trafficking. In this framework, the correct taking in charge of minors as well as the assessment of their psycho-physical conditions, can induce the specialized staff of the center to identify elements linked to human trafficking, by activating particular measures to manage such vulnerabilities, in order to ensure the relevant protection.

Proposals No. 23 and 24

Article 18 of the Consolidated Immigration Law (Legislative Decree No. 286 of 25 July 1998) establishes that in Italy the "residence permit for reasons of social protection" is released by the Police to foreigners, even illegal immigrants, when they are found - in the course of operations or police investigations, or during routine care of social services - in situations of violence and/or serious exploitation carried out by criminal organizations and when there are real emerging dangers for the safety of persons, as a result of their attempts to escape from the influence of the same criminal organizations.

The permit lasts for six months. It may only be for a year or for a longer period for reasons of justice. The holder of such a permit can access the labour market.

It should also be noted that, regardless of the cooperation the victim offers to justice, Article 13 of Law 11 August 2003 No. 228 introduced an extra measure for protection and assistance. It was especially intended for the victims of trafficking and slavery. The special assistance programme provides adequate housing conditions, food and health care on a temporary basis (three months which may be extended to a maximum of additional 3 months) to enable victims to rebuild the conditions of their ordinary everyday life. This will ensure the "recovery and reflection period" provided for in Directive 2011/36/EU.

The two regulatory instruments usually stand out, the first one as a judicial procedure (Article 18) and the second as a social intervention (Article 13), considering the different perspectives prevailing between the two means of protection.

By Legislative Decree 4 March 2014 No. 24 changes were made to the two measures described above (Article 18 of the Consolidated Immigration Law and Art. 13 of Law No. 228/2003). A single programme of emergence, support, and social integration guaranteeing, on a transitional basis, adequate food, housing and health care was introduced. Legislative Decree No. 24 of 4 March 2014 combines content and application procedures for the funding of the two regulatory instruments, which continue to remain separate as to requirements, conditions of applicability and purpose.

In 2014-2015 and up to September 2016, the number of humanitarian and social protection residence permits issued in compliance with Art. 18 of Legislative Decree No. 286/1998 has been equal to:

2014	265
2015	228
2016 (as of 30 September)	298

The following data refers to victims assisted within the framework the Art. 18 programmes:

Type of obtained permit

Art. 18 (judicial path)	168
Art.18 (social path)	22
Justice	3
Waiting for the Authorization of the Attorney General	47
Humanitarian residence permit (art. 5, para 6 of the Consolidated Act on immigration)	18
TOTAL	851

Proposal No. 25

An essential modification was introduced by Article 1 of Legislative Decree No. 212 of 15 December 2015 implementing Directive 2012/29/EU of 25 October 2012 - which introduced Article 90 c.p.p.²

With a view to really informing the victim about his/her rights, powers and measures to be taken for his/her own support and protection, the provision reads as follows:

Article 90-bis (Information to the victim). 1. From the first contact with the prosecuting authority, a victim is given some information - in the language he/she can understand- on the following matters:

- a) the procedures for lodging a complaint or a suit, the function he/she performs during investigation and trial, the right to know the date, place of trial and the counts of indictment and – in case he/she files a civil action in the criminal proceedings – the right of having the judgment served on him/her, even by abstract;
- b) he/she may be entitled to receive information about the state of proceedings and the registrations mentioned in Article 335, paragraphs 1 and 2;
- c) he/she may be entitled to be informed about the request for filing a case;

² C.p.p.: Code of criminal procedure.

- d) he/she may be entitled to have legal assistance and receive legal aid by the State;
- e) the procedures for exercising his/her right of having the case deeds interpreted or translated;
- f) possible measures of protection that can be ordered on his/her behalf;
- g) the rights the Law recognizes to him/her in case his/her official abode is located in a member State of the European Union differing from the State where the offense was committed;
- h) the procedures for prosecuting possible infringements of his/her rights;
- i) the authorities he/she can address himself/herself if he/she wishes to get information on the proceedings;
- l) the procedures for the reimbursement of the costs due to his/her participation in the criminal case;
- m) he/she may request a compensation for damages because of the offence he/she suffered;
- n) the case can be closed by discontinuance of action under Article 152 of the Italian Criminal Code - if it is possible - or by mediation;
- o) information about his/her rights in cases where the defendant requests that the proceedings be suspended with probation or cases where there are grounds for exclusion of punishability due to the minor nature of the offense;
- p) information about health facilities within the territory, care homes, anti-violence centers and safe houses.

Proposal No. 26

Legislative Decree No. 24 of 4 March 2014 introduced several provisions whose aim is making the national action against Trafficking in human beings more complete and effective.

One of the main innovations – in compliance with the Directive – is represented by the acknowledgment of the victims' right to be awarded a compensation for the offence they have suffered. The established amount is 1,500 Euros for each victim to be paid by the Annual Fund against Trafficking, in compliance with the rules established by the Decree.

The Anti-Trafficking Fund is financed by the proceeds coming from the confiscation of goods after a judgment of conviction. This is a key provision as in the Italian criminal system there is no general procedure to compensate the victims of violent fraudulent crimes for their damages. The compensation is also due in the cases when the perpetrators of crimes are unknown.

Proposal No. 27

In relation to the adoption of a legal and political framework in order to promote return, the AMIF National Programme provides for that the return measures can constitute an instrument at disposal of those migrants who either cannot or are not willing to stay in the hosting country and wish, in a voluntary way, to return to their country of origin. The AVR measures enable the return to the relevant home country, in conditions of security and dignity, of third country nationals, who expressly request it. The AVR Programmes 2008/2013, concluded on 30 June 2016, have been implemented through the European Return Fund.

The National Programme of the Asylum, Migration, Integration Fund 2014-2020 provides for actions aiming at the promotion and the implementation of AVRs. The AMIF Responsible

Authority is the Deputy Head of the Department of Civil Liberties and Immigration of the Ministry of the Interior. The AMIF National Programme does not provide for a specific action concerning victims of trafficking, who, however, can get access to the AVR's programmes on the grounds of their vulnerability. Since last summer 2015, new projects, funded with AMIF have been active in Italy.

Proposals No. 19 and 29

Law enforcement agencies and specifically Guardia di Finanza operate daily for preventing and countering trafficking in human beings, through the **integration between the surveillance system at sea and the investigative structures on the territory**, which is implemented through:

- a. surveillance of the **land borders** and **maritime and air patrolling**, in the sector, participating and ensuring safety and rescue at sea;
- b. **investigations** that are needed to:
 - (1) **Identify** the persons responsible for the illegal traffics;
 - (2) **seize** the means that are used;
 - (3) **reconstruct** the organizations "upstream", the **funding sources** and the **channels used to reinvest** the illicitly earned proceeds;
- c. **interventions** conducted **on the territory** aimed at **preventing** and **countering** also the **diversified illegal activities** in which migrants are exploited, particularly regarding **black and irregular labor** and all the associated illegal activities.

As an institution that is a full member of the public safety sector under **Law No. 121 of 1 April 1981**, the Corps is tasked with executing services at sea for the protection of law and order and public safety, according to the directives contained in the **Minister of Internal Affairs' Decree of 25 March 1998** (also known as "*Napolitano Decree*"), which clearly makes a distinction between the **typical police functions** performed in this environment, from other very important missions such as **safety of navigation and rescue at sea**, for which the same Decree assigns primary jurisdiction to the Italian Coast Guard.

The system detailed by the Decree forms the basis of the surveillance system in the field of countering illegal immigration, as set forth in the **Inter-ministerial Decree of 14 July 2003**, whose effectiveness remains subordinate to the primary need to **save human lives at sea**, as confirmed by the associated **Technical-operational Agreement of 14 September 2005**, in accordance not only with the fundamental principles of the legal system and international regulations, but also with the inherent danger of operations aimed at countering illegal immigration at sea in which there is always a potential risk for migrants due to their high number and the seaworthiness of the vessels being used.

Recently, **Law Decree 19 August 2016, No. 177** on "**Provisions concerning rationalization of police functions and merger of the State Forestry Corps, set forth in article 8, paragraph 1, letter a, of Law 7 August 2015, no.124, in the field of reorganization of public administrations**", has assigned the Guardia di Finanza Corps the **exclusive responsibility for safety at sea**, in connection with the police tasks assigned by the same Decree, and the other functions already performed under the laws in force, except for the **responsibilities assigned by the current laws to the Coast Guard**.

The total data concerning the action of the Guardia di Finanza aimed at combating illegal immigration and trafficking in human beings in 2015 is extensive and includes information on many arrests. In 2016, 4 were the arrests and 4 the people reported to the police.

The main investigations carried out by the Units combating illegal immigration and human trafficking resulted in the reporting of 4 Ukrainian traffickers, 2 arrests, the reporting of 3 nationals with African origin and 2 Russian nationals.

Proposal No. 30

Article 3 of Legislative Decree No. 24 of 4 March 2014 amended Article 398 c.p.p. to protect the vulnerability of the victims of trafficking even in Court and avoid their being subject to intimidation.

It also prescribed that over eighteen-year-old victims might also have the same safeguards as those envisaged for minors in case of *incidente probatorio*³ extended to them.

³(N. of T.) *Incidente probatorio* : interlocutory witness examination/the taking of evidence during the pre-trial phase.

ANNEX 6

GUARDIA DI FINANZA GENERAL HEADQUARTERS

III Department Operations

MAIN SERVICE OPERATIONS AGAINST UNDECLARED LABOUR AND UNAUTHORISED RECRUITMENT AND EMPLOYMENT (“CAPORALATO”) – YEARS 2015 AND 2016 (January – September)

1. The activity carried out by the **Prato Tax Police Unit**, together with the DIGOS of the Prato Police Headquarters and the Prato Traffic Police, on mandate from the local Judicial Authority, allowed to identify a **criminal association set-up, also thanks to the contribution of three professionals, for the recruitment and exploiting of labour to be employed in the wine producing sector.**

The investigation was concluded with the arrest of three responsible persons belonging to a known Chianti wining firm.

The organisation was also considered responsible for other crimes, such as the burying of dangerous waste, use of money, goods or other assets of illegal origin, hindering judicial police investigations, unlawful receiving of State and EU contributions, commercial fraud, use of false invoices in purchases and sales in order to reduce taxation, and also to justify the receiving of a different product than the one sold.

2. The judicial police investigations carried out in year 2016 by the **Guardia di Finanza Unit in Montegiordano(CS)**, on mandate from the Castrovillari Public Prosecutor’s Office, regarded **illegal immigration, illegal intermediation and labour exploitation, aiding and abetting of the illegal status of foreigners and employment of foreign workers lacking the residence permit.**

The investigation, developed through technical and financial investigations, allowed to ascertain that several local agricultural businessmen contacted a Pakistani subject who, acting as a “Caporale”, illegally recruited workers, organised their activities and took care of their payments and keeping for himself part of their remunerations.

A check of the telephone records regarding the number used by the “Caporale” also revealed contacts with subjects belonging to a local criminal organisation.

Finally, by analysing the financial documentation, it was possible to quantify in about € 250,000 the illegal earnings that the person responsible transferred to his country of origin through *money-transfer* and *post-pay* services.

At the end of the investigations, 29 agricultural businessmen were also reported to the judicial authority for the crimes of aiding and abetting of the illegal status of foreigners, employment of foreigners lacking residence permits, illegal entry and stay on State territory.

3. The judicial police activity conducted by the **Siracusa Guardia di Finanza Unit**, on mandate from the local Public Prosecutor’s Office, led to the identification of a criminal association aimed at the **illegal exploitation of labour**, made up of four employers, owners of agricultural firms operating in the vegetable production sector, in addition to **four “Caporali” of Moroccan nationality;**

4. Operation "SangueVerde", concluded by the **Guardia di Finanza Unit in San Severo (FG)** in June 2015, enabled to identify **an articulated criminal association aimed at the illegal intermediation and exploiting of labour, as well as aggravated fraud for the purpose of receiving public subsidies.**

The criminal group operated through a fictitious firm for the transport of people which, in reality, illegally recruited workers and transported them in the fields of the Provinces of Foggia, Campobasso and Chieti, where they were eventually exploited.

Furthermore, the investigations enabled to establish:

- (1) The complacent participation of the agricultural businessmen who used the workers;
- (2) A considerable tax and contributions evasion;
- (3) Unlawful receiving of unemployment benefits to the detriment of INPS, on the basis of fictitious working contracts (so-called "false farm labourers").

The activity was concluded with the reporting of 4 individuals to the Judicial Authority and the arrest of the principal of the criminal organisation;

5. Activities were concluded by the **Guardia di Finanza Unit in Brigata di Canelli (AT)** in May 2015 against a cooperative that had signed agricultural contracts with various companies of the wine and industrial sectors.

At the end of the investigations, the Unit established the employment of **106 workers without any regular contract**, amounting to over 12,700 days of black labour, and ascertained the evasion of contributions equal to € 450,000.

6. The investigations concluded in year 2014 by the **Guardia di Finanza Unit in Palermo**, in cooperation with INPS personnel, into three companies operating in the telecommunications sector, which had employed, between 2010 and 2013, 218 workers totally "undeclared", through occasional autonomous cooperation contracts which turned out to be fictitious, as they concealed actual subordinate working relations. Furthermore, by using fake resignations and subsequent re-employments, the mentioned firms obtained undue facilitations in the field of contributions to the detriment of INPS.

The document inspections allowed also to establish the issue and use of invoices for inexistent transactions for about € 6 million, through the creation of fictitious companies located in London and Delaware (U.S.A.), set-up for the purpose of obtaining undue tax advantages and also to "increase" the financial statements in order to obtain lines of credit from banks as well as to create a virtual and sound accounting status to obtain important advertising contracts.