

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



**Recommendation CP/Rec(2019)02  
on the implementation of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by Italy**

*adopted at the 24th meeting of the Committee of the Parties  
on 5 April 2019*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Italy on 29 November 2010;

Recalling Committee of the Parties' Recommendation CP(2014)16 of 5 December 2014 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Italy and the report of the Italian authorities on measures taken to comply with this recommendation, submitted on 5 December 2016;

Having examined the second report concerning the implementation of the Convention by Italy adopted by GRETA at its 33rd meeting (3-8 December 2018), as well as the comments of the Italian Government received on 21 January 2019;

1. Welcomes the progress made since the first round of evaluation in the following areas:
  - the further development of the legislative framework for combating trafficking in human beings (THB), and in particular the adoption of legislation strengthening the protection of unaccompanied children, including child victims of trafficking;
  - the adoption of the first National Action Plan against Trafficking in, and Serious Exploitation of, Human Beings in February 2016;
  - the development of the institutional framework for combating human trafficking, with the setting up of the Steering Committee, an inter-institutional forum for planning, implementation and financing of measures to combat human trafficking;
  - the efforts to provide training on human trafficking to an increasing range of relevant professionals, following a multi-agency approach;

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- the adoption of Guidelines for the identification of victims of trafficking among applicants for international protection;
  - the setting up of the "Single programme for the emergence, assistance and social integration of victims of trafficking and exploitation" and the considerable increase in the budgetary funding allocated to anti-trafficking projects;
  - the specialisation of law enforcement officers and prosecutors to deal with human trafficking cases and the engagement in international co-operation against human trafficking.
2. Recommends that the Italian authorities take measures to address the following issues for immediate action identified in GRETA's report:
- develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database;
  - intensify efforts to prevent THB for the purpose of labour exploitation, in particular by:
    - training labour inspectors throughout the country, as well as other inspecting agencies, law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation and the rights of victims;
    - expanding the capacity of labour inspectors so that they can be actively engaged in the prevention of THB, including in private households and in small businesses in the hotel, catering and restaurant sectors;
    - monitoring the frequency and effectiveness of labour inspections and ensuring that sufficient human and financial resources are made available to labour inspectors to fulfil their mandate, including in remote locations at risk of THB in the agricultural sector;
    - separating immigration enforcement functions from labour inspectorate roles and ensuring that labour inspectors prioritise the detection of persons working in irregular situations who are vulnerable to THB;
    - reviewing the regulatory systems concerning migrants working as home care workers and ensuring that inspections can take place in private households with a view to preventing abuse of domestic workers and detecting cases of human trafficking;
    - strengthening the monitoring of recruitment and temporary work agencies and reviewing the legislative framework for any gaps that may limit protection or preventive measures;
    - supporting ethical trading initiatives, and effective enforcement of due diligence obligations to monitor supply chains, particularly in the fruit and vegetable sectors;
    - raising awareness amongst the general public as well as, in a targeted manner, amongst migrant workers, about the risks of THB for the purpose of labour exploitation;
    - establishing effective mechanisms to allow irregularly present migrant workers to lodge complaints in respect of labour standards against employers and obtain effective remedies without the risk of the sharing of their personal data or other information with immigration authorities for the purposes of immigration control and enforcement;
  - strengthen efforts to prevent trafficking in children, in particular by:
    - raising public awareness about the risks and different manifestations of child trafficking (including early, child and forced marriages, exploitation of begging and forced criminality);

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- sensitising and training teachers, educational staff and child welfare professionals across the country about THB and its different forms, and ensuring that sensitisation programmes on the matter of THB are put in place in schools;
  - mainstreaming the prevention of trafficking in the training of all staff working with unaccompanied and separated children, ensuring the best interests of the child;
  - preventing unaccompanied or separated children from going missing and ensure that they can benefit from protection of their rights and effective care arrangements, including safe and specialised accommodation, access to education and health care, so that they are not exposed to risks of trafficking;
  - taking action to address situations of violence of unaccompanied and separated children at the Italian/French border, including through international cooperation and positive measures to prevent trafficking, identification of possible child victims of trafficking at the borders, effective access to assistance and protection and timely appointment of guardians;
- take further steps to improve the proactive identification of victims of THB, and in particular:
- strengthen the multi-agency involvement in victim identification by introducing into practice a National Referral Mechanism which defines the procedures and roles of all frontline actors who may come into contact with victims of trafficking, and providing guidance and training on its application to all relevant professionals;
  - increase efforts to proactively identify victims of trafficking for the purpose of labour exploitation, by reinforcing the capacity and training of labour inspectors and other relevant agencies and involving trade unions and NGOs;
  - take steps to proactively identify victims of trafficking for other forms of exploitation, such as forced criminality, forced begging, forced marriage and organ removal;
  - provide NGOs involved in the identification of victims of trafficking amongst asylum seekers with sufficient resources to enable them to fulfil the task and enable effective co-operation with NGOs, including those engaged in rescue at sea operations;
  - ensure identification of possible victims of THB at all border crossings in accordance with the OHCHR's Recommended Principles and Guidelines on Human Rights at International Borders;
- ensure the availability of dedicated centres for asylum seekers who are presumed victims of trafficking;
- take steps to improve the identification and assistance of child victims of trafficking, in particular by:
- adopting as a matter of priority a National Referral Mechanism for child victims of THB which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk;
  - ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB for different forms of exploitation, by paying particular attention to unaccompanied and separated children and children from Roma communities;
  - ensuring that child victims of THB across the country, regardless of whether they seek asylum or not, benefit from the assistance measures provided for under the Convention, including appropriate accommodation, effective access to free legal assistance and psychological support;

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- taking further steps to address the problem of children going missing while in the care of the State and ensuring that there are clear instructions as to which institution holds the lead responsibility for tracing missing children and for taking appropriate measures to notify all relevant authorities in order to ensure that children are traced and provided with appropriate protection;
  - monitoring the effectiveness and quality of the voluntary guardianship system;
  - ensuring long-term assistance for the integration of child victims of trafficking;
- review the legislation in order to ensure that the recovery and reflection period is specifically defined in law as provided for in Article 13 of the Convention, and that all possible foreign victims of trafficking are offered a recovery and reflection period and all the measures of assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period;
  - take steps to facilitate and guarantee access to compensation to victims of THB, and in particular:
    - review the criminal and civil procedures regarding compensation from perpetrators with a view to improving their effectiveness;
    - enable victims to exercise their right to compensation, by informing them, in a language they can understand, of the right to compensation and the procedures to be followed, and building the capacity of legal practitioners to support victims to claim compensation;
    - include victim compensation in training programmes for law enforcement officials, prosecutors and judges;
    - enable victims of trafficking who have left Italy to benefit from the possibility of claiming compensation;
    - set up a State compensation scheme effectively accessible to victims of THB, regardless of their nationality and immigration status, and review the maximum amount of 1 500 euros of compensation paid by the State in order to ensure that it corresponds to the actual harm suffered by victims;
    - make full use of the existing legislation on the freezing and forfeiture of assets to secure compensation to victims of trafficking;
  - ensure that the return of victims of THB is conducted with due regard to their rights, safety and dignity, including the right to non-refoulement (Article 40(4) of the Convention), and in the case of children, by fully respecting the principle of the best interests of the child;
  - ensure compliance with Article 26 of the Convention through the adoption of a provision on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, and/or by developing relevant guidance;
  - take measures to ensure that THB offences are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions;
  - review the Code of Conduct for NGOs undertaking activities on migrants' rescue operations at sea with a view to enabling the identification of victims of THB amongst migrants and refugees at sea and in ports.
3. Requests the Government of Italy to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **5 April 2020**.
4. Recommends that the Government of Italy take measures to implement the further conclusions of GRETA's second evaluation report.

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5. Invites the Government of Italy to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.