



EVALUATION REPORT

ITALY

Third evaluation round

Access to justice
and effective remedies
for victims of trafficking
in human beings

GRETA

Group of Experts
on Action against
Trafficking
in Human Beings

GRETA(2024)03
Published on 23 February 2024



Secretariat of the Council of Europe Convention
on Action against Trafficking in Human Beings
(GRETA and Committee of the Parties)
Council of Europe
F-67075 Strasbourg Cedex
France

trafficking@coe.int

www.coe.int/en/web/anti-human-trafficking

Table of contents

Preamble	4
Executive summary	5
I. Introduction	7
II. Overview of the current situation and trends in the area of trafficking in human beings in Italy	9
III. Developments in the legal, institutional and policy framework for action against human trafficking	10
IV. Access to justice and effective remedies for victims of human trafficking	12
1. Introduction	12
2. Right to information (Articles 12 and 15)	14
3. Legal assistance and free legal aid (Article 15)	16
4. Psychological assistance (Article 12)	18
5. Access to work, vocational training and education (Article 12)	19
6. Compensation (Article 15)	21
7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)	24
8. Non-punishment provision (Article 26)	29
9. Protection of victims and witnesses (Articles 28 and 30)	31
10. Specialised authorities and co-ordinating bodies (Article 29)	33
11. International co-operation (Article 32)	34
12. Cross-cutting issues	36
a. gender-sensitive criminal, civil, labour and administrative proceedings.....	36
b. child-sensitive procedures for obtaining access to justice and remedies.....	37
c. role of businesses.....	38
d. measures to prevent and detect corruption.....	39
V. Follow-up topics specific to Italy	40
1. Measures to prevent and combat trafficking for the purpose of labour exploitation ..	40
2. Measures to discourage demand	46
3. Border measures	47
4. Identification of victims of trafficking	48
5. Assistance to victims	53
6. Prevention of child trafficking and identification of, and assistance to, child victims of trafficking	56
7. Recovery and reflection period	58
8. Residence permits	59
Appendix 1 - List of GRETA's conclusions and proposals for action	61
Appendix 2 - List of public bodies, intergovernmental organisations, non-governmental organisations and civil society actors with which GRETA held consultations	69
Government's comments	71

Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) was established pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions of the Convention on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings, the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims’ access to justice and effective remedies, which is essential for victims’ rehabilitation and reinstatement of rights, and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, access to translation and interpretation, when appropriate, regularisation of the victim’s stay, the right to seek and enjoy asylum, and full respect for the principle of *non-refoulement*. These preconditions, corresponding to various provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA’s previous recommendations on selected topics through a separate country-specific part of the questionnaire. GRETA’s findings and analysis of these topics are presented in a separate chapter.

Executive summary

Since the second round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Italy has adopted its second National Action Plan against trafficking and serious exploitation of human beings (2022-2025), which refers to previous GRETA recommendations. In addition, a National Plan to combat labour exploitation and illegal recruitment in agriculture was adopted in February 2020, and a National Plan for the prevention and fight against sexual abuse and exploitation of minors in May 2022. The Italian legislative and institutional framework for action against human trafficking have remained unchanged. However, several legal acts and regulations related to immigration adopted since 2020 have an impact on the fight against trafficking and the protection of victims.

Italy remains a country of destination and transit for victims of human trafficking. Since 2018, between 2,100 and 3,800 persons per year have been detected as possible victims of trafficking. While most of them were women, the number of men and transgender victims has increased. Sexual exploitation remains predominant, but the number of victims of labour exploitation is growing. High-risk sectors include agriculture, textile, domestic service, construction, hospitality and restaurants.

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

Victims of trafficking are informed of their rights mainly by specialised anti-trafficking organisations to whom they are referred by territorial commissions for international protection, law enforcement agencies or the national anti-trafficking helpline. GRETA considers that the Italian authorities should take additional measures to ensure that victims of human trafficking are given information on their rights in a proactive manner, and in a language they understand, as soon as they come into contact with a competent authority.

Legal assistance to victims of trafficking is mainly provided by specialised anti-trafficking organisations running assistance projects. Access to free legal aid is means tested and foreign victims are obliged to prove not only the income received in Italy, but also in their countries of origin, which is often extremely difficult. GRETA calls on the Italian authorities to ensure that access to free legal aid does not depend on proof of lack of financial means or the residence status of the victim, as well as to secure sufficient funding for the provision of legal assistance and free legal aid.

Even if compensation is granted by courts to victims participating as a civil party in criminal proceedings, it can take several years before the final decision. The payment of the awarded compensation is made impossible by the lack of assets or property of the perpetrators in Italy and international cooperation mechanisms are rarely used to identify and seized perpetrator's assets abroad. GRETA urges the authorities to ensure that victims can obtain a decision on compensation as part of the criminal proceedings, within a reasonable time. It also calls on the Italian authorities to make the state compensation scheme effectively accessible to victims of trafficking and to review its maximum amount of 1,500 euros.

There has been a decrease in the number of investigations, prosecutions and convictions for human trafficking. Cases of trafficking are often qualified as other offences, such as illicit brokering and labour exploitation (*caporalato*), exploitation of prostitution or facilitation of irregular migration. GRETA is concerned that prosecutors and judges apply a narrow definition of human trafficking, linking it to the existence of a transnational element, the involvement of a criminal organisation, and the absence of the victim's consent. The excessive length of judicial proceedings, in particular the investigation phase, is also an issue of concern. GRETA urges the Italian authorities to ensure that human trafficking offences are prosecuted as such every time the circumstances of a case allow this, and to further develop the training of investigators, prosecutors and judges concerning the offence of trafficking in human beings.

There continue to be reports of presumed victims of trafficking being prosecuted for, and convicted of, unlawful activities committed while they were being trafficked, such as drug traffic, possession of a false identity document or irregular entry. Consequently, GRETA urges the authorities to adopt a specific legal provision on the non-punishment of victims of trafficking and to provide guidance and training to professionals on its application.

The report also examines progress made in implementing previous GRETA recommendations on selected topics. Italy has taken measures to prevent and combat trafficking for the purpose of labour exploitation, such as the adoption of guidelines on the identification, protection and assistance to victims of labour exploitation in agriculture. Efforts have also been made to develop a multi-agency approach to labour inspections, with the involvement of cultural mediators and specialised NGOs. While welcoming the measures adopted by the Italian authorities to combat the risks of labour exploitation, GRETA notes that there has been a steady increase in the number of victims of trafficking or labour exploitation in recent years. The phenomenon continues to be deeply rooted in some sectors which are highly dependent on migrant labour. GRETA urges the authorities to ensure that sufficient resources are made available to labour inspectors, strengthen the monitoring of at-risk sectors, and guarantee that the living and working conditions of migrant workers, including in the agriculture sector, meet all the requirements laid down in the legislation with a view to preventing abuses.

Efforts have been made to improve the detection of victims of trafficking among asylum seekers, notably by the territorial commissions for the recognition of international protection. However, GRETA is concerned that the restrictive immigration measures adopted by Italy foster a climate of criminalisation of migrants, resulting in many potential victims of trafficking not reporting their cases to the authorities for fear of detention and deportation. While recognising the challenges faced in the context of the significant arrivals of migrants in Italy, GRETA urges the authorities to introduce into practice the National Referral Mechanism, and to strengthen the proactive identification of victims of trafficking, including in reception facilities and detention centres for migrants, and amongst Italian and EU nationals.

Moreover, GRETA urges the Italian authorities to suspend the application of the Memorandum of Understanding between Italy and Libya, which results in an increasing number of migrants rescued or intercepted in the Mediterranean Sea being returned to Libya where they face risks of serious human rights violations, including slavery, forced labour and sexual exploitation.

GRETA welcomes the increase in the funding made available for victim assistance and the availability of more places for victims of trafficking, including for men and transgender persons. However, the project-based approach to victim assistance has limitations and therefore a more sustainable way of funding should be ensured. GRETA also urges the authorities to ensure victims' access to health care, including reproductive rights.

Furthermore, GRETA welcomes the steps taken to register unaccompanied foreign children and appoint guardians to them, as well as the adoption of Standard Operating Procedures for the identification of child victims of trafficking and exploitation. However, GRETA considers that the Italian authorities should raise public awareness about the different manifestations of child trafficking, and ensure that sensitisation programmes on trafficking, including on online safety, are put in place in schools.

Finally, GRETA urges the authorities to enshrine in law the recovery and reflection period provided for in Article 13 of the Convention, and to ensure that it is systematically offered to all possible foreign victims of trafficking irrespectively of their cooperation with the authorities.

I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) entered into force for Italy on 1 March 2011. GRETA’s first evaluation report¹ on Italy was published on 22 September 2014, and the second evaluation report² on 25 January 2019. In addition, an urgent procedure report on Italy was published on 30 January 2017 regarding forced returns of possible victims of trafficking and other difficulties encountered in the context of increased migration movements.³

2. On the basis of GRETA’s second report, on 5 April 2019 the Committee of the Parties to the Convention adopted a recommendation to the Italian authorities, requesting them to inform the Committee within a one-year period of measures taken to comply with the recommendation. The report submitted by the Italy authorities was considered at the 26th meeting of the Committee of the Parties (12 June 2020) and was made public.⁴

3. On 29 April 2022, GRETA launched the third round of evaluation of the Convention in respect of Italy by sending the questionnaire for this round to the Italian authorities. The deadline for submitting the reply to the questionnaire was 5 September 2022 and the authorities’ reply was received on 5 October 2022.

4. In preparation of the present report, GRETA used the reply to the third-round questionnaire by the Italian authorities,⁵ the above-mentioned report to the Committee of the Parties and information received from civil society. Further, an evaluation visit to Italy took place from 13 to 17 February 2023 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Ms Helga Gayer, President of GRETA;
- Mr Peter Van Hauwermeiren, member of GRETA;
- Ms Petya Nestorova, Executive Secretary of the Convention;
- Ms Parvine Ghadami, Administrator in the Secretariat of the Convention.

5. During the visit, the GRETA delegation held consultations with officials of the Department for Equal Opportunities of the Presidency of the Council of Ministers, the Ministry of the Interior (including the National Commission for International Protection), the Ministry of Justice, the Ministry of Labour and Social Policies, the Ministry of Agriculture, Food Sovereignty and Forestry, the Ministry of Foreign Affairs and International Co-operation, and the Ministry of Health. Furthermore, it held meetings with the State Police, the *Carabinieri* Corps, the Financial Police, the Coast Guard, the Court of Cassation, the High Council for the Judiciary, the National Anti-Mafia Directorate, the National School for the Judiciary, the National Labour Inspectorate, the National Anti-trafficking Helpline (*Numero Verde*), the National Institute for Statistics, the Territorial Commission for the recognition of the right to asylum of Rome, and the National Council of Lawyers. GRETA’s delegation held separate meetings with members of the Chamber of Deputies and the Senate.

6. Further, meetings were held with Mr Mauro Palma, President of the National Guarantor of the Rights of Persons Deprived of Liberty, and staff of the Supervisory Authority for Children and Adolescents.

7. In addition to holding meetings in Rome, the GRETA delegation travelled to Turin (Piedmont) and Foggia (Puglia) where it met regional and local officials, public prosecutors, law enforcement officers,

1 <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631cc1>

2 <https://rm.coe.int/greta-2018-28-fgr-ita/168091f627>

3 <http://rm.coe.int/doc/09000016806edf35>

4 <https://rm.coe.int/cp-2020-04-italy/16809eb4d5>

5 <https://rm.coe.int/reply-from-italy-to-greta-questionnaire-3rd-round-/1680a9c5c2>

labour inspectors, social security inspectors, members of territorial commissions on the recognition of the right to asylum, and civil society representatives.

8. Separate meetings were held with non-governmental organisations (NGOs), trade unions and lawyers representing victims of human trafficking.

9. GRETA's delegation also met representatives of the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR).

10. The visit provided an opportunity to visit several shelters and semi-independent accommodation for victims of human trafficking, run by NGOs in Rome and Turin, and to meet victims of trafficking. In addition, the GRETA delegation went to the informal settlement of Borgo Mezzanone (Puglia) where it witnessed the living conditions of thousands of migrants, in particular agricultural workers.

11. The list of the national authorities, international organisations, NGOs and other organisations with which the delegation held consultations is set out in Appendix 2 to this report. GRETA is grateful for the information provided by them.

12. GRETA wishes to place on record the co-operation provided by the Italian authorities and in particular by the contact person appointed by them to liaise with GRETA, Mr Stefano Pizicanella, Director General for equal opportunities policies at the Department of Equal Opportunities of the Presidency of the Council of Ministers, as well as Ms Federica Messina and Mr Francesco Squeglia of the Department of Equal Opportunities.

13. The draft version of the present report was approved by GRETA at its 48th meeting (26-30 June 2023) and was submitted to the Italian authorities for comments. The authorities' comments were received on 12 October 2023 and were taken into account by GRETA when adopting the final report at its 49th meeting (13-17 November 2023). The report covers the situation up to 17 November 2023; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 1.

II. Overview of the current situation and trends in the area of trafficking in human beings in Italy

14. Italy remains a country of destination for victims of trafficking in human beings (THB), as well as of transit to other European destinations. According to data collected by the Observatory of anti-trafficking interventions (SIRIT database, *Sistema Informatizzato di Raccolta Informazioni sulla Tratta*) and the National Anti-trafficking Helpline (*Numero Verde*), the number of possible victims of THB increased in 2018-2019, but there was a downward trend during the COVID-19 pandemic. Available data refers to the number of persons detected and evaluated as possible victims of THB: 3,555 in 2018, 3,799 in 2019, 2,166 in 2020, 2,392 in 2021, and 2,422 in 2022. A large number were detected during the asylum procedure (see paragraph 228). Some 10% of the detected possible victims were assessed not to be victims of THB, 35% joined assistance projects, 47% were not interested or refused to join assistance projects,⁶ and the remaining 9% could not be evaluated or remain under evaluation. The number of newly assisted victims by the anti-trafficking projects was 954 in 2018, 724 in 2020, 718 in 2021, and 808 in 2022.

15. The majority of the detected possible victims were female (some 80%), but the number of male and transgender victims has increased over the years. There is a growing number of women who are pregnant or with young children. The number of identified child victims is decreasing (3.4% of victims in 2021 compared to 12% in 2018).

16. Sexual exploitation remains the predominant purpose of exploitation of detected victims (84% in 2018, decreasing to 59% in 2022), followed by labour exploitation (10% in 2018, increasing to 38% in 2022). Forced begging, domestic servitude, forced marriage and forced criminality account each for 1 to 2% of the victims. The number of victims of THB for sexual exploitation has been decreasing, as a consequence of the COVID-19 pandemic which moved prostitution indoor and made it more difficult to identify victims. Labour exploitation concerns a growing number of persons each year.⁷ High risk sectors include agriculture, textile, domestic service, construction, hospitality, and restaurants.

17. There have been presumed victims from 101 different nationalities. The main country of origin of victims remains Nigeria (68,4%), followed by Ivory Coast (3.5%), Pakistan (3%), Bangladesh (2.9%) and Morocco (2.2.%). There are only a few victims identified among Italian nationals (8 in 2019 and 3 in 2021), exploited within Italy.

18. According to the National Anti-Trafficking Helpline, it is estimated that there are some 15,000 to 20,000 persons at risk of THB⁸ in Italy, and therefore there is a significant gap between the above-mentioned figures of detected victims, and the real scale of the phenomenon of human trafficking in Italy. This is due to difficulties in the detection and identification of victims, and insufficient attention to trafficking for purposes other than sexual exploitation, as well as a low self-reporting rate by victims who fear being punished or deported. The authorities acknowledge that mixed migration flows make it difficult to distinguish between irregular migrants and those who are trafficked and/or in need of international protection. A significant number of asylum seekers and migrants continue to arrive in Italy by sea routes through Libya, but also through Tunisia, Algeria and Türkiye.⁹ These movements generate heightened risks of trafficking or re-trafficking in Italy. At the same time, an increasing number of victims of THB are

⁶ According to the authorities, there are multiple reasons as to why victims refuse to join the anti-trafficking projects, such as unwillingness to be accommodated in protected shelters where freedom of movement is limited for security reasons, the wish to remain in their ethnic community, etc.

⁷ Labour exploitation concerned 10% of possible victims in 2018, 17% in 2019, 22,5 % in 2020, 31,6% in 2021, and 37,8% in 2022.

⁸ According to the Anti-Trafficking System Glossary, persons at risk is "a category of people potentially exposed to conditions of exclusion and/or hardship. Social vulnerabilities, which are also linked to the implementation of the migration project, to a state of need, isolation and violation of human rights, increase the risk of being subjected to situations of trafficking and/or serious exploitation".

⁹ According to UNHCR, between January and December 2022, 105,131 refugees and migrants reached Italy by sea and 84,033 asylum applications were registered.

returned to Italy from other EU countries under the Dublin Regulation. GRETA was informed of a project proposal by the National Institute of Statistics (ISTAT) to estimate the number of trafficking victims using the Multiple Systems Estimation technique. However, this requires access to information from the register of convictions and ISTAT is currently working on finalising an agreement with the Ministry of the Interior aimed at exchanging data in an anonymised form.

III. Developments in the legal, institutional and policy framework for action against human trafficking

19. The legislative framework for action against THB in Italy continues to be provided by Legislative Decree No. 24 of 4 March 2014 implementing Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, Law No. 199 of 29 October 2016 which amended Article 603 bis of the CC ("illegal brokering and labour exploitation", known as "*caporalato*" in Italian), Law No. 47 of 7 April 2017 concerning the protection of third-country unaccompanied children ("Zampa Law"), and the Consolidated Immigration Law No. 286/1998.¹⁰

20. Several legal acts and regulations related to immigration which are relevant to the fight against trafficking and the protection of victims were adopted during the reporting period and are discussed later in the report. Legislative Decree No. 130 of 21 October 2020 on "Urgent provisions on Immigration and International and Complementary Protection" introduced a residence permit for special protection, replacing the residence permit for humanitarian reasons abolished in 2018 (see paragraph 280). The Decree of the President of the Italian Republic No. 191 of 4 October 2022 modified the rules in relation to residence permits for unaccompanied children (see paragraph 275). Further, Legislative Decree No. 1 of 24 February 2023 on "Urgent provisions for the management of migration flows" introduced a new compulsory code of conduct for search-and-rescue operations at sea (see paragraph 231). The Decree of the Ministry of Foreign Affairs of 17 March 2023 introduced an updated list of safe countries of origin for applicants for international protection which includes new countries subject to the accelerated procedure, such as Nigeria and Ivory Coast (see paragraph 229). Legislative Decree No. 20 of 20 March 2023, converted into law in May 2023, restricted access to residence permits for special protection and introduced new grounds to detain asylum seekers (see paragraph 280).

21. Furthermore, on 11 April 2023 the Council of Ministers declared a six-month state of emergency due to the sharp increase in migrants arriving by sea¹¹. It provides for the allocation of more than five million Euros to regions which agree to delegate their competences to the government with a view to creating new structures under the authority of the Ministry of the Interior for the accommodation of such migrants and processing of asylum applications. The government appointed an extraordinary Commissioner in charge of managing the emergency in regions which have signed the agreement.¹² Further, the Decree of the Minister of the Interior of 14 September 2023 obliges asylum seekers who have lodged an appeal against the rejection of their application for international protection to pay a deposit of 5,000 Euros to avoid being transferred to a detention centre for foreigners while their appeal is examined (see paragraph 236). Moreover, on 5 October 2023, a Decree of the President of the Council introduced the possibility to accommodate asylum-seeking children together with adults as well as stricter rules on age assessment (see paragraphs 261 and 259).

22. On 6 November 2023, Italy signed a Memorandum of Understanding with Albania concerning the disembarkation and processing of asylum applications in Albania of migrants who have been rescued at sea by the Italian authorities. It provides for the setting up of one reception centre and one detention centre for such migrants in Albania, operating under Italian jurisdiction. There are concerns regarding the

¹⁰ See 2nd GRETA report on Italy, paragraphs 21-23.

¹¹ The state of emergency was extended on 5 October 2023 for a further six months.

¹² Piedmont, Liguria, Lombardy, Veneto, Friuli Venezia Giulia, Umbria, Marche, Lazio, Abruzzo, Molise, Basilicata, Calabria, Sardinia, Sicily and the Autonomous Provinces of Trento and Bolzano. Four regions did not sign the agreement: Emilia Romagna, Tuscany, Campania and Puglia.

impact of this new agreement on the detection and protection of vulnerable persons among those rescued at sea,¹³ including possible victims of trafficking.

23. The Italian institutional framework for action against THB has remained unchanged.¹⁴ The Steering Committee (*Cabina di regia*), led by the Department of Equal Opportunities of the Presidency of the Council of Ministers, serves as the national inter-institutional forum for the planning, implementation and financing of measures to combat human trafficking under the National Action Plan. It is chaired by the Undersecretary of State in charge of gender equality and is composed of representatives of relevant ministries, public agencies, regional and local authorities. A Technical Committee, composed of representatives at the expert level, assists and advises the Steering Committee. NGOs and trade unions are invited to attend both the Steering Committee and the Technical Committee's meetings in a consulting role. The Department for Equal Opportunities of the Presidency of the Council of Ministers continues to act as both National Coordinator and mechanism equivalent to a National Rapporteur on trafficking in human beings. **Reiterating that Article 29 of the Convention makes a clear distinction between national co-ordination and National Rapporteur, GRETA considers that the Italian authorities should designate as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions and making recommendations to persons and institutions concerned.**¹⁵

24. Assistance to victims of THB continues to be provided under the "Single Programme for the detection, assistance and social integration of victims of trafficking and exploitation" which was introduced by the Decree of the President of the Council of Ministers of 16 May 2016.¹⁶ It is implemented through projects funded by the Department of Equal Opportunities (currently 21, one in each Italian region except for Sicily where there are three projects) which take the form of public-private partnerships involving local authorities and NGOs. These projects form Italy's national anti-trafficking network system. The budget dedicated to the current projects, which runs over 17 months (October 2022 - February 2024), amounts to 27.2 million Euros, compared to 27 million Euros in 2017-2019, and will be increased by 7 million Euros from 2024 onwards. **GRETA welcomes the increase in the budget provided to the Single Programme.**

25. Assistance to victims of THB who are unaccompanied children is provided under the aforementioned Law No. 47/2017 which provides for specific long-term programmes that can continue after children reach the age of majority. It is implemented under the Fund for the Reception of Unaccompanied Foreign Minors which was allocated around 138 million Euros for 2022, 118 Euros for 2023 and 168 million Euros for 2024.

26. The second National Action Plan (NAP) against trafficking and serious exploitation of human beings for the period 2022-2025 was adopted by the Council of Ministers on 19 October 2022, some four years after the expiration of the first plan (2016-2018).¹⁷ The authorities explained this delay by the need to conduct extensive consultations with all actors concerned, including social partners, NGOs and international organisations. The NAP refers to previous GRETA recommendations and contains actions in the areas of prevention, prosecution, protection and partnership, which are referred to throughout the report. The NAP has several appendices, including on the National Referral Mechanism (NRM), guidelines for the establishment of a mechanism for the rapid identification of victims of trafficking and severe exploitation, standard operating procedures (SOPs) for the identification of child victims, and guidelines for the identification of victims among applicants for international protection. While welcoming the adoption of the new NAP, GRETA stresses the importance of ensuring that there is continuity between action plans. It also notes that there are no indicators for assessing the implementation of the different

¹³ See for instance, a press release from the Council of Europe Commissioner for Human Rights: <https://www.coe.int/pt/web/commissioner/-/italy-albania-agreement-adds-to-worrying-european-trend-towards-externalising-asylum-procedures>

¹⁴ See 2nd GRETA report on Italy, paragraph 30.

¹⁵ See 2nd GRETA report on Italy, paragraph 34.

¹⁶ See 2nd GRETA report on Italy, paragraph 24.

¹⁷ <http://osservatoriointerventitratte.it/wp-content/uploads/2022/12/Piano-anti-tratta-2022-2025.pdf> (in Italian)

actions in the NAP and that some of the actions are formulated more like objectives than concrete measures. According to the authorities, the budget for the implementation of the NAP is 2 million Euros for 2023 and 7 million Euros annually from 2024 onwards.

27. The monitoring of the NAP is conducted at the national level by the Steering Committee and the Technical Committee mentioned in paragraph 23. At the regional level, the implementation of relevant actions is supposed to be coordinated by inter-institutional roundtables composed of public institutions and civil society organisations, but at the time of GRETA's visit, these roundtables were not yet operational. No independent evaluation is envisaged at the end of the implementation of the NAP. **GRETA considers that the Italian authorities should introduce an independent evaluation of the implementation of National Action Plan against THB, as a tool for assessing the impact of the activities and planning future policies and measures to combat THB.**

28. In addition, a National Plan to combat labour exploitation and illegal recruitment in agriculture was adopted on 20 February 2020 for a duration of three years. The monitoring of the implementation of this Plan is conducted by a committee (*Tavolo Caporolato*) composed of public bodies, NGOs, trade unions and representatives of workers, and is coordinated by the Ministry of Labour and Social Policies. About 153.5 million Euros have been allocated to the implementation of this Plan, including 142.3 Euros from European Funds (AMIF) and 11.2 million Euros from national funds. In the framework of the Plan, "Guidelines on the identification, protection and assistance to victims of labour exploitation in agriculture" were drafted by a working group and adopted on 7 October 2021. These guidelines are also included in an appendix to the second NAP against trafficking and serious exploitation of human beings.

29. Further, a National Plan for the prevention and fight against sexual abuse and exploitation of minors (2022-2023) was adopted on 5 May 2022 by the "Observatory for combating paedophilia and child pornography". It contains actions relevant to child victims of trafficking (see paragraph 166).¹⁸

IV. Access to justice and effective remedies for victims of human trafficking

1. Introduction

30. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right to access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

31. The right to effective remedies is a reflection of the human rights-based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of THB, and effectively investigate trafficking offences.¹⁹

¹⁸ <https://famiglia.governo.it/media/2847/piano-nazionale-di-prevenzione-e-contrasto-dellabuso-e-dello-sfruttamento-sessuale-dei-minori.pdf> (in Italian)

¹⁹ *Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgment 30 March 2017.

32. According to the Basic Principles on the Right to an Effective Remedy for Victims of Trafficking in Persons,²⁰ the right to an effective remedy is considered to include restitution,²¹ compensation,²² rehabilitation,²³ satisfaction²⁴ and guarantees of non-repetition.²⁵ All victims of trafficking require access to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in the victims' recovery, as well as social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, and the 2023 Council of Europe Committee of Ministers Recommendation on rights, services and support for victims of crime, which outline the main steps to be taken to improve access to justice, and fair treatment, restitution, compensation and social assistance for victims of crime.²⁶

33. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to these entitlements. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26), according to which victims of human trafficking must not be subjected to penalties for their involvement in unlawful activities that they have been compelled to commit. Further, the Convention requires State Parties to enable the seizure and confiscation of the assets of traffickers, which could be used to fund State compensation schemes for victims.

34. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children. The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.²⁷

²⁰ UN General Assembly, Basic principles on the right to an effective remedy for victims of trafficking in persons, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, 28 July 2014, A/69/33797.

²¹ Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identity and travel documents and other personal belongings.

²² Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, child care or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

²³ Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

²⁴ Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims of their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

²⁵ Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

²⁶ United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm; Recommendation CM/Rec(2023)2 of the Committee of Ministers to Member States on rights, services and support for victims of crime of 15 March 2023 and its Explanatory Memorandum, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680aa8263

²⁷ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 7-8. Available at: http://icat.network/sites/default/files/publications/documents/Ebook%20ENG_0.pdf

35. Civil society, including NGOs, trade unions, diaspora organisations and employer organisations, plays a vital role in enabling victims of THB to claim compensation and other remedies.²⁸ In this context, reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons²⁹ and Justice at Last - European Action for Compensation of Victims of Crime,³⁰ which aim to enhance access to compensation for trafficked persons.

36. The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights.³¹ The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate victims' access to remedies for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.³² States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

37. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

2. Right to information (Articles 12 and 15)

38. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to address their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

39. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.³³

40. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.³⁴

²⁸ OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pp. 48-53.

²⁹ <http://www.compactproject.org/>

³⁰ <http://lastradainternational.org/about-lsi/projects/justice-at-last>

³¹ United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

³² UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 8-9.

³³ See Explanatory Report on the Convention, paragraphs 160-162.

³⁴ See 8th General Report on GRETA's activities, paragraphs 168-169.

41. In Italy, pursuant to Article 90bis of the Code of Criminal Procedure (CCP),³⁵ victims of crime must receive information on their rights and the relevant procedures, in a language they understand, from their first contact with the competent authorities. This information should cover, *inter alia*, how to file a report or a complaint about criminal offences, the right to be informed of the criminal proceedings and join them as a civil party, the right to legal assistance and free legal aid, the right to interpretation and translation, the possibility to have protection measures applied, the right to request compensation for damages caused by the offence, and the right to access health care and assistance services for victims of crime. However, victims of THB met by GRETA during the visit did not recall having received information on their rights by law enforcement authorities upon their detection. There is no written material given by law enforcement authorities to victims upon their detection.

42. Guidance on the provision of information to victims of trafficking is contained in the “Guidelines for the definition of a mechanism for rapid identification of victims of trafficking and serious exploitation” and the National Referral Mechanism which is attached to the second National Action Plan (see paragraph 219). Nevertheless, the NRM remains not being used in practice by the competent authorities. GRETA was not informed of any training on the provision of information to victims.

43. In practice, presumed and identified victims of THB are informed of their rights mainly by specialised anti-trafficking organisations implementing projects for the assistance of victims as part of the Single Programme (see paragraph 24). Presumed victims are usually rapidly referred to such organisations by territorial commissions for international protection, law enforcement agencies or the national anti-trafficking helpline. Specialised organisations have produced materials on victims’ rights, available in several languages, and provided them with legal consultants and access to lawyers who can assist victims in judicial and administrative proceedings (see paragraph 52).

44. The National Anti-Trafficking Helpline (*Numero Verde*) provides information on victims’ rights and operates a website.³⁶ The number of calls received was 3,715 in 2019, 5,495 in 2020, 3,118 in 2021 and 3,469 in 2022; some 34% of the calls were related to situations of trafficking in human beings or serious exploitation. A brochure with information on the helpline is available in a range of languages.³⁷ Further, in the southern regions of Italy, an inter-institutional helpdesk has been established for victims of labour exploitation providing information in a range of languages through a dedicated website and a toll-free number (see paragraph 195).

45. Victims have the right to an interpreter and a translator in criminal proceedings, pursuant to Article 143bis of the CPP. This right is available from the stage of filing a complaint. The appointment of an interpreter is made by the competent authority from a register of qualified interpreters and translators. Interpretation may also be provided through communication technologies. Victims met by GRETA confirmed that they were assisted by interpreters during their interview with law enforcement authorities.

46. However, there are concerns regarding the insufficient number of qualified interpreters in certain languages and dialects from African countries, as well as the lack of sensitisation of interpreters to the situation of victims of trafficking or persons in a vulnerable situation. According to NGOs met by GRETA, interpreters working with the territorial commissions for international protection (which detect an important proportion of presumed victims of THB) are not sensitised to the specificities of THB. It is noteworthy that the NAP for 2022-2025 envisages training and recruitment of interpreters.

47. Over the years, Italy has developed the use of cultural mediators for facilitating the communication between the growing migrant population and public service providers (see also paragraphs 190, 222 and

³⁵ Article 90-bis in the CCP entitled “information to the victim” was introduced by Legislative Decree No. 212 of 15 December 2015 implementing Directive 2012/29/EU on the minimum standards on the rights, support and protection of victims of crime.

³⁶ [Osservatorio Interventi Tratta – Non c'è luogo della terra in cui gli schiavi non continuano a lavorare e sudare, costruire e soffrire.](https://osservatoriointerventitratta.it/brochure/) – Kevin Bales

³⁷ Italian, Albanese, Arabic, Bangladeshi, Bulgarian, Chinese, French, English, Portuguese, Romanian, Russian, Serbo-Croatian, Spanish, Ukrainian, and Urdu.

Available at: <https://osservatoriointerventitratta.it/brochure/>

230). There are different types of cultural mediators, e.g. working with territorial commissions for international protection, labour inspectors, NGOs, etc. There is no specific regulation or certification of cultural mediators, nor an official register. According to interlocutors met, the quality of cultural mediators varies a lot across the country, and cultural mediators are not always sensitised to human trafficking. In 2022, immigration offices were left without cultural mediators, due to the expiry of the agreements with the main providers, CIES Onlus and IOM.³⁸

48. Reference was made in the second GRETA report to the project ADITUS, implemented from January 2017 to December 2019 by IOM, which provided mobile teams of trained cultural mediators in five hotspots in Sicily and Puglia.³⁹ GRETA was informed that, in this framework, more than 9,000 potential victims of trafficking and exploitation received information and 495 were referred to relevant entities for the provision of support. The NAP for 2022-2025 envisages to continue deploying cultural mediators at land and sea crossings and airports, as well as during labour inspections. It also provides for the presence of cultural mediators specialised in trafficking and serious exploitation in public employment services.

49. **GRETA considers that the Italian authorities should take additional measures to ensure that presumed and identified victims of human trafficking are given information on their rights in a proactive manner, as soon as they come into contact with a competent authority. The information should take into account the victim's age, maturity, intellectual and emotional capacity, literacy and any mental, physical or other disability which may affect the ability to understand. The information should be provided irrespective of the victim's capacity or willingness to co-operate in the criminal proceedings and cover the right to a recovery and reflection period, the services and assistance measures available, the state compensation procedure and other relevant civil and administrative remedies and procedures. These measures should include:**

- **developing a document with information on the rights of victims of THB and how to access them, which is available in a range of languages and is provided to presumed victims upon their first contact with competent authorities;**
- **ensuring that all victims of trafficking who are not fluent in Italian are assisted during interviews with law enforcement authorities and hearings in court by qualified interpreters, and sensitise the latter to the issue of human trafficking;**
- **sensitising cultural mediators to THB and the rights of victims of human trafficking.**

3. Legal assistance and free legal aid (Article 15)

50. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedure is often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6, paragraph 3.c of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law⁴⁰ also recognises, in certain circumstances, the right to free legal assistance in a civil matter on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in a civil matter, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

³⁸ <https://www.infomigrants.net/en/post/41931/cultural-mediators-halt-work-in-italy-due-to-expired-accords>

³⁹ See 2nd GRETA report on Italy, paragraph 148.

⁴⁰ *Airey v. Ireland*, no. 6289/73, 9 October 1979.

51. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.⁴¹

52. In Italy, legal assistance to victims of trafficking is mainly provided by specialised anti-trafficking organisations running assistance projects. The Decree of the President of the Council of Ministers of 16 May 2016 setting up the Single Programme provides that each anti-trafficking project must cover the provision of legal assistance to victims who agree to participate in the assistance programme. The projects have established legal helpdesks to provide information to presumed victims and have contracted legal consultants or lawyers who can advise victims on different matters (criminal proceedings, access to residence permit, family issues, etc). Legal assistance is provided irrespective of the victim's residence status or co-operation with the authorities. According to data from the Anti-Trafficking Observatory, 1,192 victims received legal assistance as part of anti-trafficking projects in 2021-2022.

53. In some regions, partnerships are implemented with legal clinics of universities for the provision of legal assistance. During the visit, GRETA met lawyers of the Legal clinic of the University of Foggia who provide legal assistance to victims of trafficking and labour exploitation in Puglia.

54. Access to free legal aid is regulated by the Decree of the President of the Republic No. 115/2002 of 30 May 2002. It concerns any civil, criminal and administrative judicial proceedings, including proceedings for the execution of compensation orders, and covers court expenses and taxes. As a rule, victims can access free legal aid provided that their income does not exceed a determined amount (11,493.82 Euros per year for a single person). As explained in GRETA's first report, foreign victims are obliged to prove not only the income received in Italy, but also in their countries of origin, which is often extremely difficult and sometimes impossible; the possibility to be exempted from proving the income limit is authorised on a case-by-case basis.⁴² Pursuant to Article 76, paragraph 4-ter of the Decree, the income level criterium does not apply for children who are victims of human trafficking (Article 601 of the CC) and slavery (Article 600 of the CC), as well as adult victims of sexual violence, domestic violence, female genital mutilation or acts of persecution.

55. Free legal aid can be provided to victims in criminal proceedings irrespective of their residence status, but not in civil and administrative proceedings (Article 119 of Decree No. 115/2002). This may be problematic as victims of trafficking can wait for several months before being granted a residence permit (see paragraph 277), and may have to go to civil courts to obtain a decision on the amount of compensation from perpetrators. The condition of legal residence does not apply to unaccompanied children,⁴³ to proceedings against expulsion orders,⁴⁴ and appeal proceedings related to asylum applications, provided that the foreigner's income is below the limit for access to free legal aid.⁴⁵

56. Applications for free legal aid can be made at every stage of the proceedings. They must be submitted to the competent Bar Association (in case of civil proceedings) or judge (in case of criminal proceedings), with the documents justifying the identify and income of the victim (or the exclusion from that condition). Decision on free legal aid must be taken within 10 days and a copy of the final decision is transmitted to the Income Revenue Authority for verification.

57. When free legal aid is granted, the victim can choose a lawyer from a list of qualified lawyers drawn up by the Councils of Bar Associations (appellate court level). It seems that there is no specialised training organised by Bar Associations or public bodies for lawyers assisting and representing victims of trafficking. GRETA was informed that given the low amount of remuneration of lawyers by the free legal aid system,

⁴¹ See 8th General report on GRETA's activities, paragraph 167.

⁴² See 1st GRETA report on Italy, paragraph 167.

⁴³ Pursuant to Article 76, paragraph 4-quarter, Decree No. 115/2002.

⁴⁴ Pursuant to Article 13 of the Consolidated Immigration Law.

⁴⁵ Pursuant to Article 16 of Legislative Decree No. 25/2008 "Implementation of Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status".

free legal aid is usually provided by young professionals who are not necessarily experienced in trafficking cases, nor equipped to deal with such complex cases.

58. The number of victims of trafficking benefiting from free legal aid was 388 in 2018, 446 in 2019, 364 in 2020 and 321 in 2021. GRETA was informed that, in practice, victims of THB are represented by *pro bono* lawyers of the anti-trafficking projects or legal clinics. This situation is due to the complex procedure for accessing free legal aid.

59. While welcoming the efforts made as part of the Single Programme to provide legal assistance and legal aid to victims of THB, GRETA is concerned that, in practice, many victims are not assisted by lawyers during legal proceedings or depend on lawyers working *pro bono*. Little efforts appear to be made by the authorities to facilitate the provision of free legal aid by specialised lawyers, and no specific measure has been included in the NAP 2022-2025 regarding the provision of legal assistance and free legal aid to victims of trafficking. GRETA stresses that access to legal aid is essential to guarantee effective access to justice for victims of trafficking. Because of the complex nature of criminal proceedings and their vulnerability, victims have no chance of having their rights recognised in court without assistance from a lawyer.

60. **GRETA considers that the Italian authorities should take further steps to guarantee effective access to legal assistance and free legal aid for victims of trafficking, including by:**

- **ensuring that victims have access to legal assistance as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not he/she wants to co-operate with the authorities and/or make an official statement;**
- **making sure that access to free legal aid for victims of THB does not depend on proof of lack of financial means to pay for a lawyer and/or their residence status;**
- **securing sufficient fundings for the provision of legal assistance and free legal aid to victims of trafficking, including when provided by *ex officio* lawyers or NGOs' lawyers;**
- **encouraging Bar Associations to offer specialised training to lawyers assisting and representing victims of trafficking.**

4. Psychological assistance (Article 12)

61. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking deal with the trauma they have been through, and to achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic intervention due to the violence they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy, conducted by an experienced clinician.⁴⁶ In the case of trafficked children, specialist child psychologists should be employed.

62. In Italy, access to psychological assistance is mainly provided through specialised NGOs implementing anti-trafficking projects. Pursuant to the Decree on the Single programme, the provision of psychological assistance must be a component of these projects. It is available irrespective of the victim's residence status or co-operation with the authorities. In case a victim does not speak Italian, a cultural mediator can be used to facilitate communication between the psychologist and the victim. During the visit, GRETA met several victims with severe psychological trauma, including a person who had been subjected to forced labour in Libya, who were receiving psychological care. In Rome, the shelter visited

⁴⁶ See OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, p.115.

by GRETA provided psycho-social support to victims. In Turin, where GRETA met victims with young children, the anti-trafficking project had recourse to psychologists specialised in parenting support.

63. Victims can also be referred to the public health system (*Servizio Sanitario Nazionale, SSN*), including to the outpatient clinic of the National Institute for Health, Migration and Poverty (INMP) in Rome. However, GRETA was informed by the authorities and NGOs that professionals of the SSN are not equipped to assist victims of trafficking with severe trauma, and lack cultural mediators trained to participate in the provision of psychological assistance. Some training has been organised for professionals of the SSN, but it focused on victims of gender-based violence.

64. Further, there are concerns regarding insufficient access to psychological assistance for victims of trafficking who are accommodated in facilities for asylum seekers and beneficiaries of international protection. According to Legislative Decree No. 142 of 18 August 2015 relating to the reception of applicants for international protection, all asylum applicants should be promptly referred to the Reception and Integration System (*Sistema di accoglienza e integrazione, SAI*), where they have access to medical and psycho-social support, linguistic/cultural mediation, legal assistance and, in the case of sexual exploitation, anti-violence operators.⁴⁷ The authorities indicated that victims of THB identified among asylum applicants are mostly accommodated in flats rather than collective facilities. However, GRETA was informed that transfers to the SAI do not occur automatically due to the shortage of places. As a result, persons with specific needs, including identified victims of trafficking, can remain in governmental and temporary facilities throughout the entire asylum procedure, where there is limited presence of psychologists, social workers and cultural mediators and lack of training for staff on assisting victims of trafficking.

65. While welcoming the psychological support provided to victims by the anti-trafficking projects, GRETA considers that the Italian authorities should strengthen their efforts to ensure that all victims of trafficking, including those accommodated in facilities for asylum seekers and beneficiaries of international protection, are provided with psychological assistance to help them overcome the trauma and achieve a sustained recovery and social inclusion, with the assistance of trained cultural mediators when needed.

5. Access to work, vocational training and education (Article 12)

66. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, micro-businesses and social enterprises.⁴⁸ GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.⁴⁹

67. In Italy, one of the purposes of the Single Programme is to ensure social and work inclusion of victims of trafficking. Victims can be assisted by entities of the anti-trafficking projects in their search for job, vocational training and education. Victims who are asylum seekers or beneficiaries of international protection can also access social and labour inclusion projects available for these categories of people. GRETA was informed that UNHCR has co-operated with the Anti-trafficking Network of Milan to facilitate access to job inclusion opportunities of refugee women who are victims of trafficking.

68. Both the National Action Plan on trafficking and severe exploitation of human beings 2022-2025 and the Plan to combat labour exploitation and illegal recruitment in the agriculture include measures

⁴⁷ An asylum seeker can be referred to the anti-violence centres/operators if it is detected that there is need for professional support to deal with the trauma resulting from the violence suffered during the migration, or in a situation of contingent violence (violence within the couple, harassment, abuse or sexual violence, including by male residents of the reception centre).

⁴⁸ Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

⁴⁹ See 8th General report on GRETA's activities, paragraph 183.

towards the social inclusion of victims. For instance, the NAP envisages the establishment of job placement for trafficked persons using fundings from the European Social Fund, and the establishment of an inter-regional job search network to promote the mobility of trafficking victims with the involvement of public job centres. In addition, under the 2021-2027 Multiannual agenda on labour integration and social inclusion, the Ministry of Labour foresees the introduction of specific integration pathways for victims of trafficking and severe exploitation which will include job orientation and other support measures. In paragraphs 195 and 197, reference is made to specific measures taken for the work inclusion of victims of trafficking for the purpose of labour exploitation.

69. In the Piedmont region, a project financed with AMIF funds aimed at former victims of THB who are holders of international protection is dedicated to accompanying them to autonomy and work. The project had 103 beneficiaries (89 women, 13 men, 1 transgender), of whom 96 benefited from job placement support, 69 from housing support, 64 from socio-cultural support and 34 from other support.

70. However, the number of victims of trafficking assisted in accessing work or vocational training is still relatively low. According to data from the Anti-Trafficking Observatory, in 2021-2022, 498 victims of trafficking benefited from assistance in relation to access to work, and 438 victims in relation to access to education.

71. The social inclusion of victims of trafficking is undermined by significant difficulties in obtaining a residence permit authorising them to work (see paragraph 277). The Italian authorities have indicated that, pursuant to Article 5, paragraph 9-bis, of the Consolidated Immigration Law, presumed victims can work while awaiting the issuance of a residence permit. However, according to the text of this provision this possibility is limited to victims who entered Italy legally and applied for residence (*contratto di soggiorno*) within eight days of their entry, which in practice concerns very few victims. As a result, most victims are assisted by specialised NGOs in finding activities that do not require a residence permit, such as vocational training or Italian language classes. Further, victims with very young children cannot access kindergarten free of charge without a residence permit and their participation in vocational training or job search activities is not possible unless the kindergarten is paid for by an NGO. Another problem highlighted by NGOs relates to victims of THB not having bank accounts, as a result of which employers cannot pay their salaries and former victims are more vulnerable to new exploitation.

72. While welcoming the efforts made to develop programmes for assisting victims of trafficking in accessing the labour market, GRETA is concerned by the obstacles faced by victims awaiting a residence permit. According to interlocutors met during GRETA's visit, the COVID-19 pandemic exacerbated the difficulties faced by victims of trafficking in accessing work and their social inclusion.

73. GRETA considers that the Italian authorities should strengthen effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state-supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking.

74. Further, GRETA invites the Italian authorities to extend the right to work to victims of THB awaiting a residence permit.

6. Compensation (Article 15)

75. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which, when compensation is not fully available from other sources, the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

76. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as being seen as a form of punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of their failure to meet their human rights obligations.

77. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. State parties should therefore consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

78. The Italian legal framework for victims' compensation remains as described in the previous GRETA reports.⁵⁰ Victims of trafficking may file a request for compensation from the perpetrators during criminal proceedings by bringing a civil action. The request can be made until the hearing on the closing of the investigation (*udienza preliminare*). Victims can also authorise NGOs whose purpose is to protect the interests harmed by the criminal offence to act as a civil party on their behalf.⁵¹ Compensation cannot be requested by public prosecutors, nor decided by criminal courts *ex officio*.

79. Following a request for compensation, the criminal court can either decide on the amount of compensation, rule that the victim has a right to compensation without fixing the precise amount, or fix a provisional advance payment to be made to the victim. GRETA was informed by NGOs that criminal courts usually go for the third option, which has the advantage of the provisional advance payment being immediately enforceable, whereas in the other two cases, the victim has to wait for the criminal judgement to become final or go to a civil court to obtain a final judgement, both of which can take several years.

80. Compensation can be claimed before civil courts independently of the victims' participation as a civil party in criminal proceedings, but the civil proceedings would be suspended until the end of the criminal trial. Further, victims can request the payment of unpaid wages and social contributions before civil courts in the framework of a special procedure for the resolution of disputes relating to labour relationships.⁵² However, it is difficult for the victim to prove the extent of the work done and obtain recognition of the responsibility of the employer in cases where there were intermediaries (*caporali*). While

⁵⁰ See 1st GRETA report on Italy, paragraph 165 et seq.; 2nd GRETA report on Italy, paragraph 203 et seq.

⁵¹ Article 91-93 CCP.

⁵² Article 409 et seq. Code of Civil Procedure.

the recognition of the liability of those who recruited the victims is easier, it is difficult to ascertain the liability of companies which employ the victims.

81. The amount of compensation is determined following the rules of civil law. It covers both pecuniary damages (actual damage and loss for profits) and non-pecuniary damages (physical and moral), as well as the costs linked to the legal proceedings.

82. To secure and guarantee the payment of compensation, the public prosecutor or the victim acting as civil party may request the court to order a "precautionary [conservative] seizure" of the defendant's assets pursuant to Article 316 et seq. of the CCP. However, this measure is reportedly hardly ever applied in THB cases, precluding the possibility of victims being compensated as the defendants hide or dispose of their assets. During the preliminary investigation, "preventive seizure" or "seizure for confiscation" are possible at the request of the public prosecutor.⁵³ GRETA was informed that in a recent investigation the *Carabinieri* corps seized two businesses and three million Euros which can be used to secure compensation of the victims.

83. Confiscation of proceeds of crime is an obligation in case of conviction. Extended confiscation (Article 240 bis of the CC) is possible for a long list of crimes which includes criminal association or illegal brokering and labour exploitation, but not human trafficking. Confiscated assets cannot benefit the victims unless a "precautionary seizure" was ordered (see paragraph 82). Otherwise, the confiscated assets become the state's property and can be used to fund social activities and measures ("social re-use"), such as the Fund for anti-trafficking measures (see paragraph 88). The National Agency for the Administration and Destination of Property Seized and Confiscated from Organized Crime (ANBSC) manages, in collaboration with the judicial authorities, seized and confiscated assets.

84. As mentioned in paragraph 41, victims must be informed of their right to compensation and how to exercise it, from their first contact with the competent authorities. However, several of the victims met by GRETA indicated that they had not received such information. As far as GRETA could ascertain, there is no training or guidance to prosecutors and judges on compensation of victims of trafficking.

85. The Italian authorities could not provide figures on the numbers of cases in which compensation was requested and awarded to victims of trafficking by courts. There is no data on the transfer of confiscated assets to victims and anti-trafficking projects.

86. GRETA was informed of two judgments in which compensation was awarded to victims of THB. In the first one, dated 23 August 2019, the Assize Court (*Corte di Assise*) of Torino convicted two offenders of trafficking for the purpose of sexual exploitation. While the determination of the amount of compensation was referred to the civil court, the Assize Court granted 20,000 Euros of provisional advance payment to each of the three victims participating as civil parties in the criminal proceedings, as well as the reimbursement of 8,347 Euros of court costs.⁵⁴ In the second case, ruled by the Assize Court of Catania of 23 June 2020, a victim of trafficking for the purpose of sexual exploitation was granted 40,000 Euros as final compensation as well as 3,690 Euros for the reimbursement of court costs. In determining the civil liability, the Court considered the fact the victim was subjected to a voodoo ritual and experienced detention in camps in Libya.⁵⁵

87. According to interlocutors met during the visit, even if compensation is granted by courts to victims participating as a civil party in criminal proceedings, it can take several years before the final decision. In the meantime, victims lack financial means which increases the risk of re-victimisation or re-trafficking. Moreover, the payment of the awarded compensation is made impossible due to the lack of assets or property of perpetrators in Italy and international co-operation mechanisms are rarely used to identify and

⁵³ Article 321 Code of Criminal Procedure. "Preventive seizure": to avoid the aggravation, the prolongation, or facilitation of an offence. "Seizure for confiscation": to allow the future confiscation of proceeds of crime or their equivalent.

⁵⁴ Assize Court of Catania, 23 August 2019, case No. 31033/16.

⁵⁵ Assize Court of Catania, 23 June 2020, case No. 04/2020.

seized perpetrator's assets abroad. When there are perpetrator's assets, the impossibility to obtain "conservative seizure" (see paragraph 82) limits the possibility to effectively compensate the victim. Many victims are reluctant to seek compensation unless they are supported by a specialised NGOs, lawyers or trade unions.

88. As noted in the previous GRETA reports, there is no scheme for the compensation by the State of victims of violent crime in Italy.⁵⁶ Victims of trafficking can receive compensation from the Fund for anti-trafficking measures which is intended to finance support and social integration programmes for victims of THB. This compensation is limited to 1,500 Euros per victim. The request for compensation has to be submitted within five years of a judgment recognising the right to compensation. When introducing the request, the victim needs to prove that he/she has not received compensation from the offender. If the perpetrator of the crime is unknown, the victim can make the request within one year of the order for closing the relevant criminal procedure. Given the restrictive access conditions, few victims of trafficking have ever made a request to the Fund, and none have received it.

89. Further, victims of illicit brokering and labour exploitation (*caporalato*, Article 603bis of the CC can access the Rotation Fund for Solidarity with victims of mafia-type crimes, extortion demands, usury and violent crimes" The maximum amount granted is 15,000 Euros and it can only cover medical and welfare expenses incurred by victims. Victims of trafficking are excluded from this Fund, unless perpetrators are convicted for both the crime of human trafficking and *caporalato*.

90. GRETA is concerned that there remain important gaps in relation to the compensation of victims of trafficking in Italy, both from the perpetrators and the State. No measures have been included in the NAP 2022-2025 to address this issue.

91. GRETA refers to a judgment of the European Court of Justice of 6 July 2020 regarding Italy which ruled that Directive 2004/80 on compensation of crime victims must be interpreted as meaning that a fixed rate of state compensation awarded to victims cannot be classified as "fair and appropriate", if it is fixed without taking into account the seriousness of the consequences of the crime committed.⁵⁷ It also refers to a recent recommendation of the Committee of Ministers of the Council of Europe according to which Member States should adopt a state compensation scheme for victims of crimes committed on their territory, which is independent from criminal proceedings and shall include, as a minimum, victims of intentional, violent crimes, including sexual violence.⁵⁸

92. **GRETA once again urges the Italian authorities to make efforts to guarantee effective access to compensation for victims of trafficking, in particular by:**

- **informing victims, in a language they can understand, of the right to compensation and the procedures to be followed, building the capacity of legal practitioners to support victims to claim compensation and including victim compensation in the training programmes for law enforcement officials, prosecutors and judges;**
- **making full use of the existing legal provisions and mechanisms of international co-operation to identify and seize perpetrators' assets with a view to securing compensation for victims of THB;**
- **ensuring that victims can obtain a decision on compensation from the offender as part of the criminal proceedings within a reasonable time;**

⁵⁶ See 2nd GRETA report on Italy, paragraph 207.

⁵⁷ C-129/19, *Presidenza del Consiglio dei Ministri v. BV*, Judgment of the Court (Grand Chamber) of 16 July 2020 (ECLI:EU:C2020:566), paragraph 69.

⁵⁸ Recommendation CM/Rec(2023)2 of the Committee of Ministers to Member States on rights, services and support for victims of crime of 15 March 2023 and its Explanatory Memorandum, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680aa8263

- **making the state compensation scheme effectively accessible to victims of trafficking and reviewing 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.**

93. **GRETA also considers that the Italian authorities should take measures to collect statistics on compensation claims brought by victims of trafficking and the amounts granted.**

7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)

94. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) of the Convention establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to pressure and threats in attempts to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations which aim at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence of trafficking in human beings.

95. Article 23 requires Parties to match their action to the seriousness of the offences and lay down criminal penalties which are "effective, proportionate and dissuasive". Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g., by so-called "civil" confiscation) of the instrumentalities and proceeds of human trafficking criminal offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. It requires as a prerequisite to detect, identify and seize the illegal assets at the time of the criminal investigations and to have adequate procedures to do so. The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

96. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

97. In Italy, trafficking in human beings is criminalised under Article 601 of the CC with a term of imprisonment of 8 to 20 years,⁵⁹ and in aggravated cases involving criminal association (Article 416 of the CC) the prison term is increased. **Recalling the recommendation made in its previous reports,⁶⁰ GRETA once again considers that the Italian authorities should state explicitly in law the irrelevance of the consent of a victim of trafficking to the intended exploitation.** This is important as judicial practice shows a restrictive interpretation of the offence of trafficking and if the victim has in some way consented to the exploitation, other offences apply (see also paragraph 114).

98. Article 603 bis of the CC criminalises illicit brokering and labour exploitation (*caporalato*), with a term of imprisonment of one to six years (or up to eight years if violence or threats were used), and a fine from 500 to 1 000 Euros in relation to each worker concerned.⁶¹ Some of the elements of this offence

⁵⁹ See 2nd GRETA report on Italy, paragraph 22.

⁶⁰ See 2nd GRETA report on Italy, paragraph 226.

⁶¹ Article 603 CC: "Unless the act constitutes a more serious crime, whoever: 1) recruits workforce for the purpose of assigning it to work for third parties under exploitative conditions, taking advantage of the workers' state of need; 2) uses, hires or employs workforce, including through the intermediary activity referred to in number 1), subjecting workers to exploitative conditions and taking advantage of their state of need; is punished by imprisonment of one to six years and a fine of 500 to 1,000 Euros for each worker recruited." (Unofficial translation)

are similar to those of human trafficking (e.g. recruiting workers on behalf of third parties, under exploitative conditions, through the use of violence, menace or intimidation, taking advantage of their state of need). The provision lists indicators of exploitation which include systematic violations of working hours and rest periods, violations of health and safety standards, and particularly degrading working and housing conditions.⁶²

99. Other CC provisions are related to trafficking cases, such as Article 600 (slavery), Article 600-bis (prostitution of minors), Article 601-bis (trafficking in organs), Article 602 (purchase and sale of slaves), as well as Article 12 of the Legislative Decree No. 286 of 25 July 1998 (facilitation of irregular migration) and Articles 3 and 4 of Law No. 75 of 20 February 1958 (exploitation of prostitution).

100. The case-law of the Court of Cassation has continued to provide guidance on the interpretation of the above-mentioned offences, and on how to differentiate between them. For instance, the Court ruled that the notion of "state of need" in Article 603 bis of the CC differs from the notion of "situation of vulnerability" in Article 601 of the CC and in international instruments defining human trafficking. According to the Court, "the state of need is not to be understood as a state of necessity such as to absolutely annihilate any freedom of choice, but rather as a situation of serious difficulty, even temporary, such as to limit the victim's will and induce him or her to accept particularly disadvantageous conditions".⁶³

101. Investigations of trafficking cases usually start with a complaint from a victim or a witness, and according to many interlocutors met, law enforcement officers would often require victims to provide a very detailed account of what happened, which can be traumatic for the victim. Regular checks of places of prostitution and workplaces in high-risk sectors as well as interviews at disembarkation points are also conducted to detect possible cases.

102. As mentioned in previous GRETA reports, Italian law provides for a comprehensive set of special investigative techniques which are routinely used, including in cases of trafficking not linked to organised crime. These techniques include undercover operations, wire-tapping, electronic surveillance and informants.⁶⁴ The legal framework on seizure and confiscation in trafficking cases was already described in paragraphs 82-83.

103. Despite some gaps in the data provided by the Italian authorities,⁶⁵ it appears that there has been a decrease in the number of investigations opened for the offence of human trafficking compared to the previous reporting period: 84 investigations in 2019, 52 in 2020, 44 in 2021 and 42 in 2022 (compared to 70 in 2015, 160 in 2016 and 287 in 2017). In contrast, the number of investigations under Article 603-bis of the CC has increased: 662 in 2019, 548 in 2020, 572 in 2021 and 478 in 2022 (compared to 65 in 2015, 66 in 2016 and 135 in 2017).⁶⁶ According to GRETA's interlocutor, most investigations under Article 601 of the CC concerned transnational trafficking for the purpose of sexual exploitation, while trafficking for the purpose of labour exploitation is usually investigated under Article 603 bis of the CC. As regards investigations into other related offences, the number concerning slavery amounted to 93 in 2019, 66 in 2020, 74 in 2021, and 49 in 2022; purchase and sale of slaves, to 8 in 2019, 6 in 2020, none in 2021 and 3 in 2022; and exploitation of prostitution, to 201 in 2019, 639 in 2020, 603 in 2021 and 554 in 2022.

104. The number of prosecutions and convictions for human trafficking has also decreased, as opposed to an increase in convictions under Article 603 bis of the CC (illicit intermediation and labour exploitation).

⁶² The list of indicators is non-exhaustive. See Court of Cassation, Criminal section 4, 11 November 2021 No. 7857; 11 November 2021, No. 7861; 13 December 2021, No. 45615.

⁶³ Court of Cassation, Criminal section 4, 25 October 2022, No. 106. In this case, the Court also held that both the element of "taking advantage of the workers' state of need" and "labour exploitation" must co-exist to fall under Article 603 bis CC, and there must be a reiteration of irregular conducts against the same worker for it to be considered as exploitation. The same ruling was adopted by the criminal section 4 in cases No. 34600 (13.07.22); No. 24388 (4, 10.03.22); No. 24441 (16.03.21).

⁶⁴ See paragraph 244 of the 2nd GRETA report on Italy; paragraph 194 of the 1st GRETA report on Italy.

⁶⁵ No data was provided for 2019 and 2022, there is no information on the purpose of exploitation, and it is not possible to give a total number of investigations per year as one investigation can cover several offences.

⁶⁶ See paragraph 253 and 255 of the 2nd GRETA report on Italy.

GRETA was informed by prosecutors that it was easier to prosecute offences under Article 603 bis of the CC than under Article 601. There were 42 prosecutions for human trafficking in 2019, 28 in 2020, 23 in 2021 and 25 in 2022. In Turin, GRETA was informed by prosecutors that there had been no prosecutions for THB in the last two to three years. The absence of cases was explained by the impact of the COVID-19 pandemic, which resulted in prostitution moving indoors, and a significant drop in the number of alleged cases of THB being reported (four to six per year, according to the State Police). As regards related offences, the number of prosecutions for illicit intermediation and labour exploitation was 147 in 2019, 151 in 2020, 233 in 2021 and 257 in 2022; for exploitation of prostitution, 149 in 2019, 361 in 2020, 436 in 2021 and 343 in 2022; for slavery, 51 in 2019, 34 in 2020, 24 in 2021 and 29 in 2022; for purchase and sale of slaves, 9 in 2019, 4 in 2020, 4 in 2021 and 1 in 2022.

105. Concerning convictions for THB, 63 persons were convicted by first instance courts in 2019, 42 in 2020, 38 in 2021 and 24 in 2022. By way of comparison, the number of persons convicted for illicit intermediation and labour exploitation was 122 in 2019, 91 in 2020, 150 in 2021 and 150 in 2022; for exploitation of prostitution, 737 in 2019, 504 in 2020, 475 in 2021 and 407 in 2022; for slavery, 53 in 2019, 31 in 2020, 39 in 2021 and 41 in 2022; for purchase and sale of slaves, 2 in 2019, 7 in 2020, 4 in 2021 and 1 in 2022.

106. No comprehensive data was provided on the sanctions imposed in trafficking cases. According to the authorities, in 2021, 37 persons were sentenced for a total number of 336 years of imprisonment which means that the average length of imprisonment in trafficking cases was about 9 years. There was an important number of acquittals for trafficking in human beings in 2021, with 13 acquittal judgments by first instance courts (compared to 15 convicting judgements) and 9 by second instance courts (compared to 30 convicting judgments).⁶⁷

107. While legal entities can be administratively liable for criminal offences such as human trafficking and illegal brokering and labour exploitation,⁶⁸ GRETA is not aware of any cases where legal entities were found liable for these offences. This raises concern given the prevalence of labour exploitation in Italy.

108. Research has been conducted since 2018 by the centre *L'Altro diritto* at the University of Florence, together with the trade union FLAI-CGIL, with a view to monitoring cases of labour exploitation in Italy.⁶⁹ According to their last report, published in 2022, there has been an important increase in investigations opened in relation to labour exploitation across Italy. Investigations concerning the agricultural sector are the most numerous, but there are also few cases investigated in the sectors of construction, tourism and domestic care.

109. Reference is made to the following investigations conducted during the reporting period:⁷⁰

- Operation "Maman": in June 2019, four persons were arrested by the Financial Police in Palermo on suspicion of belonging to a transnational criminal organisation, facilitation of irregular immigration, human trafficking and exploitation of prostitution. The criminal group, operating from Nigeria, Libya and Italy, had convinced young Nigerian women to take on a debt of 30,000 Euros as payment for the trip and for a job placement in Italy. The payment of the debt was guaranteed by a voodoo (juju) ritual. In Libya, the women were placed in detention centres controlled by the criminal network. Once in Italy, they were forced into prostitution. The financial investigation allowed to establish money laundering through an informal system of money transfer to Nigeria ("Euro to Euro").⁷¹ The four perpetrators were convicted.

⁶⁷ During the previous reporting period, the number of convictions under Article 601 of the CC was 10 in 2015, 2 in 2016 and 2 in 2017. See paragraph 254 of the 2nd GRETA report on Italy.

⁶⁸ See 2nd GRETA report on Italy, paragraph 233.

⁶⁹ <http://www.adir.unifi.it/laboratorio/quarto-rapporto-sfruttamento-lavorativo.pdf> (in Italian).

⁷⁰ More information on investigations conducted is available in the [semi-annual reports](#) of the DNA.

⁷¹ https://www.stelladitalianews.com/ultima-ora/2019/06/13/82817_operazione-maman-fermate-quattro-persone-per-tratta-di-essere-umani/ (in Italian).

- Operation “Bad Mama”: in August 2021, in Syracuse (Sicily), Latina (Lazio) and Varese (Lombardy), four persons were arrested by the State Police for belonging to a transnational criminal organisation, human trafficking, facilitation of irregular migrants, exploitation of prostitution, forced abortion, abusive financial intermediation and credit fraud. The investigations, which began in 2017, were launched following the complaint of one of the victims, a Nigerian girl. The victims had been forced to take drugs and alcohol to interrupt their pregnancies. The financial investigation allowed to establish illegal money transactions from Italy to Nigeria through IT platforms.
 - Operation “Women Transfer”: in September 2021, in Potenza, a joint investigation of the Carabinieri Corps and the authorities of Moldova, coordinated by EUROJUST, enabled the dismantling of a human trafficking criminal network and the identification of 87 victims. The suspects, six Moldovan and one Italian nationals, used online platforms to recruit vulnerable women living in precarious conditions in Moldova, and lured them by the prospect of getting a job as a domestic worker in the provinces of Potenza and Matera. The women were forced to work extremely long hours without adequate rest and received very low net wages after deduction of the debt to the criminal group. In some families, the women were forced to live in degrading conditions.⁷²
110. Further, reference can be made to the following judgments issued during the reporting period:
- Judgment of 28 May 2020 of the Tribunal of Messina (judge of the preliminary hearing, fast-track trial): three defendants (Nigerian) were prosecuted for criminal association with a view to committing multiple offences (including human trafficking, sexual violence, torture, murder and people smuggling). They were accused of having participated in a criminal association dedicated to the management of an illegal detention camp in Zawya (Libya), where hundreds of migrants, attempting to embark to Italy, were deprived of their personal freedom and suffered systematic harassment and physical violence in order to obtain money from their relatives. The case emerged following a proactive investigation at a disembarkation point and information reported by several migrants. Each defendant was sentenced to 20 years’ imprisonment. No victim participated as a civil party. No information was provided by the authorities on the situation of the possible victims in this case, and in particular whether they were identified and assisted as victims of trafficking.
 - Judgment of 20 December 2019 of the Tribunal of Ragusa (judge of the preliminary hearing, fast-track trial): following a complaint from a Romanian agricultural worker denouncing exploitative working conditions, an investigation was opened under Article 603 bis of the CC by the Prosecutor’s Office in Ragusa (Sicily). During the investigation, indications of human trafficking emerged, and the case was therefore transferred to the District Anti-Mafia Directorate (DDA) of the Prosecutor’s Office of Catania, which brought charges under Article 601 of the CC. The investigation discovered a criminal group composed of Romanian nationals who had recruited people in situations of extreme poverty, including children, in Romania to work on a farm in Ragusa. Once in Italy, the victims’ identity documents were confiscated, they worked very long hours without a salary, lived in poor housing conditions, and were subjected to extreme violence if they tried to escape. The leader of the criminal group was sentenced to 20 years’ imprisonment, and the other members of the group to, respectively, 17 years and 8 months, and 10 years. They were also sentenced to pay to each civil party (including trade unions) 10,000 Euros as provisional advance payment. The employer was convicted under Article 603 bis of the CC, while the recruiters (*caporali*) were convicted under Article 601 of the CC.
111. Representatives of law enforcement authorities met by GRETA during the visit referred to challenges in the investigation of human trafficking cases committed or facilitated online, due to the anonymity of criminal networks operating online and the use of encryption. With a view to better

⁷² <https://www.eurojust.europa.eu/news/victims-saved-severe-labour-exploitation-italy>
<https://www.rainews.it/tgr/basilicata/articoli/2021/09/bas-sfruttamento-basilicata-indagine-fermo-04ce7b51-915c-4ab5-9bb8-bf2ee53b17d8.html>

understanding the *modus operandi* of Nigerian criminal organisations and improving the investigations, a working group was launched by the National Anti-Mafia and Anti-Terrorism Directorate (DNA) in 2020, in collaboration with the penitentiary administration, to monitor the Nigerian prison population and identify inmates who could collaborate with the investigating authorities. In addition, according to prosecutors met, an important challenge in human trafficking cases relates to long delays in obtaining international co-operation, especially when mutual legal assistance is requested from countries outside the European Union.

112. Plea bargaining ("application of punishment upon request", *patteggiamento*) is provided for in Article 444 and following of the CCP. It consists in an agreement between the defendant and the public prosecutor for the application of a prison sentence not exceeding five years' imprisonment determined by the judge of the preliminary hearing, and makes it possible to terminate the criminal proceedings without a trial. The use of plea bargaining is allowed in cases of human trafficking unless there is a related offence of organised crime or criminal association, which is usually the case where THB is concerned. Lawyers met by GRETA confirmed that *patteggiamento* is being used in human trafficking cases. As a result, victims have to go to civil courts to request compensation from the perpetrators. In addition, the fast-track trial (*giudizio abbreviato*) is often used in human trafficking cases. It allows the defendant to avoid the trial and to ask the judge of the preliminary hearing to be judged on the basis of the file of the investigation, without the possibility to provide new evidence. In case of conviction the penalty is reduced by one third.⁷³

113. The average duration of criminal proceedings in THB cases varies according to the circumstances of the case and the complexity of the investigation. According to the authorities, it usually ranges from three to 10 years (until cassation, if applicable). In general terms, there are concerns regarding the excessive length of judicial proceedings in Italy, in particular the investigation phase, and there continue to be condemnations of the European Court of Human Rights on this subject.⁷⁴ According to the authorities, priority is given to dismantling the entire criminal network, not just to investigating one perpetrator, which takes time.

114. While welcoming the efforts made by the Italian authorities to improve the criminal justice response to human trafficking, GRETA is concerned by the decline in the number of investigations, prosecutions and convictions under Article 601 of the CC. The information provided during the visit and the analysis of available case-law suggests that cases of human trafficking are often qualified as other offences, such as illicit brokering and labour exploitation, exploitation of prostitution or facilitation of irregular migration. GRETA is concerned that prosecutors and judges apply a narrow definition of human trafficking, linking it to the existence of a transnational element, the involvement of a criminal organisation, and the absence of the victim's consent. Most cases prosecuted under Article 601 of the CC concern members of criminal networks who recruited victims abroad, transported them to Italy and submitted them to sexual exploitation in Italy. There are no cases of internal trafficking considered under Article 601 of the CC.

115. Further, while Article 603 bis of the CC (illicit brokering and labour exploitation) was originally designed to address labour exploitation situations not covered by the crime of trafficking, in practice most cases of trafficking for labour exploitation are dealt with under this article. According to the latest report of *Altro Diritto* (see paragraph 108), there are elements of trafficking in human beings for the purpose of labour exploitation in many of the cases examined, but investigators prefer to apply Article 603 bis CC or Article 12 of the Consolidated Immigration Law (facilitation of irregular migration). The second case mentioned in paragraph 110 is one of only a few where Articles 601 and 603 bis of the CC were used jointly.⁷⁵ While reclassification may happen in the absence of sufficient evidence, in many cases the

⁷³ Articles 438 et seq. CCP

⁷⁴ See for instance, *Petrella v. Italy*, judgment of 18 March 2021, No. 24340/07.

⁷⁵ Letizia Palumbo (2020). *Tratta di esseri umani e sfruttamento lavorativo in agricoltura: Il caso dei «boschetari» nelle serre del Ragusano*. In S. Greco, Tumminelli G. (a cura di), *Migrazioni in Sicilia 2019* (pp. 261-272).

4th Report on labour exploitation and the protection of victims, "Altro Diritto"/FLAI CGIL, 2022, p. 24. Available at: <http://www.adir.unifi.it/laboratorio/quarto-rapporto-sfruttamento-lavorativo.pdf> (in Italian).

opening of an investigation or the filing of charges on the basis of less serious offences, with a lower threshold of proof, is intended to facilitate the investigation and the prosecution. GRETA was informed of a recent case where the victim provided a detailed account of her trafficking experience from Nigeria to Italy through Libya, but the defendants were investigated, prosecuted and finally convicted of exploitation of prostitution and facilitation of illegal migration.⁷⁶ The requalification of cases of trafficking under other offences does not only have consequences on the length of imprisonment imposed on perpetrators, but also on the rights of victims, including to state compensation (see paragraphs 88 and 89), protection during criminal proceedings (see paragraphs 133-135) and residence permits (see paragraphs 273-274).

116. GRETA urges the Italian authorities to step up their efforts to improve the criminal justice response to trafficking in human beings, and in particular to:

- **ensure that human trafficking offences are prosecuted as such every time the circumstances of a case allow this, regardless of whether the case involved a criminal organisation, whether the victim consented to the exploitation, or whether there was a transnational element;**
- **further develop the training of investigators, prosecutors and judges on the offence of trafficking in human beings, in particular on the different constituent elements on the crime, its differences with other related offences, and the specificities of trafficking for the purpose of labour exploitation.**

117. Further, GRETA considers that the Italian authorities should make further efforts to:

- **ensure that human trafficking offences for different forms of exploitation are proactively and promptly investigated, regardless of whether a complaint about the reported crime has been submitted or not by a victim, making use of all possible evidence, including evidence gathered through special investigative means, financial evidence and digital evidence, so that there is less reliance on testimony by victims;**
- **ensure that human trafficking cases lead to effective, proportionate and dissuasive sanctions for those convicted. The plea-bargaining procedure should be used only exceptionally in human trafficking cases, subject to appropriate safeguards, where the reduction of a sentence is clearly outweighed by the advantages offered by the plea agreement (these advantages being indicated in the judicial decision approving the agreement) and the agreement is not in any way detrimental to the rights of the victims, including their access to compensation;**
- **ensure that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ).⁷⁷**

8. Non-punishment provision (Article 26)

118. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of THB not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for THB.⁷⁸ Furthermore, GRETA

⁷⁶ Court of Turin, 26 January 2023, No. 378.

⁷⁷ <https://rm.coe.int/cepej-2018-26-en-rapport-calvez-regis-en-length-of-court-proceedings-e/16808ffc7b>

⁷⁸ See 2nd General Report on GRETA's activities, paragraph 58.

has noted that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

119. There is still no specific provision on the non-punishment of victims of human trafficking in Italy. As described in the previous GRETA reports, if a victim of trafficking is involved in criminal activities, general criminal law rules on the exclusion or limitation of criminal liability can be applied. In particular, Article 54 of the CC provides that a person is not punishable for a criminal offence committed in a state of necessity, provided that the act committed is proportionate to the danger avoided.⁷⁹ In addition, Article 46 of the CC provides that a person shall not be punishable if the offence was committed while being coerced by others, by means of physical violence. However, these provisions do not apply to administrative offences committed by victims such as tax offences or immigration related offences.

120. The NRM stipulates that victims of THB shall not be subjected to detention, criminal proceedings or fines of any kind on the grounds of their irregular immigration status or for other illegal activities committed in the context of their exploitation. However, the issue of the non-punishment of victims of trafficking is not specifically addressed in the training of law enforcement officers, prosecutors and judges.

121. Examples of the application of the general criminal law provision on "state of necessity" to victims of trafficking continue to be very limited. Officials met during the visit recognised that the evidential threshold for the application of Article 54 of the CC is high and it must be demonstrated by the victim of trafficking that it was inevitable to avoid the commission of the crime. GRETA was informed of a judgment of the Tribunal of Catania of 2020 in which the tribunal did not rely on Article 54 of the CC, but directly applied Article 26 of the Anti-Trafficking Convention to exclude the criminal liability of a female victim of trafficking who had been charged with controlling other women engaged in prostitution.⁸⁰

122. NGOs continue to report cases in which presumed victims of THB were prosecuted for, and convicted of, drug traffic, possession of a false identity document, or irregular entry. This reportedly happens because they are not given the status of victims of trafficking and their exploitation is not proven in proceedings against their traffickers.

123. GRETA takes note with concern of a judgment of the Tribunal of Rome of April 2022, in which a young Nigerian woman victim of trafficking was convicted for the offence of drug traffic and sentenced to one year and four months of imprisonment. Although her lawyer asked for the application of Article 54 of the CC, the tribunal considered that there was no evidence of a "danger" and the fear of black magic (Voodoo ritual) was not a valid reason to justify the offence committed.⁸¹ At the time of drafting the report, the appeal against the judgment was pending. In another case, a Nigerian woman who was receiving assistance by an anti-trafficking project was arrested, accused of drug traffic and participating in a criminal organisation, and sentenced to imprisonment. The sentence was reduced by the second instance court taking into consideration a report submitted by the NGO supporting the woman, and she was released from prison after a short term.

124. According to reports, there have been numerous cases of asylum seekers arriving in Italy by sea who were forced by smugglers to steer the boats. Once in Italy, they are convicted as boat drivers (*scafisti*) for the crime of facilitating illegal immigration, for which the prison sentence has been increased by Law No 50/23 (see paragraph 20), and denied international protection due to their criminal conviction. There have been a few cases where the courts did not declare them guilty of smuggling by applying Article 54 of the CC on the state of necessity. These asylum seekers may have been compelled by threat, physical violence and/or abuse of position of vulnerability to participate in the criminal activity of

⁷⁹ See 2nd GRETA report on Italy, paragraph 286; 1st GRETA report on Italy, paragraph 187.

⁸⁰ Tribunal of Catania (judge of the preliminary hearing), 7 October 2020, No. 559.

⁸¹ Tribunal of Rome (Criminal Section), 24 April 2022, No. 9874.

smuggling, which would fall under the definition of trafficking in human beings; however, none of them have ever been considered as possible victims of trafficking.⁸²

125. According to information collected by the National Guarantor of the Rights of Persons Deprived of Liberty, 13 imprisoned women were potentially victims of THB. The identification of victims of THB in prisons is difficult and none of the NGOs with the right to visit prisons are specialised on THB.

126. According to Ministry of Justice officials, there are no plans to introduce a specific non-punishment provision for victims of trafficking because it is considered that such a provision would create a discriminatory treatment of victims of different crimes. On the other hand, many interlocutors met during the visit were of the opinion that a specific legal provision on the non-punishment of victims of THB for unlawful acts committed while they were being trafficked is needed in order to avoid situations in which victims of trafficking have their applications for residence permits or refugee status denied on the grounds of having committed illegal activities.

127. GRETA is concerned that the continuing lack of a specific provision for the non-punishment of victims of trafficking in the Italian legal framework exposes many victims of trafficking to prosecution, conviction and detention for unlawful activities they were forced to commit by their traffickers. In GRETA's view, the possibility to apply the general criminal law provision on state of necessity cannot be considered as an appropriate response because it is narrower in scope than the non-punishment principle enshrined in the Convention and, in practice, prosecutors leave it to courts to decide whether or not the conditions of state of necessity are met, thus exposing victims to prosecution and pre-trial detention, and shifting the burden of proof to the victim. GRETA considers that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case. Further, GRETA notes that the state of necessity must be interpreted by taking into account the victims' capacities and understanding in order to determine that they have reasonably believed that there was an actual and specific threat that required immediate action in breach of the law.

128. GRETA once again urges the Italian authorities to ensure compliance with Article 26 of the Convention on the principle non-punishment of victims of trafficking, in particular by:

- **adopting a specific legal provision ensuring the non-punishment of victims of trafficking for their involvement in unlawful activities, including administrative offences, to the extent that they were compelled to do so, and regardless of their cooperation with law enforcement authorities;**
- **providing guidance and training to law enforcement officers, prosecutors and judges on the application of the non-punishment provision enshrined in the Convention.**

9. Protection of victims and witnesses (Articles 28 and 30)

129. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change...) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period

⁸² From Sea to Prison: The Criminalisation of Boat Drivers in Italy, by ARCI Porco Rosso and Alarm Phone with the collaboration of Borderline Sicilia and borderline-europe, 15 October 2021.

Flavia Patanè and others, Asylum-Seekers Prosecuted for Human Smuggling: A Case Study of *Scafisti* in Italy, *Refugee Survey Quarterly*, Volume 39, Issue 2, June 2020, Pages 123–152, <https://doi.org/10.1093/rsq/hdaa008>

of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often international and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

130. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 address extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Rights and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

131. In Italy, the framework for the protection of victims and witnesses of human trafficking remains as described in previous reports.⁸³

132. Pursuant to the NRM, following the identification of a victim, a preventive risk assessment should be conducted by competent personnel to assess the risks and needs of the victim and determine the next steps necessary to ensure the victim's safety. Projects under the Single Programme must set up shelters which take into account the safety needs of victims and whose addresses are kept confidential. If needed for their protection, victims can be transferred to another region to receive assistance from anti-trafficking projects, which often happens in practice.

133. To avoid secondary victimisation, victims of trafficking are included in the list of victims who can be interrogated through the "special evidence pre-trial hearing" (*incidente probatorio*, Articles 392-404 of the CCP). It allows to obtain the victim's testimony during the investigation or the pre-trial phase, in the presence of the defendant's lawyer, and prevents the victim from having to testify again during the trial. The victim's testimony can be obtained through the use of audio-visual means and the victim does not have to be present in court. According to interlocutors met during the visit, while the "special evidence pre-trial hearing" is often used in trafficking cases, lawyers or NGOs representing victims of THB usually have to ask the responsible prosecutors to apply it, and the possibility to testify outside of court premises is not frequently implemented.

134. During the investigation and pre-trial phase, other protection measures exist for victims of trafficking if they are in a "particularly vulnerable situation", in particular the obligation to audio-record the testimony before the police or the prosecution,⁸⁴ and to be assisted by an expert psychologist.⁸⁵ Concerning the trial phase, it is possible to conduct the trial in camera and child victims and victims of trafficking suffering from mental illness must be heard through one-way mirror.⁸⁶ Further, the court can order the anonymisation of the judgement. Specific protection measures applying for children who are victims or witness of trafficking are described in paragraph 164.

135. In theory, victims of THB can have access to witness protection programmes laid down in Law No. 82/1991, as amended by Law No. 45/2001, including physical protection, temporary placement in a safe location, permanent relocation, concealment or change of identity. The main criterion for granting protection measures is that the witness or his/her close relatives are under serious threat due to their testimony. However, according to the Italian authorities, these programmes have never been used in the case of victims of trafficking.

136. While welcoming the broad range of protection measures available in Italian law, including the "special evidence pre-trial hearing", GRETA was informed that unless specialised investigators and/or

⁸³ See 2nd GRETA report on Italy, paragraphs 262-265; 1st GRETA report on Italy, paragraphs 199-201.

⁸⁴ Article 373, paragraph 2-quarter, and Article 391-ter, paragraph 3-ter, of the CCP.

⁸⁵ With the police: Article 351, paragraph 1-ter; With prosecutors: Article 362, paragraph 1-bis of the CCP.

⁸⁶ Article 472, paragraph 3-bis, and Article 498, paragraph 4-ter of the CCP.

prosecutors are involved in the case, these measures would not be applied in practice. Further, GRETA is concerned that many victims cannot benefit from protection measures which apply to victims under Article 601 of the CC due to the common practice of reclassification of THB into other offences (see paragraphs 114-115).

137. GRETA considers that the Italian authorities should make full use of the available measures to protect all victims and witnesses of trafficking, with a view to preventing intimidation during the investigation, as well as during and after the court proceedings.

10. Specialised authorities and co-ordinating bodies (Article 29)

138. Under Article 29(1) of the Convention, Parties have to adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and coordinating bodies should, as far as possible, be composed of both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

139. Pursuant to Law No. 228/2005, the competence to prosecute THB offences lies within the jurisdiction of the District Anti-Mafia Directorates (DDAs), of which there are 26 in Italy, at the level of appeal courts. The DDAs also co-ordinate the investigations. The National Anti-Mafia and Anti-Terrorism Directorate (DNA) is responsible for overseeing and co-ordinating the criminal prosecution of organised crime offences, including THB. Furthermore, anti-mafia prosecutors play an important role in the *Questore's* decision on the issuing of residence permits for victims of THB. At the time of the authorities' comments on the draft report (October 2023), there were six prosecutors overseeing THB prosecutions at the DNA and 111 prosecutors co-ordinating THB investigations in the DDAs. The offence of "illicit brokering and labour exploitation" (Article 603 CC) falls under the jurisdiction of the District Prosecutor's Offices, at the level of ordinary courts. In cases involving offences falling under the jurisdiction of both a DDA and a District Prosecutor's Office, they will act jointly.

140. Within each provincial police headquarters (*Questura*), there is a Mobile Squad with specialised sections on organised crime, as well as General Investigations and Special Operations Divisions (DIGOSs). There are also Investigative Sections of the Central Operations Service of the State Police (SISCOs) at the level of the 26 DDAs, with jurisdiction over organised crime. In addition, the Postal Police (*Polizia Postale*) is a specialised unit of the State Police in charge of the prevention and suppression of offences committed by communication means, including Internet.

141. The Carabinieri Special Operations Groups (ROS), which exist at the level of each DDA, are mainly responsible for investigating cases of organised crime and terrorism. There is also a Carabinieri Command for the Protection of Labour, which is functionally placed under the Ministry of Labour and Social Policy, and is tasked with the fight against illegal employment, severe labour conditions and exploitation (see also paragraph 188).

142. In the Financial Police (*Guardia di Finanza*), investigations of trafficking cases are done by the 26 Organised Crime Investigation Groups (GGICOs) which exist at the level of the DDAs and are co-ordinated by a department at the central level, the Central Service for the Investigation of Organised Crime (SCICO).

143. The State Police, the Financial Police (*Guardia di Finanza*) and/or the Carabinieri conduct investigations under the control and supervision of the competent public prosecutors' office. In the most complex cases, public prosecutors usually designate several law enforcement services to conduct joint or parallel investigations. The Financial Police is often designated to do the financial investigation. Other authorities can be involved in the investigation of trafficking cases, such as the Coast Guards (*Guardia Costiera*), who conduct search and rescue operations at sea and act as maritime police and can provide information on possible traffickers or smugglers inside rescued boats.

144. In the region of Piedmont, which was visited by GRETA, there are co-operation protocols (MoU) between the different law enforcement agencies and relevant civil society organisations, with periodic meetings convened by the Institute of Economic and Social Research (IRES) of Piedmont, which enable the sharing of information and knowledge. The territorial commission for international protection and the labour inspectorate are part of this co-operation. An agreement has been reached to organise training on online trafficking and exploitation, involving IRES and the Postal Police.

145. The High School of the Judiciary periodically proposes training courses on human trafficking, slavery and related issues in the continuous training of prosecutors and judges. According to data provided, 65 prosecutors and 61 judges participated in such training in 2022, 29 prosecutors and 46 judges in 2020, and 23 prosecutors and 46 judges in 2019. The training curricula of law enforcement officers include victim identification and the investigation of trafficking cases. In addition, reference was made to specific training activities organised during the reporting period on special investigative techniques, child victims of trafficking, and unaccompanied foreign children. Further, training is regularly organised for specialised entities of the anti-trafficking projects, including a Summer School in 2022 and 2023 to share experiences and discuss challenges. Regarding labour inspectors, as mentioned in paragraph 0192, limited training is organised on the specific issue of human trafficking.

146. The NAP 2022-2025 envisages additional training activities for law enforcement officers, prosecutors, civil and criminal judges, labour inspectors, social and health care staff, staff of the anti-trafficking projects, staff in reception centres and working at border crossings and disembarkation points. The Italian authorities underlined the importance of organising multidisciplinary and simulation-based training courses, such as the training organised by the Carabinieri Centre of Excellence for the Stability Police in co-operation with OSCE (see paragraph 152).

147. **While welcoming the efforts made to develop specialisation of professionals to deal with human trafficking cases, GRETA considers that the Italian authorities should further develop the training of all relevant professionals (including law enforcement officials, prosecutors, judges, lawyers, labour inspectors, immigration staff, social workers, child welfare staff, health-care staff, and diplomatic and consular staff) and ensure that it is systematic and periodically updated.**

11. International co-operation (Article 32)

148. Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between State Parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another "to the widest extent possible". This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the provisions of the Convention neither cancel nor replace the provisions of relevant international or regional instruments⁸⁷ on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

149. Exchange of information with foreign counterparts takes place through Italian liaison officers abroad, foreign liaison officers accredited in Italy, as well as Interpol, Europol or Eurojust. Bilateral agreements or protocols have also been concluded with countries of origin or transit of victims of trafficking, in particular Nigeria, Libya and Egypt, providing for direct information exchange. There are plans to conclude an additional bilateral agreement with Bangladesh, from which an increasing number of victims originate.

⁸⁷ For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

150. During the reporting period, Italy participated in several Joint Investigation Teams (JITs) in THB cases. Reference was made to a JIT set up in June 2021 between the Italian and the Romanian authorities in relation to a criminal network which exploited female victims in prostitution in northern Italy. Eight suspects were arrested in both countries, and safety was provided for 20 victims.⁸⁸ In paragraph 109, reference was made to another JIT set up between Italy and Moldova. Further, according to data provided by the authorities, 15 rogatory commissions with non-EU countries were implemented between January 2019 and July 2023, involving Türkiye, the United Kingdom and Georgia. As mentioned in paragraph 111, there remain difficulties when it comes to mutual legal assistance with some non-EU countries, as well as in cases of human trafficking facilitated by ICTs.

151. Italy continues to take an active part in the EU project EMPACT (European Multidisciplinary Project against Criminal Threats). For instance, in May 2022, Italy was involved in a hackathon targeting criminal networks grooming Ukrainian refugees for sexual and labour exploitation via websites and social media platforms.⁸⁹ Further, in September 2022, Italy participated in EMPACT Joint Action Days supported by Europol and the European Labour Authority, and targeting human trafficking in the agriculture sector.⁹⁰

152. International development co-operation is used by Italy to improve the capacities of the authorities of other countries to fight human trafficking. By way of example, in 2018-2022 more than 600,000 Euros were provided by the Italian authorities to development projects. Funding is also provided to projects implemented by UNODC and UN Women in countries of origin or transit of victims (e.g. Niger, Nigeria and Ivory Coast), including technical assistance to local authorities and staff involved in anti-trafficking actions. Further, Italy supports the OSCE project "Combating Human Trafficking along Migration Routes" aiming at providing simulation-based training professionals from different countries at the Centre of Excellence for the Stability Police Units in Vicenza.

153. The agreement with IOM on assisted voluntary returns ended in 2018. Since then, such returns are conducted in co-operation with NGOs which perform individual risks assessment prior to any return and destination countries. The number of assisted voluntary returns of victims of trafficking from Italy is low (29 in 2018, 14 in 2019, 17 in 2020 and 9 in 2021).

154. According to civil society interlocutors met by GRETA, relations with some third countries of origin of victims remain problematic (for instance, in cases when victims lack passports, birth certificates or other documents) and co-operation with the embassies of these countries should be improved.

155. While welcoming the participation of the Italian authorities in international co-operation on human trafficking, GRETA invites them to further develop international co-operation with countries of origin of victims as well as on transnational cases related to trafficking facilitated by information and communication technology (ICT). Further, referring to its report published in April 2022 on Online and technology-facilitated trafficking in human beings,⁹¹ GRETA encourages the Italian authorities to ratify the Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence.

⁸⁸ <https://www.eurojust.europa.eu/news/eurojust-supports-new-action-against-criminal-network-organising-street-prostitution-italy>

⁸⁹ https://www.europol.europa.eu/media-press/newsroom/news/human-traffickers-luring-ukrainian-refugees-web-targeted-in-eu-wide-hackathon#:~:text=On%202023%20May%202022%2C%20an,**%2C%20coordinated%20by%20the%20Netherlands.

⁹⁰ <https://www.ela.europa.eu/en/news/eu-authorities-target-labour-exploitation-fields#:~:text=Between%2014%20and%2021%20September,exploitation%20in%20the%20agricultural%20sector.>

⁹¹ <https://rm.coe.int/online-and-technology-facilitated-trafficking-in-human-beings-full-rep/1680a73e49>

12. Cross-cutting issues

a. gender-sensitive criminal, civil, labour and administrative proceedings

156. As noted in CEDAW General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.⁹² The Council of Europe Gender Equality Strategy 2018-2023 notes that while accessing justice might be difficult for everyone, it is even more so for women, due to gender inequality in society and in the justice system, and therefore one of the objectives of the Strategy is to ensure the equal access of women to justice.⁹³ GRETA notes that in the case of trafficking in human beings, gender stereotypes, prejudices, cultural barriers, fear and shame impact women's access to justice, and these barriers may persist during investigations and trials. This is particularly true for some groups of women, such as victims of gender-based violence, migrant, refugee and asylum-seeking women, ethnic minority women and women with disabilities. On the socio-economic level the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or child care.⁹⁴ Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in the publication "Women's Access to Justice: Guide for Legal Professionals".⁹⁵

157. In Italy, Legislative Decree No. 198 of 2006 established a National Code of Equal Opportunities between Women and Men which codified all legal texts related to equal opportunities in a single text, and introduced the principle of gender mainstreaming.⁹⁶ Further, in July 2021, Italy adopted a National Strategy for Gender Equality covering the period 2021-2026 focusing on areas such as women's access to work, income and skills and the impact of COVID-19.⁹⁷

158. The NAP for combating trafficking for the period 2022-2025 contains a specific section on the gender-sensitive approach to action against human trafficking. In particular, it refers to the importance of providing tailored access to health care to women who are victims of trafficking; empowering them through employment, housing and education; training and raising awareness of professionals on a gender-sensitive approach; and developing preventive measures targeting women who are particularly vulnerable to trafficking.

159. In 2018, the National School for the Judiciary organised a training on the "psychology of judging" which included a focus on gender inequality and was attended by 9 prosecutors and 74 judges. However, it would appear that no other training activity on gender-sensitive proceedings has been delivered since then. Social and health care professional have access to a training on gender-based violence, organised by the Italian National Institute for Health, Migration and Poverty. At the time of GRETA visit, it had been attended by 4,201 professionals.

160. There have been several cases of woman separated from their children by judicial decision on the grounds that they cannot take care of them because of being victims of trafficking. In 2021, the European Court of Human Rights found Italy in violation of Article 8 of the ECHR for such a practice, because the Italian courts had decided to interrupt all contact between the applicant and her children despite less

⁹² CEDAW General recommendation No. 33 on women's access to justice, paragraph 8, CEDAW/C/GC/33 of 3 August 2015: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en

⁹³ Council of Europe Gender Equality Strategy 2018-2023, pp.24-26, <https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1>

⁹⁴ Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13 available at <https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5>

⁹⁵ Available at: <https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

⁹⁶ Available at: <https://www.gazzettaufficiale.it/dettaglio/codici/pariOpportunita> (in Italian)

⁹⁷ Available at: <https://www.pariopportunita.gov.it/media/2022/national-strategy-for-gender-equality-2021-26.pdf>

radical solutions being available and despite the recommendations of an expert report, failing to take into account the applicant's particularly vulnerable situation as a victim of trafficking.⁹⁸ However, GRETA was informed that the practice of separating women victims and their children continues in some regions of Italy. GRETA is concerned that this practice not only affects victims' right to assistance, but also undermines their right to access justice to protect their family life and may prevent victims from denouncing their trafficking experience for fear of being separated from their children.

161. GRETA urges the Italian authorities to take measures to ensure that women victims of trafficking with children can effectively access justice for the protection of their right to family life, in accordance with the case-law of the European Court of Human Rights (Article 8 of the ECHR).

162. Further, GRETA considers that the Italian authorities should promote a gender-sensitive approach to access to justice for victims of trafficking, including through gender mainstreaming and training.

b. child-sensitive procedures for obtaining access to justice and remedies

163. As mentioned in paragraph 54, in Italy child victims have the right to free legal aid in all legal proceedings, irrespective of their financial situation. Bar associations should draw up a list of lawyers qualified to provide free legal aid to children. Further, if the victim is an unaccompanied child, a legal guardian shall be appointed by the juvenile court in order to protect the child and represent his or her interests. According to the "Standard Operating Procedures for the identification and support of child victims and at risk of trafficking", a specifically trained guardian should be appointed. Following the adoption of Law No. 47/2017, there is a list of voluntary guardians (*tutore volontario*) in all juvenile courts. The Ombudsman for Children and Adolescents is involved in the selection and training of voluntary guardians.⁹⁹

164. In the framework of judicial proceedings, specific protection measures exist for children who are victims of trafficking. There is an obligation to record the testimony of a child victim, and the police as well as the prosecution should pay attention to avoid confrontation with the defendants and multiple testimony.¹⁰⁰ The "special evidence pre-trial hearing" mentioned in paragraph 133 should always be used to record the testimony of the child. Further, the assistance of an expert in child psychology is required when the child is being interviewed by the police, the prosecutor or the defence counsel.¹⁰¹ As regards the trial phase, it is always conducted in camera when the victim is a child.¹⁰² Questions to the child victim of trafficking shall always be addressed by the President of the Court, and recourse is made to one-way mirror together with an intercom device. Further, the Court can be assisted by a family member or an expert in child psychology.¹⁰³

165. GRETA was informed that child-friendly interview rooms exist in juvenile courts, as well as at some police and carabinieri stations. The Barnahus model of child-friendly interview facilities which bring under the same roof all relevant procedures and professionals has not been introduced in Italy.

166. The National Plan for the Prevention and Fight against Abuse and Sexual Exploitation of Children, mentioned in paragraph 29, provides for the creation of a register of experienced psychologists specialised in the hearing of child victims of sexual offences and a register of associations with proven experience in assisting and supporting such children during the judicial process. It is also planned to promote the drafting of local protocols with private organisations providing rooms for protected hearings to law enforcement

⁹⁸ *AI v. Italy*, No. 70896/17, ECHR, judgment of 01/04/2021.

⁹⁹ See 2nd GRETA report on Italy, paragraph 186.

¹⁰⁰ Article 373-2 quater CCP ; Article 362-1 bis CCP

¹⁰¹ Articles 351, 362 and 391bis of the CCP.

¹⁰² Article 472, paragraph 3 bis CCP.

¹⁰³ Article 498, paragraph 4 CCP.

and judicial authorities, as well as to draft guidelines on the protected hearing of child victims of sexual abuse or exploitation. GRETA notes that the drafting of these guidelines was already mentioned during the second evaluation round, but no progress has been made in this respect so far.¹⁰⁴

167. GRETA was informed that the National School for the Judiciary organised a training course on child-friendly interviews. A project is ongoing with other countries (Netherlands and France) a view to developing a film on how to interview children in the context of family law cases. Although requested by GRETA, no information was provided by the authorities on the training of law enforcement officers on child-friendly interviews.

168. While welcoming the steps taken to ensure child-sensitive procedures, GRETA considers that the Italian authorities should strengthen their efforts to ensure that all child victims of trafficking are afforded special protection measures and to further develop training of professionals on child-friendly interviews. In this context, reference is made to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.¹⁰⁵

c. role of businesses

169. In December 2021, the 2nd National Action Plan on Business and Human Rights was adopted. It was drafted by an *ad hoc* working group composed of relevant institutions, trade unions, employers' organisations, NGOs and international organisations. The plan contains dedicated sections on human trafficking and irregular work in the agriculture.¹⁰⁶

170. The NAP on trafficking in human beings (2022-2025) includes activities to be implemented in co-operation with businesses, including joint awareness-raising of recruitment agencies, private employment agencies and employers in the private and public sectors on the issue of forced labour and due diligence in recruitment processes. As mentioned in GRETA's second report, a Network of Quality Agrarian Labour was established in 2015 to promote agricultural businesses that respect labour rights and ethical working practices.¹⁰⁷ Considering that the number of companies participating in the network remains limited, the National Plan on Labour Exploitation and Illegal Hiring in Agriculture includes measures to reinforce the network, including the simplification of the procedure of membership and incentives for businesses.

171. GRETA refers to the report of the UN Working Group on Business and Human Rights following its country visit to Italy in September-October 2021. While recognising ongoing efforts to advance responsible business conduct and to address gaps, particularly in relation to serious abuses suffered by migrant workers, the Working Group considered that numerous challenges remain. It recommended, *inter alia*, to enact a mandatory human rights due diligence law and to improve access to judicial and non-judicial remedies for all victims of corporate abuses in all sectors.¹⁰⁸

172. GRETA considers that the Italian authorities should continue their engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights¹⁰⁹ as well as Council of Europe Committee of Ministers Recommendations CM/Rec(2016)3 on human rights and business and CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation,¹¹⁰ with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims of trafficking, and providing access to effective remedies.

¹⁰⁴ See 2nd GRETA report on Italy, paragraph 265.

¹⁰⁵ [Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice](#) (adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies).

¹⁰⁶ Available at: https://cidu.esteri.it/comitatodirittiumani/resource/doc/2021/12/secondo_pan_bhr_en.pdf

¹⁰⁷ See 2nd GRETA report on Italy, paragraph 80.

¹⁰⁸ <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/HRC/50/40/Add.2&Lang=E>

¹⁰⁹ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

¹¹⁰ [Recommendation CM/Rec\(2016\)3](#) of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies.

[Recommendation CM/Rec\(2022\)3](#) of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation and [Explanatory Memorandum](#), adopted on 27 September 2022.

d. measures to prevent and detect corruption

173. Trafficking in human beings may be engaged in by organised criminal groups, which frequently use corruption to circumvent the law and money laundering to conceal their profits, but it can occur in other contexts. Consequently, other Council of Europe legal instruments are also relevant to combating human trafficking, in particular those designed to combat corruption, money laundering and cybercrime. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO). Its country reports are relevant in addressing structural shortcomings in preventing corruption, including potentially in a THB context.

174. In Italy, the national policy framework for preventing and combating corruption is provided by the National Anti-Corruption Strategy adopted in January 2023. It does not contain specific measures regarding corruption in a trafficking context. The National Authority against Corruption (ANAC) is the independent authority for the prevention of corruption in the administration.

175. The first National Action Plan on Trafficking in Human Beings and Serious Exploitation (2016-2018) envisaged research on the role of organised crime and corruption in relation to trafficking, which was not conducted. There is no measure concerning the prevention and detection of corruption in trafficking cases in the new NAP.

176. No information was provided by the authorities on cases of trafficking in human beings involving public officials. According to available information, in one case dating back to 2021, a labour inspector was prosecuted for having provided cover to a gangmaster and an employer who recruited and exploited agricultural workers in exchange for economic benefits. The person pleaded guilty of the offence.¹¹¹

177. GRETA takes note of the last GRECO report on Italy (2022) which concluded that while most recommendations regarding the prevention of corruption in the judiciary have been dealt with in a satisfactory manner, a legislation on incompatibilities and restrictions on the performance of political and governmental functions by judges and magistrates was pending.¹¹²

178. **GRETA invites the Italian authorities to include measures against corruption in a THB context in the overall policies against corruption, and to implement them effectively.**

¹¹¹ 4th Report on labour exploitation and the protection of victims, "Altro Diritto"/FLAI CGIL, 2022, p. 19. Available at: <http://www.adir.unifi.it/laboratorio/quarto-rapporto-sfruttamento-lavorativo.pdf> (in Italian).

¹¹² <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a8018a>

V. Follow-up topics specific to Italy

1. Measures to prevent and combat trafficking for the purpose of labour exploitation

179. In its second report, GRETA urged the Italian authorities to intensify their efforts to prevent and combat trafficking for the purpose of labour exploitation, including by strengthening the capacities and training of labour inspectors, establishing effective mechanisms to allow irregular migrants to lodge complaints against their employers, as well as raising awareness among the general public and migrant workers. It also urged the authorities to increase proactive identification of victims of trafficking for the purpose of labour exploitation.¹¹³

180. Trafficking for the purpose of labour exploitation continues to be a major issue of concern in Italy. High-risk sectors include agriculture, domestic work, textile manufacturing, catering, construction and car washes. These sectors are characterised by the highest proportion of irregular work (e.g. lack of contract and/or residence permit) according to estimates of the National Institute for Statistics (ISTAT).¹¹⁴

181. In order to prevent and combat the phenomenon, the Italian authorities have adopted several policies and measures during the reporting period, particularly in relation to the agricultural sector. As mentioned in paragraph 28, the National Plan to combat labour exploitation and illegal recruitment in the agriculture was adopted on 20 February 2020. It includes measures in the areas of prevention, prosecution, protection and social integration of victims, in particular the development of an information system for employers and workers, the strengthening of the Network of Quality Agrarian Labour (see also paragraph 170), the planning of decent housing and transport solutions for agricultural workers, the organisation of public information campaigns, and the creation of a national system for the reintegration of victims.

182. Further, Legislative Decree No 173 of 11 November 2022 introduced the “social conditionality” for beneficiaries of Common Agricultural Policy (CAP) funds, according to which farmers must respect EU social and labour law to receive CAP funds.

183. A Plan to Combat Undeclared Work (2023-2025) was adopted in December 2022. Its implementation is monitored by a National Committee for Preventing and Combating Undeclared Work, chaired by the Ministry of Labour and Social Policies and composed of all relevant administrations as well as representatives of trade unions and employers’ organisations. The plan includes measures to improve data collection on the phenomenon, the strengthening of labour inspections, the reinforcement of obligations and sanctions for employers, as well as training courses for public job centres and private employment services on labour exploitation in agriculture. GRETA regrets that following the update of the plan in April 2023, it is not envisaged anymore to introduce amendments to the Consolidated Immigration Law with a view to addressing the links between immigration and irregular work.

184. With a view to improving the identification and referral of victims of labour exploitation in agriculture and promoting a homogenous approach around Italy, specific “Guidelines on the identification, protection and assistance to victims of labour exploitation in the agriculture” were adopted on 7 October 2021 in the framework of the plan mentioned in paragraph 181.¹¹⁵ They were drafted by a working group composed of public entities, international organisations and trade unions. The regions and autonomous provinces are expected to adopt measures to implement the guidelines, including through multi-sector and multi-agency intervention plans. However, at the time of GRETA visit, not all regions or autonomous provinces had adopted such measures. In their comments on the draft report, the Italian authorities indicated that to date, the guidelines have been implemented with a formal act only by the Region of

¹¹³ See 2nd GRETA report on Italy, paragraphs 101-102, and paragraph 158.

¹¹⁴ Domestic work: 781,900 irregular workers (26.1%); Trade: 333,600 (11.1%); Manufacturing: 241,400 (8.1%); Accommodation and catering: 229,700 (7.7%); Agriculture: 220,500 (7.4%). Source: National Plan on Undeclared Work (2020).

¹¹⁵ <https://integrazionemigranti.gov.it/en-gb/Ricerca-news/Dettaglio-news/id/2030/National-Guidelines-on-identification-protection-and-assistance-to-victims-of-labour-exploitation-in-agriculture>

Campania, on 29 July 2022. In other regions of Southern Italy, the local committees to combat the illegal recruitment system, established under the project "Su.Pr.Eme", implemented from October 2019 to October 2022 (see paragraph 195), are planning methods to set up the referral mechanism outlined in the guidelines, and the planning of a new programme is underway to give continuity to this project. The North-Central Regions have been asked to work in synergy with the national guidelines and create a regional governance system for the protection of victims of labour exploitation, including in sectors other than agriculture.

185. The guidelines cover all potential victims of human trafficking, illicit brokering and labour exploitation (*caporalato*), slavery and irregular labour "for whom at least one of the indicators of exploitation provided for by the Criminal Code exist." However, to GRETA's knowledge, the only indicators of exploitation in the CC can be found in Article 603 bis and, as indicators, they cannot be considered mandatory, nor exhaustive. Therefore, it is not clear for GRETA under what circumstances and according to which indicators victims of labour exploitation can be identified on the basis of the guidelines. The identification process is conducted in two phases (pre-identification and formal identification, see also paragraph 220), and the role of trade unions in the pre-identification phase is explicitly recognised. GRETA was informed that it is envisaged to extend the guidelines to other sectors of economic activity at risk of exploitation and irregular work.

186. The National Labour Inspectorate (NLI) and the Carabinieri Command for the Protection of Labour both play a role in the prevention of trafficking for the purpose of labour exploitation and the detection of potential victims. As mentioned in previous GRETA reports, the NLI is responsible for ensuring the correct implementation of labour and social regulations. Labour inspectors conduct unannounced inspections in workplaces. They can only enter private homes with the authorisation of the owner, unless the private home coincides with the address of an entrepreneur or registered company.¹¹⁶

187. There are 2,412 certified labour inspectors and technical inspectors across Italy (data as of 31 December 2022),¹¹⁷ of whom 340 labour inspectors were recruited at the end of 2022 and were not yet operational at the time of GRETA visit as they had not completed their initial training. About 1,600 labour inspectors can effectively participate in inspections. In the Piedmont region, which was visited by GRETA, there are some 185 labour inspectors and 69 technical inspectors, for some 220,000 entities subject to inspection, which is clearly not sufficient. GRETA recalls the importance of allocating sufficient human resources to ensure the effectiveness of labour inspectorates, and refers to the relevant standards established by ILO.¹¹⁸ In their comments on the draft report, the Italian authorities indicated that the recruitment plan of the NLI for 2022-2024 forecasts 2,580 staff, of whom 900 are labour inspectors and 1,174 technical inspectors.

188. Further, the Carabinieri Command for the Protection of Labour, which is functionally placed under the Ministry of Labour and Social Policy, is tasked with the fight against illegal employment, severe labour conditions and exploitation. Officers of the Carabinieri Command have qualifications to act as both labour inspectors and criminal police officers. They carry out autonomous operations or act in support of other agencies.¹¹⁹ There are 581 officers trained as labour inspectors in the Carabinieri Command for the Protection of Labour.

¹¹⁶ See Constitutional Court decision 10/1971 of 29 January 2023. In the case of a domestic worker employed by an individual, not an entrepreneur or a registered company, labour inspectors can only enter the private home with the approval of the owner.

¹¹⁷ The National Labour Inspectorate comprises labour inspector, who can conduct unannounced labour inspections in all sectors of activity, as well as technical inspectors, who can conduct labour inspections in specific sectors (such as construction) aimed at verifying the correct application of the rules to protect the safety of workers.

¹¹⁸ See ILO, Guidelines on general principles of labour inspection (2022), pp.20-21. See also ILO, Committee on Employment and Social Policy, Strategies and practice for labour inspection (2006) GB.297/ESP/3, para. 13.

¹¹⁹ See 2nd GRETA report on Italy, paragraph 87.

189. The NLI Programme of supervisory activities for 2023 envisages to carry out 75,000 inspections by labour inspectors and/or the Carabinieri Command for the Protection of Labour in 2023, which corresponds to an increase of approximately 18% compared to 2022. The fight against *caporalato* and undeclared work are amongst the priorities.

190. Efforts have been made to develop a “multiagency approach” to labour inspections with the involvement of a broad range of actors, including cultural mediators and members of anti-trafficking entities. The project “ALT CAPORALATO!” implemented by the NLI and IOM from October 2019 to September 2021 aimed at preventing and combating the exploitation of migrant workers in various economic sectors (agriculture, logistics, construction and manufacturing) and covered several regions (Abruzzo, Emilia-Romagna, Lazio, Lombardy, Marche, Piedmont, Tuscany, Umbria and Veneto). It included the participation of cultural mediators during labour inspections, training of labour inspectors and cultural mediators, and awareness-raising initiatives of migrant workers. The second phase of the project, “ALT CAPOTALATO DUE!”, is implemented from December 2022 to December 2024 and covers all sectors of activity and all regions of Italy. The agreement between the NLI and IOM was recently renewed, enabling the latter to have cultural mediators in the information helpdesks of some of the NLI regional offices.¹²⁰ Model complaints are made available in foreign languages.¹²¹ According to all interlocutors met during GRETA’s visit, the implementation of the multiagency approach and the involvement of cultural mediators has had a very positive impact on the identification of victims, and the NAP against THB for 2022-2025 makes it one of the priority actions. However, some interlocutors regretted that the participation of specialised NGOs in inspections is less frequent.

191. No data was provided on the number of potential victims of trafficking in human beings detected by labour inspectors and the Carabinieri Command for the Protection of Labour during the reporting period. GRETA was informed that, during inspections involving cultural mediators of IOM, about 5,000 potential victims of serious labour exploitation were detected, and more than 1,100 *caporali* were reported to the judicial authorities. In the Piedmont region, labour inspectors informed GRETA that they received requests for interventions related to *caporalato*, and worked with cultural mediators provided by IOM in order to reach out to migrant workers (e.g. in textile sweatshops employing Chinese workers). Reference was made to an investigation into a case of *caporalato* which involved outsourcing of food production to Egyptian workers. However, no victims of THB have been identified by the labour inspectorate in Piedmont.

192. There remain concerns that the capacities of labour inspectors are insufficient to effectively prevent and combat trafficking in human beings. The human resources of the regional and territorial labour inspectorates do not allow to conduct a sufficient number of unannounced inspections in high-risk sectors, including in remote workplaces. Further, while the initial training of labour inspectors covers the issue of trafficking in human beings, there are no systematic courses organised as part of their continuous training. For instance, in Foggia, where there are major issues regarding labour exploitation in agriculture, GRETA was informed that labour inspectors have never been trained on human trafficking.

193. While domestic work is considered a high-risk sector, GRETA was not informed of any awareness-raising measures targeting domestic workers during the reporting period, nor specific measures to detect victims of trafficking amongst them. As mentioned in paragraph 186, the possibility of conducting labour inspections in private households is limited and, according to the authorities, in practice they happen following a complaint from domestic workers at the end of the employment relationship. In addition, the situation of these workers attracts little attention from the criminal justice system. The National Plan on Undeclared Work (see paragraph 183) envisaged the development of a dedicated website for the registration and management of work relationships with domestic workers. However, it does not envisage establishing minimum wages for this category of workers.

194. Furthermore, there are concerns regarding labour exploitation committed by entities disguised as temporary employment agencies. To be part of the National Agency for Active Labour Policies (ANPAL)

¹²⁰ The helpdesks operated by IOM are present in Cuneo, Ferrara, L’Aquila, Foggia, Reggio Calabria and Bari.
¹²¹ English, French, Romanian, Chinese, Arabic, Bengali, Pujabi, Urdu, Ukrainian and Russian.

network and operate in the field of employment services, it is necessary to be registered in the national register of employment agencies.¹²² The National Plan against undeclared work envisages strengthening the monitoring of private intermediation services.

195. Some measures have been taken to address the situation of migrant workers, in particular in the agricultural sector and in the South of Italy. For instance, the project "Su.Pr.Eme", implemented with AMIF funding (30 million Euros) from October 2019 to October 2022, was addressed at migrants working in five regions of the South of Italy (Puglia, Basilicata, Calabria, Campania and Sicily).¹²³ It covered access to decent housing, promotion of regular work, strengthening of health services and promotion of social and economic integration. Another project, "PIU Su.Pr.Eme", implemented with joint funding of the Ministry of Labour and Social Policy and AMIF (19 million Euros), covered the same regions and focused on migrant workers in the agriculture sector.¹²⁴ It enabled, *inter alia*, the development of social housing and shared housing for migrant workers, as well as the setting up of individual action plans for the social and work integration of migrant workers. As part of this project, since June 2021, an "anti-caporalato helpdesk" has been providing information in a range of languages on labour exploitation through a dedicated website and toll-free helpline (#800 939 000).¹²⁵

196. Some Italian trade unions are active in raising awareness and providing assistance to possible victims, notably in the sector of agriculture. For instance, the trade union FAI-CSIL has established a helpline (SOS *Caporalato*, #800 199 100) to which agricultural workers can report situations of labour exploitation. The trade union FLAI-CGIL regularly supports and represents victims in the framework of criminal proceedings and, as mentioned in paragraph 108, it co-operates with the academic centre *Altro Diritto* for the publication of research on cases of labour exploitation in the criminal justice system.

197. The Italian authorities also referred to the adoption of a National Plan for the integration of holders of international protection and projects dedicated to the labour inclusion of refugees and holders of other forms of special protection. In particular, the project PUOI (*Protezione Unita a Obiettivo Integrazione*), implemented in 2019-2021, allowed nearly 2,000 refugees and holders of humanitarian protection to follow traineeships in different sectors (tourism, trade, social and health care, agriculture), as well as to receive an individual grant of about 6,000 Euros. Further, a three-year Memorandum of Understanding was signed in May 2022 between the Italian government, the Association of Italian national builders (ANCE) and trade unions, to train 3,000 refugees, including unaccompanied children and young adults, to work in the construction sector.

198. While welcoming the measures adopted by the Italian authorities to combat the risks of labour exploitation, GRETA notes that there has been a steady increase in the number of victims of trafficking or labour exploitation identified in recent years. The phenomenon continues to be deeply rooted in some sectors of activity which are highly dependent on migrant labour. Many interlocutors deplored the lack of political will to tackle it effectively, given the importance of these sectors for the Italian economy.

199. Further, the capacities of the Italian reception system are considered insufficient compared to the number of migrants arriving in Italy each year, and many of them face marginalisation and hard living conditions which increase their vulnerability to trafficking for the purpose of labour exploitation.¹²⁶

200. During the visit, GRETA went to the informal migrant settlement of Borgo Mezzanone (in Manfredonia, Puglia) which has existed since 2002 and is located next to a reception centre for asylum seekers (CARA) and the territorial commission for international protection of Foggia. About 2,000 migrants

¹²² <https://www.anpal.gov.it/agenzie-per-il-lavoro>

¹²³ [Su.Pr.Eme. Italia](#) (*Sud Protagonista nel superamento delle Emergenze in ambito di grave sfruttamento e di gravi marginalità degli stranieri regolarmente presenti nelle 5 regioni meno sviluppate*).

¹²⁴ [P.I.U. Su.Pr.Eme.](#) (*Percorsi Individualizzati di Uscita dallo Sfruttamento*).

¹²⁵ <https://www.helpdeskanticaporalato.org/>

¹²⁶ According to research, migrant workers, including refugee, asylum seekers and irregular migrants, remain predominantly among the victims in cases of labour exploitation. See 4th Report on labour exploitation and the protection of victims, Altro Diritto/FLAI CGIL, 2022. <http://www.adir.unifi.it/laboratorio/quarto-rapporto-sfruttamento-lavorativo.pdf> (in Italian).

were living in the settlement at the time of the visit, and reportedly many more during the harvest season, mainly nationals of Nigeria, Ghana, Gambia, Ivory Coast, Togo, Somalia, Afghanistan and Pakistan. Some have been living there for more than 10 years. Most of them are undocumented migrants working at farms, but there are also asylum applicants, refugees and regular workers who cannot afford to pay rent due to their low income and/or the short duration of their work permit. In the settlement, migrants live in inhumane conditions without access to drinking water and sanitation, and limited access to electricity. The NGO INTERSOS provides them with humanitarian assistance and anti-trafficking NGOs, such as Oasi2, regularly visit the settlement with cultural mediators to detect possible victims of THB and labour exploitation, and provide them with information and support. NGOs also alerted GRETA to the situation of women living in the settlement who are reportedly victims of both labour exploitation in the agricultural fields and sexual exploitation within the settlement.

201. GRETA was informed that there are 38 similar informal migrant worker settlements across Italy. GRETA is deeply concerned by the lack of action on the part of the Italian authorities to improve the humanitarian situation in the informal settlements, which creates heightened risks of human trafficking. The authorities indicated that within the framework of the National Plan for Recovery and Resilience, adopted in May 2021, 200 million Euros will be provided to local administrations in order to close down the informal settlements, provide housing solutions for migrants and improve their social inclusion. GRETA was informed that the towns of Foggia and Manfredonia have signed a protocol with the Ministry of the Interior with a view to building 500 temporary accommodation places for seasonal workers, as well as transforming the CARA into housing for about 400 persons. While welcoming these measures, GRETA is concerned that the objectives are insufficient to meet the needs of the thousands of migrant workers living in the informal settlement. GRETA refers to the report of UN Working Group on Business and Human Rights (June 2022), which stressed that durable solutions must be found on the basis of the human rights and dignity of workers and paving the way for the full integration of workers into society.¹²⁷

202. The Flow Decree (*Decreto Flussi*), which establishes annual quotas of the number of third-country nationals authorised to come to Italy for work, sets that in 2023, 82,705 can benefit from a work visa, including 22,000 for seasonal work in agriculture, 44,000 for seasonal work in other sectors, and 27,700 for non-seasonable work. These numbers are low compared to the high demand for migrant workforce, obliging employers to have recourse to irregular workforce supplied by traffickers and criminal organisations. In their comments on the draft report, the authorities argued that the three-year plan for the *Decreto Flussi* (2023-2025), published in October 2023, has increased quotas of work permits. The proposed scheme would provide for 452,000 entries, including 136,000 in 2023, 151,000 in 2024 and 165,00 in 2025. There are also plans to strengthen vocational training in countries of origin prior to departing to Italy.

203. Due to the policies implemented in recent years to fight irregular migration, many workers are reluctant to report their exploitation to the authorities for fear of being detained and deported. The Italian authorities have argued that, with a view to avoiding retaliation and building trust with irregular migrant workers, labour inspectors must ensure the secrecy of the reasons that activated the inspection and, upon detection of irregular workers, the latter are to be provided with a special leaflet summarising their rights.¹²⁸ However, GRETA notes that a copy of the leaflet signed by the irregular worker is sent to the police (*questura*). In addition, possibilities for irregular migrants to be regularised are low, in particular since the abolition of the residence permit for humanitarian reasons by Law No. 132 of 1 December 2018 and more recently with the amendments to the residence permit for special protection (see paragraphs 20 and 280). GRETA refers to the Concluding observations of the UN Committee on Economic, Social and Cultural Rights on Italy (2022) which expressed concerns that the aforementioned Law No. 132 has

¹²⁷ <https://www.ohchr.org/en/documents/country-reports/ahrc5040add2-visit-italy-report-working-group-issue-human-rights-and>

¹²⁸ See the [leaflet](#) approved by Inter-Ministerial Decree of 10 February 2017 by the Ministry of the Interior and the Ministry of Labour and Social Policy.

contributed to a rise in the number of irregular migrants and has increased their risk of exploitation, and recommended reviewing the law with the aim of increasing the regularisation of migrants.¹²⁹

204. **GRETA urges the Italian authorities to take additional measures to effectively prevent, detect and combat trafficking for the purpose of labour exploitation, taking into account Recommendation CM/Rec(2022)21 of the Committee of Ministers¹³⁰ and GRETA's Guidance Note on combating trafficking for labour exploitation.¹³¹ This should include steps to:**

- **ensure that sufficient resources are made available to labour inspectors to fulfil their mandate and carry out proactive and unannounced inspections, including in remote locations at risk of trafficking, without prior complaints from workers;**
- **strengthen the monitoring of domestic work, recruitment and temporary work agencies and supply chains, as well as other risk sectors;**
- **establish safe reporting and effective complaint mechanisms for workers, to ensure that victims of abuses or exploitative situations can refer their case without fear of repercussions;**
- **put in place practical co-operation and data sharing agreements between labour inspectors and law enforcement in order to ensure that personal information of workers, whether collected in the course of labour inspections, joint inspections, reporting or complaints mechanisms, is not used for immigration enforcement purposes, but to tackle the perpetrators of trafficking offences;**
- **guarantee that the living and working conditions of migrant workers, including in the agricultural sector, meet all the requirements laid down in the legislation with a view to preventing abuse and exploitation. Immediate action should be taken to close down informal settlements, provide durable living and working conditions for those living there and ensure that they are able to regularise their residence status.**

205. **Further, GRETA considers that the Italian authorities should:**

- **expand legal routes to migration and improve the reception system of refugees and asylum seekers as an effective measure to reduce vulnerability to trafficking;**
- **further train labour inspectors, as well as law enforcement officers, prosecutors and judges, on THB for the purpose of labour exploitation and the rights of victims;**
- **raise awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of trafficking for the purpose of labour exploitation;**
- **develop data collection on the number of presumed victims of trafficking detected during labour inspections.**

206. **GRETA also invites the Italian authorities to further develop co-operation with specialised NGOs in conducting multi-agency labour inspections.**

¹²⁹https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FITA%2FCO%2F6&Lang=en

¹³⁰ https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a83df4

¹³¹ <https://rm.coe.int/guidance-note-on-preventing-and-combating-trafficking-in-human-beings-/1680a1060c>

2. Measures to discourage demand

207. Reducing the demand that encourages human trafficking is one of the priorities of the second National Action Plan against trafficking and serious exploitation of human beings (2022-2025). In this regard, it mostly envisages preventive measures such as awareness-raising activities for responsible and conscientious tourism, sensitisation in schools, as well as research projects on reducing demand for services provided by victims of trafficking for the purpose of sexual exploitation and on the recruitment of victims over the Internet.

208. Awareness-raising is conducted by the Anti-Trafficking Helpline, notably on the occasion of the European and World Anti-trafficking Days (30 July and 18 October, respectively). Further, on the occasion of the 20th anniversary of the Helpline (2022), awareness-raising videos on the trafficking phenomenon were produced and disseminated in co-operation with the DEO.¹³²

209. A mapping of street prostitution is periodically conducted by specialised NGOs under the co-ordination of the Helpline. It allows to detect possible victims of trafficking, support persons who want to leave prostitution and situations of sexual exploitation and understand the situation of sexual exploitation on the street with a view to informing the development of measures to discourage demand.¹³³ According to the data provided, the number of people in street prostitution in Italy has decreased, in particular during the COVID-19 pandemic (2,608 in October 2019, 1,631 in November 2021, and 1,440 in October 2022). There has been an increase in the proportion of European and Latin American nationals amongst persons in situation of street prostitution (compared to African countries). Efforts are implemented by specialised NGOs to improve contacts with persons in situation of indoor prostitution, for instance through the monitoring of websites for sexual services and apps, phone calls, or visits to apartments and informal places.

210. Measures to discourage demand for forced labour and trafficking for the purpose of labour exploitation are described in other parts of the report (see paragraphs 170, 182 and 183). They have particularly concerned the agricultural sector, through co-operation with the private sectors, the reinforcement of the Network of Quality Agrarian Labour and the introduction of a "social conditionality" for beneficiaries of Common Agricultural Policy.

211. The use of services of trafficked persons is still not criminalised in Italy. During the visit, the authorities referred to a possible evolution of the Italian legal system in this regard, in the framework of the revision of the 2011/36/EU Directive on preventing and combating trafficking in human beings and protecting its victims.

212. **Recalling its previous recommendation, GRETA considers that the Italian authorities should step up their efforts to discourage demand for the services of trafficked persons, in partnership with civil society, trade unions, private sector and the media, including by:**

- **continuing to raise public awareness of trafficking for all forms of exploitation and on risks of human trafficking online;**
- **criminalising the use of services which are the object of exploitation, with the knowledge that the person is a victim of trafficking in human beings, as provided for in Article 19 of the Convention.**

¹³² <https://osservatoriointerventitratta.it/video-di-sensibilizzazione-una-strada-per-rinascere/>

¹³³ See 2nd GRETA report on Italy, paragraph 132.

3. Border measures

213. Search and rescue operations of migrants in the central Mediterranean Sea have continued to be carried out by the Italian authorities with the support of the FRONTEX Operation THEMIS, launched in February 2018. In GRETA's second report, reference was made to the Memorandum of Understanding concluded in 2017 between Italy and Libya, which was renewed in 2022.¹³⁴ Pursuant to it, the Italian authorities provide material, technical and information support to the Libyan authorities with a view to improving the fight against the smuggling of migrants and conducting safety and rescue operations. As a result, an increasing number of safety and rescue operations have been conducted by Libya (more than 23,500 migrants were rescued or intercepted by the Libyan Coast Guards in 2022, compared to 9,200 in 2019).¹³⁵ The migrants are disembarked in Libya and usually placed in detention centres run by the Libyan authorities until they are returned to their countries of origin. Numerous reports by international organisations and NGOs have denounced the situation in detention centres in Libya. According to a report by the Office of the UN Commissioner for Human Rights issued in 2022, migrants can be placed in these detention centres for indefinite periods of time, in conditions amounting to torture and inhuman or degrading treatment.¹³⁶

214. In a recent letter of January 2023, the Council of Europe Commissioner for Human Rights reiterated her call on Italy to suspend its co-operation activities with the Libyan Coast Guards given the safety situation in Libya and the great amount of evidence pointing to serious human rights violations faced by migrants and asylum seekers returned there. In addition, according to UNHCR, Libya does not meet the criteria for being designated as a place of safety for the purpose of disembarkation following rescue at sea and States should refrain from returning any persons rescued at sea to Libya.¹³⁷

215. GRETA notes that a case against Italy was communicated by the European Court of Human Rights in June 2019 concerning the alleged co-ordination by the Italian Coast Guards of a search and rescue operation conducted by the Libyan Coast Guards. The applicants consider that the Italian authorities violated, *inter alia*, Article 3 and Article 4 of the ECHR by having exposed them to the risk of being sent back to Libya.¹³⁸ There are also reports that commercial vessels carried out rescue operations at sea and pushed migrants back to the Libyan Coast Guards, while safety and rescue operations were co-ordinated by the Italian Coast Guard. In December 2019, an individual communication was addressed to the UN Human Rights Committee against Italy alleging that the Italian Coast Guards had instructed a commercial vessel to carry out a safety and rescue operations of migrants who were later intercepted by Libya.¹³⁹

216. With a view to saving lives and preventing abuses (including human trafficking) in migration routes, the Italian authorities have funded the Emergency Transit Mechanism of UNHCR, which allows for the safe evacuation of vulnerable refugees and asylum seekers from Libya to Niger and Rwanda. The Italian authorities have also co-operated with UNHCR for the establishment of humanitarian corridors to Italy for these people. According to official data provided, in November 2022, 487 persons in "clear need of international protection" registered by UNHCR were evacuated from Libya to Italy, of whom 286 were accommodated in the Italian reception system and 201 in NGO facilities.

217. GRETA is deeply concerned that the co-operation of the Italian authorities with the Libyan Coast Guards results in an increasing number of migrants being returned to Libya where they face high risks of serious human rights abuses in detention centres, including slavery, forced labour and sexual exploitation.

¹³⁴ "Memorandum of understanding on co-operation in the fields of development, the fight against illegal immigration, human trafficking and fuel smuggling and on reinforcing the security of borders between the State of Libya and the Italian Republic". See 2nd GRETA Report on Italy, paragraph 219.

¹³⁵ Source UNHCR

¹³⁶ [Nowhere but back: Assisted return, reintegration and the human rights protection of migrants in Libya | OHCHR](#)

¹³⁷ UN High Commissioner for Refugees (UNHCR), *UNHCR Position on the Designations of Libya as a Safe Third Country and as a Place of Safety for the Purpose of Disembarkation Following Rescue at Sea*, September 2020, available at: <https://www.refworld.org/docid/5f1edee24.html>

¹³⁸ [S.S. ET AUTRES c. ITALIE \(coe.int\)](#)

¹³⁹ https://www.glanlaw.org/files/ugd/14ee1a_e0466b7845f941098730900ede1b51cb.pdf

This is even more concerning given that, as mentioned in paragraph 235, there are increasingly strong indicators of the important presence of victims or potential victims of trafficking travelling to Italy from Libya. GRETA recalls that the obligations under Articles 7 and 32 of the Convention to strengthen border controls and to use international co-operation aims at preventing trafficking in human beings or re-trafficking, as well as detecting and identifying possible victims of trafficking. In their comments on the draft report, the Italian authorities argued that co-operation with the Libyan authorities is intended to enhance their capacities in dealing with migration flows and fighting human trafficking, while reducing the number of deaths at sea and prioritising the respect of human rights, humanitarian law and international law.

218. GRETA urges the Italian authorities to take measures to ensure that international co-operation in the area of border measures is used to prevent and detect trafficking, and to suspend the application of the Memorandum of Understanding with Libya.

4. Identification of victims of trafficking

219. In its second report, GRETA urged the Italian authorities to put into practice a National Referral Mechanism (NRM), to increase efforts to proactively identify victims of trafficking for other forms of exploitation than sexual exploitation, to ensure identification of possible victims at all border crossings, and to provide sufficient resources to NGOs involved in the identification of victims of trafficking amongst asylum seekers, including those engaged in rescue at sea operations.¹⁴⁰

220. Similar to the previous anti-trafficking NAP, the NAP 2022-2025 contains in an annexe a document laying down the National Referral Mechanism (NRM) which includes a set of basic principles and standard operating procedures (SOPs), as well as "Guidelines for the definition of a mechanism for rapid identification of victims of trafficking and serious exploitation". The identification process consists of two phases: 1) pre-identification performed by any professional who has reasonable grounds to believe that a person is a victim of trafficking; 2) formal identification carried out by law enforcement officers or prosecutors in the framework of criminal proceedings, or by the anti-trafficking projects if the victim does not want to be referred to the authorities. The participation of cultural mediators in the identification process is envisaged. However, according to many interlocutors, the NRM as described in the NAP is not yet implemented in practice. Some regions (e.g. Piedmont, Lombardy, Abruzzo) have set up co-operation protocols between relevant agencies for the identification and referral of victims of THB, but this cannot be a substitute for a NRM which applies to the whole territory of Italy. Several interlocutors also noted that the NRM, which was first published in 2016, should be revised in order to address new forms of trafficking and include additional front-line actors, such as trade unions. In their comments on the draft report (October 2023), the Italian authorities indicated that a revision of the NRM is about to be adopted by the Technical Committee.

221. The national toll-free helpline (*Numero verde*, 800 290 290), funded by the Department for Equal Opportunities and implemented by the Veneto region, continues to operate around the clock.¹⁴¹ Over the years, there has been an increase in victims self-reporting human trafficking or seeking help to leave situations of exploitation. In order to continue encouraging self-reporting, the authorities plan to increase the distribution of informative leaflets to people at risk.

222. Within the framework of regional anti-trafficking projects, NGOs and local actors have continued to conduct activities aimed at improving the detection of victims of trafficking, including through mobile units, information desks, support in informal migrant worker settlements, as well as the provision of first aid to people at risk. These NGOs have recourse to cultural mediators who are sometimes survivors of trafficking and exploitation. A national mapping of street prostitution is conducted every six months. In Puglia, the regional anti-trafficking project (*La Puglia non Tratta – Insieme per le vittime*) includes four mobile units for the detection of victims of sexual exploitation and two mobile units for victims of labour

¹⁴⁰ See 2nd GRETA report on Italy, paragraph 158.

¹⁴¹ Several calls can refer to the same victim or case, and more than 45% were irrelevant or nuisance calls.

exploitation, seven drop-in centres and three information points. GRETA was informed that from July 2021 to September 2022, the mobile unit in Puglia established contact with 355 potential victims, including 37 persons in the informal settlements of Borgo Mezzanone and Torreta Antonacci (mainly women).

223. While sexual exploitation remains predominant among the identified victims, the number of victims of trafficking for the purpose of labour exploitation is constantly growing (see paragraph 16). With a view to improving the identification of victims of trafficking for the purpose of labour exploitation, the authorities have developed a multi-agency approach to labour inspections, involving cultural mediators and anti-trafficking NGOs (see paragraphs 190-191). In addition, as already noted in paragraph 184, specific "Guidelines on the identification, protection and assistance to victims of labour exploitation in the agriculture" were adopted on 7 October 2021 and it is envisaged to extend them to other sectors.¹⁴²

224. However, it seems that little attention is paid to the identification of victims of forced begging, forced marriage and forced criminality. With regard to the latter, there are concerns that the lack of access of anti-trafficking NGOs and the insufficient number of cultural mediators in prisons undermine the detection of potential victims of trafficking in these facilities. In their comments on the draft report, the Italian authorities argued that the identification of victims of these forms of exploitation are undermined by the difficulty of encouraging them to report their situation and to access the anti-trafficking assistance projects, as showed by several European studies and projects.¹⁴³ They also indicated that the NAP 2022-2025 seeks to promote the adoption of Memoranda of Understanding at the national or local levels to guarantee the access of anti-trafficking organisations to prisons, detention centres for irregular migrants and asylum reception centres, in order to improve the identification of trafficking victims.

225. In order to improve the detection, identification and referral of victims among asylum seekers, the "Guidelines for the identification of victims of trafficking among applicants for international protection and referral procedures" mentioned in previous GRETA reports were updated in July 2020.¹⁴⁴ They now include a set of human trafficking indicators specific to the asylum context and different forms of exploitation, with a specific focus on applications for international protection submitted by possible victims of trafficking for the purpose of labour exploitation.¹⁴⁵ Moreover, 34 Memoranda of Understanding (MoU) have been signed between territorial commissions for the recognition of international protection and anti-trafficking NGOs (compared to 24 during the previous reporting period). They provide for the organisation of information desks of anti-trafficking NGOs on the premises of the territorial commissions, as well as the presence of such NGOs during international protection interviews. The territorial commissions of Rome, Foggia, Bari and Turin met by GRETA during the visit had all concluded such MoU with NGOs. In addition, some territorial commissions (e.g. in Bari) have focal points for gender-based violence and trafficking in human beings, whose role is to monitor relevant cases and data and organise information meetings.

226. Training for members of the territorial commissions has continued to be organised in co-operation with UNHCR, notably in the framework of the project "Empower Asylum Commission," implemented since 2019 under the Emergency Assistance Fund of AMIF. In 2023, the territorial commission of Rome organised training on THB, in co-operation with the European Union Agency for Asylum (EUAA).

227. Moreover, efforts have been made to improve co-operation between civil tribunals (e.g., the second instance in the international protection procedure) and the anti-trafficking system. On 24 March 2023, the Tribunal of Florence and NGOs concluded a Protocol for the identification of victims of trafficking and severe exploitation among applicants for international protection. The Tribunal also signed an agreement with the legal clinic of the University of Florence for the monitoring of its case-law on the recognition of international protection to victims of labour exploitation.

¹⁴² <https://integrazionemigranti.gov.it/en-gb/Ricerca-news/Dettaglio-news/id/2030/National-Guidelines-on-identification-protection-and-assistance-to-victims-of-labour-exploitation-in-agriculture>

¹⁴³ Stop for beg : <https://www.regione.veneto.it/web/immigrazione/stop-for-beg>
TEMVI : <https://unipd-centrodirittiumani.it/it/attivita/Trafficked-and-Exploited-Minors-between-Vulnerability-and-Illegality-2014-2016/955>

¹⁴⁴ See 2nd GRETA report on Italy, paragraph 144.

¹⁴⁵ See 2nd GRETA report on Italy, paragraph 150. Available at : <https://osservatoriointerventiratta.it/wp-content/uploads/2023/06/allto-5-identificazione-delle-vittime-tratta-tra-i-richiedenti-protezione-internazionale-e-referral.pdf>

228. According to available data, a significant proportion of identified victims of trafficking are detected by territorial commissions for the recognition of international protection (64.6% of all victims were referred by territorial commissions to the anti-trafficking system in 2019, 47.2% in 2020, 35.6% in 2021, and 29.6% in 2022). In particular, 5,007 potential victims of THB were pre-identified by territorial commissions in 2018, 5,201 in 2019, 958 in 2020, 1,075 in 2021 and 1,103 in 2022. The decrease in the number and proportion of referrals by territorial commissions is related to the overall decrease in the number of applications for international protection in Italy as a result of the more restrictive immigration policies. In their comments on the draft GRETA report, the Italian authorities stated that this decrease is rather linked to a change in migration flows and a decrease in the number of arrivals by sea of Nigerian women.

229. All interlocutors met by GRETA acknowledged the important work carried out by territorial commissions to detect potential victims of trafficking during the asylum procedure. However, some of them underlined that the capacities of territorial commissions to detect victims vary across the country and that insufficient attention is paid to forms of exploitation other than sexual exploitation.¹⁴⁶ One of the territorial commissions reported that the detection of victims usually happens at the moment of the hearing before the territorial commission or during the appeal procedure, which can be several months or even years after the submission of the request for international protection. Finally, there are concerns that the adoption of a revised list of countries subject to the accelerated asylum procedure (Decree of the Ministry of Foreign Affairs of 17 March 2023), which now includes Nigeria and Ivory Coast (major countries of origin of victims of trafficking for the purpose of sexual exploitation), will leave less time for territorial commissions to examine applications and limit the ability to detect potential victims in the course of asylum procedure.

230. Following Russia's aggression against Ukraine, the DEO and the national Anti-Trafficking Helpline set up a specific project addressed at Ukrainian nationals at risk of human trafficking. So far, no evidence of cases of THB of Ukrainian citizens has been collected and the project is focusing on prevention.

231. The Italian authorities also indicated that attention continues to be paid to the identification of potential victims of trafficking at sea, disembarkation points and hotspots. The project PASSIM (*primissima assistenza sanitaria in mare*) funded by the AMIF provides for the presence of cultural mediators from IOM and a health team of the Italian Relief Corps of the Order of Malta on board boats of the Italian Coast Guard (*Guardia Costiera*), with a view to providing emergency medical assistance and ensuring early identification of vulnerabilities. However, GRETA was informed that during the critical time of the rescue operation, priority is given to humanitarian aid, while the identification of possible victims of trafficking is left to a later stage, when migrants are disembarked on the Italian territory and handed over to the State Police which manages the hotspots.

232. Since January 2023, a new compulsory Code of conduct for search-and-rescue operations in the Central Mediterranean (Legislative Decree 1/2023) applies to operations conducted by NGOs. It provides that vessels having carried out a rescue should reach the port assigned for disembarkation without delay. The CoE Commissioner for Human Rights considered that, by restricting life-saving assistance by NGOs, the Code of conduct may be at variance with Italy's obligations under human rights and international law.¹⁴⁷ There are concerns that it may prevent NGOs from saving and detecting potential victims of trafficking among migrants in the Central Mediterranean.

233. GRETA is also concerned about recent allegations of pushbacks from Italy to Greece, despite a judgment of the European Court of Human Rights in 2014 which found both countries in violation of Article 13 combined with Article 3 of the ECHR, and Italy in violation of Article 3 of the ECHR and Article 4 Protocol

¹⁴⁶ 76% of victims of trafficking pre-identified by territorial commissions in 2022 were victims of sex trafficking (Source: National Commission on the Right to Asylum).

¹⁴⁷ <https://www.coe.int/en/web/commissioner/-/the-italian-government-should-consider-withdrawing-decree-law-which-could-hamper-ngo-search-and-rescue-operations-at-sea>

No. 4 of the ECHR.¹⁴⁸ GRETA stresses that pushbacks impede the detection of victims of THB amongst irregular migrants and asylum seekers and raise grave concerns as regards Italy's compliance with certain obligations of the Convention, including the positive obligations to identify victims of trafficking and to refer them to assistance, as well as to conduct a pre-removal risk assessment to ensure compliance with the obligation of *non-refoulement*.

234. In GRETA's second report, reference was made to the project ADITUS implemented from 2017 to 2019 in co-operation with IOM, which focused on information services to migrants arriving by sea, in particular possible victims of trafficking and unaccompanied children. As part of this project, IOM operated mobile teams of trained cultural mediators in five hotspots and disembarkation points in Sicily and Puglia. More recently, a working group on vulnerabilities, composed of relevant ministries, international organisations (UNHCR, IOM, UNICEF, EUAA) and NGOs, was set up in June 2021 by the Ministry of the Interior with a view to improving the identification of vulnerable migrants at borders and in reception facilities, including victims of trafficking. A "Handbook for the detection, referral and taking charge of persons bearing vulnerabilities arriving in the territory and included in the protection and reception system" was published by the Ministry of the Interior in June 2023 and circulated to all prefectures. It provides stakeholders with guidance on uniform procedures to be adopted at all stages of reception and operational instructions to facilitate communication between stakeholders. Prefectures shall set up technical working groups on vulnerabilities. Training and sensitisation of professionals on the Handbook are also planned.

235. There continue to be important concerns regarding the capacities of the Italian reception system to play a role in the identification of victims of trafficking in view of the increasing number of arrivals each year.¹⁴⁹ According to UNHCR, many women and girls arriving through Libya are believed to be victims of trafficking for the purpose of sexual exploitation. There are also cases of migrants who were unable to pay their smugglers and were sold for labour or sexual exploitation, or held in debt bondage.¹⁵⁰ GRETA notes that in a statement of September 2022, the Office of the Prosecutor of the International Criminal Court considered that migrants and refugees in Libya have been subjected to crimes such as arbitrary detention, unlawful killing, enforced disappearance, torture, sexual and gender-based violence, which may constitute crimes against humanity and war crimes.¹⁵¹

236. According to some interlocutors met by GRETA, the identification of victims of trafficking remains particularly challenging at disembarkation points and hotspots due to difficulties in having confidential interviews with potential victims, without the presence of their traffickers, and lack of cultural mediators. Further, due to a lack of places in the Reception and Integration System (SAI), many migrants remain in temporary governmental centres where it is considered that there are insufficient identification and referral mechanisms with anti-trafficking NGOs, limited capacity of staff to identify possible victims, as well as a lack of cultural mediators and services for persons with specific vulnerabilities (see paragraph 64). Regarding pre-removal detention centres for migrants (CPRs), there remain concerns over the lack of access of anti-trafficking NGOs and the insufficient screening of risks of trafficking or re-trafficking upon return. Only two of the 11 CPRs are open to specialised anti-trafficking NGOs. These concerns are further exacerbated following the adoption of the Decree of the Minister of the Interior of 14 September 2023 (mentioned in paragraph 21) which obliges asylum seekers to pay a deposit of 5,000 Euros to avoid being transferred to a detention centre during the appeal phase of their asylum application. In particular, there are concerns that it is likely to increase the number of asylum seekers in detention centres given that most of them will not be able to pay the 5,000 Euros deposit needed to remain in reception facilities.

¹⁴⁸ *Sharifi and Others v Italy and Greece* (Application No. 16643/09), 21 October 2014.

¹⁴⁹ In 2022, 105,131 refugees and migrants reached Italy by sea (compared to 67,477 in 2021). They were mostly adult men (76,731), followed by unaccompanied or separated children (14,071) and adult women (8,178). Source: UNHCR.

¹⁵⁰ UNHCR, *On this Journey, No One Cares If you Live or Die': Abuse, protection, and justice along routes between East and West Africa and Africa's Mediterranean coast*, 29 July 2020.

¹⁵¹ [Statement of ICC Prosecutor, Karim A.A. Khan QC: Office of the Prosecutor joins national authorities in Joint Team on crimes against migrants in Libya | International Criminal Court \(icc-cpi.int\)](https://www.icc-cpi.int/statement-of-icc-prosecutor-karim-a-a-khan-icc-qi-2022-09-22)

237. On 11 April 2023, the Italian authorities declared a state of emergency pursuant to the Code of Civil Protection (see paragraph 21). It creates new structures under the responsibility of the Ministry of the Interior for the accommodation and processing of international protection applications. There are concerns that insufficient attention will be given to the identification of victims of trafficking in these facilities, priority being given to the acceleration of return procedures. In their comments on the draft report, the Italian authorities argued that derogation under the state of emergency shall not affect the reception of vulnerable individuals, including victims of trafficking, and that assessment of vulnerability shall always be conducted.

238. GRETA was informed by the National Guarantor of the Rights of Persons Deprived of Liberty that the number of forced returns of Nigerian women, which was an issue of concern in GRETA's previous reports, had considerably decreased over the years: from 146 in 2018, to 2 in 2021.

239. Finally, GRETA is concerned that the restrictive immigration measures adopted by the Italian authorities over the years have fostered a climate of criminalisation of migrants to the detriment of the protection of the most vulnerable, resulting in many potential victims of trafficking not reporting their case for fear of detention and deportation and thus undermining the effective detection and identification of victims.

240. **While recognising the challenges faced in the context of significant arrivals of migrants in Italy, GRETA urges the Italian authorities to:**

- **introduce into practice the National Referral Mechanism and develop Standard Operating Procedures for the establishment of effective procedures for the identification of victims of THB;**
- **strengthen efforts to proactively detect and identify victims of trafficking for different forms of exploitation, including among migrants at all borders (see also paragraph 218), in reception facilities and detention centres for migrants, and amongst Italian and EU nationals. This should include the provision of sufficient resources, capacities, guidance and training to all professionals concerned;**
- **respect the principle of *non-refoulement* in particular by ensuring that pre-removal risk assessments prior to all forced removals from Italy fully assess risks of trafficking or re-trafficking on return. The Italian authorities should take full account of the UNHCR guidelines on the application of the Convention relating to refugee status to victims of trafficking, and their right to seek asylum, and to GRETA's Guidance Note on the entitlement of victims of human trafficking, and persons at risk of being trafficked, to international protection;¹⁵²**
- **ensure that the rules applying to NGOs undertaking search and rescue operations enable them to detect potential victims of trafficking;**

241. **Further, GRETA considers that the Italian authorities should enable specialised NGOs with experience in identifying victims of trafficking to have regular access to facilities for asylum seekers, holders of international protection, detention centres for migrants and prisons.**

152

<https://rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44>

5. Assistance to victims

242. In its second report, GRETA described the organisation of assistance to victims of THB in Italy, which remains unchanged.¹⁵³ It should be recalled that since 2016, assistance has been provided through projects funded under the “Single programme for the emergence, assistance and social integration of victims of trafficking and exploitation” (i.e. victims of crimes under Articles 600 and 601 of CC, as well as victims of “severe labour exploitation”, i.e. some victims under Article 603bis CC). The projects are selected through a public call for tender managed by the Department of Equal Opportunities (DEO), and are funded by resources allocated pursuant to Law No. 208 of 28 December 2015 (Stability Law 2016). The project proposals can be submitted by regions, autonomous provinces, municipalities, private entities registered in the register of associations (i.e. NGOs), and organisations working with migrants. The last call was issued by the DEO in July 2022, making it possible to finance 21 projects, covering the entire national territory, for an amount of approximately 27.2 million Euros, until 29 February 2024 (i.e. 17 months duration). By way of comparison, in December 2017, the funding disbursed by the DEO amounted to 22.5 million Euros for 21 projects. Regional and local governments reportedly provide additional funding for anti-trafficking projects, but no exact figures are available. Further, a number of religious organisations also fund assistance to victims of trafficking.

243. The projects currently financed by the DEO have the objectives of establishing first contact with potential victims through outreach work; proactive actions for the identification of victims of THB, including through interviewing applicants for international protection detected as presumed victims of THB by the Territorial Commissions for the recognition of international protection; providing immediate first assistance, including prompt reception, medical assistance and legal advice; shelter accommodation and non-residential support, depending on the situation of the victim; support to obtain a residence permit; training (linguistic literacy, information technology, job orientation, vocational training courses); social inclusion activities and/or preparation for assisted voluntary return; and activities aimed at the operational connection between the system for the protection of victims of trafficking and the Reception and Integration System (SAI).

244. In its second report, GRETA noted that even though the total number of shelter places funded by the DEO had increased from 700 to 1,500, the available places were still not commensurate with the number of presumed victims of THB, many of whom were accommodated in centres for asylum seekers. At present, the total number of victim accommodation places provided by DEO-funded projects is 1,256, in a total of 369 structures of different types (emergency reception, first reception and second reception). The emergency and first reception include emergency shelters and protected apartments. The second reception (semi-autonomous living) includes sheltered housing, social housing, inclusion housing and parent/child structures. Not all facilities have a gender distinction. Out of the total number of accommodation places, 409 are specifically for women, 155 for men, 34 for transgender persons, and 44 for children.

245. As noted in paragraph 15, there has been an increase in the number of women victims of THB who have children. The National Action Plan against Trafficking and Severe Exploitation (2022-2025) has committed to developing specific plans for the reception and assistance of women victims of trafficking with children, with adequate pathways and services that take into account the needs of the family unit. Little information was provided by the authorities on the implementation of this measure, apart from the provision of specific training for social services providers.

¹⁵³ See 2nd GRETA report on Italy, paragraphs 160 and following.

246. According to information provided by the National Observatory of interventions against THB (*Numero Verde*), in 2022, the 21 projects assisted a total of 1,823 victims¹⁵⁴ (of whom 46 children). Women accounted for 67.1% of the victims, men – 28.6%, and transgender – 4.2%. The majority (44.7%) were victims of THB for sexual exploitation, followed by labour exploitation (23.8%). Most of the victims (57.4%) originated from Nigeria, but there were also victims from Pakistan, Morocco, Brazil, Ivory Coast, Gambia, Senegal, Bangladesh, Mali and Romania. The largest number of victims were assisted in the regions of Emilia-Romagna (319), Lombardy (253), Veneto (248), Lazio (247), Piedmont (242) and Sicily (227).

247. GRETA visited a shelter for female victims of human trafficking, run by the NGO *Differenza Donna* in Rome. It has been in operation since 2004 and has a capacity to accommodate seven women (without children), in three double and one single bedrooms. The shelter is funded by the regional anti-trafficking project in Lazio. It employs up to six female staff who ensure presence around the clock and are trained on THB and gender-based violence, including cultural mediators (who are survivors of THB) and volunteers. Some 60 to 100 women are supported per year by the NGO, but only some require sheltered accommodation. The NGO also runs help-desks at the territorial commission for international protection in Rome, civil courts and the prison in Rome, and will be reactivating the help-desk at the pre-removal detention centre Ponte Galleria in Rome.

248. As mentioned in paragraph 7, GRETA held meetings with officials and civil society representatives in Turin (Piedmont region). Under the project *Anello Forte* (Strong Ring), which first started in the mid-2000s, an anti-trafficking network was set up in the regions of Piedmont and Val d'Aosta.¹⁵⁵ It is a public-private network comprising the Municipality of Turin, Val d'Aosta region, 17 civil society organisations and two social welfare consortia. The project is funded by the DEO and periodically renewed (1.8 million Euros for the current project). It provides accommodation places,¹⁵⁶ health care, training and job orientation, specific activities for unaccompanied children and for victims of labour exploitation. As part of the current edition of *Anello Forte*, a total of 138 presumed victims (81 women, 19 men and 38 transgender) were detected and assisted as part of this project. The majority of them were Nigerian women, but there were also victims from Brazil, Peru, Morocco and Pakistan. At the time of GRETA's visit, 84 victims and 15 children of victims continued to receive assistance. Another project, ALFa (*Accogliere Le Fragilità*), was carried out by the Prefecture of Turin and eight other stakeholders, with co-financing from the EU and the Ministry of the Interior. As part of this project, which finished in September 2022, a multi-agency protocol was concluded on 3 March 2022.¹⁵⁷ Some 500 potential victims (i.e. vulnerable persons who might be victims of THB) were detected and supported in the Piedmont region. Most of them were Nigerian women, some of whom had returned to Italy from other EU countries, being pregnant or with young children (see paragraph 249). Through these projects, dedicated accommodation places for victims of THB were funded in the asylum reception and integration system.

249. In Turin, GRETA also visited a shelter run by Sermig (an NGO of the anti-trafficking network of Piedmont), with a capacity of 30 places. The shelter was full, accommodating mostly African women and their children. The maximum stay was limited to one month. GRETA also visited a flat run by the NGO *Cooperativa Progetto Tenda*, providing semi-independent accommodation to women victims of human trafficking and their children. GRETA was impressed by the caring attitude and professionalism of the staff working in these facilities.

¹⁵⁴ By way of comparison, in May 2017, 1 382 victims of human trafficking received assistance under the 21 projects, about 90% of them being women.

¹⁵⁵ [L'ANELLO FORTE 3. Rete antitrattra del Piemonte e Valle d'Aosta - IRES Piemonte - IRES Piemonte](#)

¹⁵⁶ 5 in emergency reception, 45 in first reception and 46 in second reception; 21 for women, 11 for men, 10 for transgender, 4 for children, 40 in territorial structures.

¹⁵⁷ Signatories include the Prefecture of Turin, the Territorial Commission for the recognition of international protection, the Public Prosecutor's Office at the Court of Turin, the Public Prosecutor's Office at the Juvenile Court of Piedmont and Valle d'Aosta, the Police HQ of Turin, the Command of the Piedmont and Valle d'Aosta Legion of the Carabinieri, the Regional Command of the Guardia di Finanza of Piedmont-Valle d'Aosta, the Interregional Labour Inspectorate, and anti-trafficking NGOs). Available at: <https://www.piemonteimmigrazione.it/lp/alfa/attivita/protocollo-multiagenzia> (in Italian).

250. According to NGOs, there are systemic barriers in accessing health care (including psychiatric care which many victims of THB require) and the situation has reportedly worsened since the COVID-19 pandemic. Victims who are pregnant upon arrival in Italy are denied abortion. There are also problems of communication with health-care staff due to language barriers.

251. Further, GRETA was informed of continuing problems in detecting and assisting victims of THB from EU countries (mostly Romania and Bulgaria), who have limited access to assistance and shelters funded by the DEO through the Single Programme. In their comments on the draft report, the Italian authorities argued that European nationals are fully entitled to assistance from the Single Programme but, as they enjoy freedom of movement within the EU, they prefer to move to other countries to work.

252. GRETA notes with concern reports according to which victims of THB who are returned to Italy from other EU countries under the Dublin Regulation lack effective support upon their return. In 2022, Italy received 2,331 incoming Dublin transfers, including vulnerable persons such as pregnant women or persons with severe mental health condition.¹⁵⁸ In reaction to a letter issued by the Italian Ministry of the Interior in December 2022 that it would no longer accept incoming requests (except those for the reunification of children) based on a lack of reception capacity,¹⁵⁹ the German Government responded that it continued to apply the Dublin procedure as 'directly applicable EU law' and that it would 'take into account temporary challenges in individual cases'.¹⁶⁰ On 24 January 2023, the administrative court of Arnsberg (North Rhine Westphalia) found that the refusal of Italy to accept Dublin returnees, together with the government's statement that there is no reception capacity, amounts to systemic deficiencies which make Dublin transfers to Italy illegal.¹⁶¹ However, NGOs reported that Germany continued to issue Dublin transfer decisions, even though Italy did not accept the transfers in most cases. Further, on 26 April 2023, the Netherlands' highest administrative court, the Council of State, ruled that returning migrants to Italy under the Dublin Regulation would put them at risk of mistreatment and human rights violations.¹⁶² GRETA stresses that lack of co-ordination between the anti-trafficking system and the Dublin transfers system undermines the provision of assistance to victims of THB and creates risks for re-trafficking. The above-mentioned project ALFa in the Piedmont region is an example of positive action taken in order to assist victims of THB returning to Italy under the Dublin Regulation. According to the Italian authorities, the Dublin Unit of the Ministry of Interior has started informal discussions with UNHCR on the topic of the identification of victims of trafficking among "Dublin returnees".

253. GRETA welcomes the increase in the funding made available for victim assistance and the availability of more places for victims of THB, including for men and transgender persons. GRETA also commends the work done by a series of non-profit organisations which run projects with funding from the Department of Equal Opportunities. However, the project-based approach to victim assistance has limitations and therefore a more sustainable way of funding should be considered. GRETA remains concerned that the duration of projects is limited to 17 months, which is often not long enough to enable the rehabilitation and social integration of victims. GRETA stresses the importance of ensuring that sufficient and sustainable funding is provided for victims' assistance projects.

254. GRETA urges the Italian authorities to take steps to ensure that presumed victims and victims of THB have access to health care, including to reproductive rights (safe and legal abortion).

¹⁵⁸ Info: <https://asylumineurope.org/reports/country/italy/asylum-procedure/procedures/dublin/>; Dublin - Asylum Information Database | European Council on Refugees and Exiles (asylumineurope.org)

¹⁵⁹ https://www.frnw.de/fileadmin/frnw/media/downloads/Themen_a-Z/EU-Politik/Dublin_Italien_12.2022.pdf

¹⁶⁰ Federal Government, *Responses to parliamentary question by The Left, 20/5868*, 28 February 2023, available in German at: <https://bit.ly/3TFefdY>, 40-41.

¹⁶¹ Administrative Court Arnsberg, Decision 2 K 2991/22.A, 24 January 2023, available in German at: <https://bit.ly/3Lk9pAH>.

¹⁶² <https://www.infomigrants.net/en/post/48534/dutch-court-rules-asylum-seekers-cannot-be-sent-back-to-italy-under-dublin-regulation>

255. **Further, GRETA considers that the Italian authorities should:**

- **evaluate the funding needs of victim assistance programmes and adapt the respective resources, ensuring that there are sufficient accommodation places for female, male and transgender victims of THB;**
- **adapt the length of assistance programmes to the individual needs and vulnerability of victims to enable their rehabilitation and integration;**
- **ensure the availability of dedicated accommodation for asylum seekers who are presumed victims of trafficking;**
- **improve access to assistance for victims of THB who are EU nationals;**
- **strengthen co-ordination between the anti-trafficking system and the Dublin transfers system in order to ensure that victims of THB are offered specialised assistance.**

6. Prevention of child trafficking and identification of, and assistance to, child victims of trafficking

256. As noted in GRETA's second report, Article 17 of Law No. 47/2017 ("Zampa Law") on the protection of unaccompanied minors, which amended Law No. 228/2003, provides that child victims of THB must have access to specific long-term programmes of reception and assistance, including after coming of age. Law 47/17 provided for the need to amend Presidential Decree 394/99 (Implementing Regulation of the Immigration Consolidation Act) within 30 days of its entry into force, but the process of passing the amendment took much longer and the text of Presidential Decree 191/22 was published in the Official Journal only on 13 December 2022, amending Presidential Decree 394/99 as regards residence permits (see paragraphs 20 and 275).

257. As mentioned in paragraph 26, the second anti-trafficking NAP includes in an appendix standard operating procedures (SOPs) for the identification of child victims of THB and exploitation. The SOPs consist of nine measures (assessing and meeting urgent needs; assessing profiles and indicators of THB and exploitation; verifying parental relations; age assessment; contacting a legal guardian; risk assessment; formal identification; and referral to a specialised reception centre). The SOPs are based on the principle of the best interests of the child, as well as the principle of the benefit of the doubt in case of uncertainty as regards the age of an unaccompanied foreign child. In cases of signs of trafficking, the national toll-free helpline (*Numero verde*, 800 290 290) should be contacted, and an annexe to the SOPs also provides contact details of relevant anti-trafficking entities in the different regions. Further, another appendix to the NAP, entitled "Knowing how to recognise child victims of trafficking and exploitation in Italy" (developed in co-operation with Save the Children Italy in 2020), provides general indicators of child trafficking, as well as indicators specific to sexual and labour exploitation.

258. While welcoming the above-mentioned developments, GRETA notes that, according to specialised NGOs, there are gaps in the identification of child victims of THB (data in paragraph 15 shows that their number is low), which calls for further training of relevant professionals. Despite the increase in online recruitment and abuse, there is lack of awareness raising and insufficient co-operation between ministries to confront this problem.

259. Initial reception of unaccompanied foreign children is ensured in centres run by the Ministry of the Interior, in agreement with local bodies which provide, for a time not exceeding 30 days, specialist services aimed at transferring children to second-level centres, where they can remain until they come of age, and where specific projects aimed at achieving their social, cultural and work independence are carried out. The previously mentioned project ADITUS (see paragraphs 48 and 234), run by IOM, provides information

and assistance to unaccompanied children at disembarkation points and hotspots. As part of the Single Programme (see paragraphs 24 and 242), there are specialised assistance programmes dedicated to child victims of trafficking throughout the national territory. The number of available accommodation places for child victims of THB is 44 (see paragraph 243). However, according to specialised NGOs, there is still a shortage of specialised accommodation facilities for child victims of THB. In addition, GRETA is concerned by the Decree of the President of the Council of 29 October 2023 (mentioned in paragraph 20) which provides for the possibility of accommodating unaccompanied children of more than 16 years old in facilities for adults for a maximum duration of 90 days.

260. The new National Action Plan on the rights of the child,¹⁶³ which came into force in April 2022, envisaged a series of actions to ensure an integrated child protection system which safeguards children and adolescents from the risk of exploitation and abuse. Of relevance is also the National Plan for the Prevention and Combating of Sexual Abuse and Exploitation of Children.¹⁶⁴

261. Rules on the age assessment of unaccompanied children who are victims of trafficking remain as described in the previous report.¹⁶⁵ Pursuant to Law No. 47/2017, it consists in sociological and medical examinations through a multidisciplinary approach by adequately trained professionals. If doubt persists regarding the minority of a victim, the latter shall be treated as a child. The recent Decree of the President of the Council of 5 October 2023 provides for the expulsion of people who have presented themselves as minors and who are considered to have lied to the authorities about their age. GRETA is concerned that this new decree may prevent victims of trafficking from seeking protection from the authorities because of fear of being expelled, and stresses that victims should continue receiving assistance even if they are considered to have lied about their age.

262. Article 11 of Law No. 47/2017 provides for the appointment of voluntary guardians by juvenile courts,¹⁶⁶ in addition to the legal guardians appointed by courts. A report on monitoring voluntary guardianship for unaccompanied foreign children was published by the Ministry of the Interior and the Supervisory Authority for Children and Adolescents (AGIA). The report covers the period from the entry into force of the law in May 2017 until 31 December 2018. A total of 48 training courses for candidate volunteer guardians were held. There were 1,674 candidates selected to attend the training and 90% of them completed it. 3,029 volunteer guardians were registered in the lists established by juvenile courts, and 3,902 unaccompanied foreign children were matched with a volunteer guardian. A compendium of training activities for guardians was published on the website of AGIA. The training covers the issue of identifying and referring possible victims of trafficking.

263. Another report issued by the Supervisory Authority for Children and Adolescents in 2019 documents the movement of unaccompanied foreign children at the northern borders of Italy. According to the report there were 11,339 unaccompanied foreign children in Italy on 30 November 2018, many of whom transit Italy on their way to other EU countries. The Ministry of Labour and Social Policy keeps a register of unaccompanied minors and issues reports every six months. According to them, as of 30 June 2022, there were 20,926 unaccompanied minors in Italy (86.6% male; 44.7% over 17 years old). They arrived primarily from Egypt (5,341), Ukraine (4,512), Tunisia (1,781), Guinea (1,174) and Albania (1,137).¹⁶⁷

¹⁶³ <https://www.gazzettaufficiale.it/eli/id/2022/04/13/22A02358/sg>

¹⁶⁴ <https://www.minori.gov.it/en/minori/piano-nazionale-contro-labuso-e-lo-sfruttamento-sessuale>

¹⁶⁵ See 2nd GRETA report on Italy, paragraph 187.

¹⁶⁶ GRETA was informed of a reform of juvenile courts, the functions of which will be transferred to ordinary courts with family section.

¹⁶⁷ Semi-annual report of the Ministry of Labour and Social Policy as of 30 June 2023, and the English summary, available at: <https://www.lavoro.gov.it/priorita/pagine/minori-stranieri-non-accompagnati-italia-pubblicato-il-rapporto-semestrale-di>

264. **GRETA welcomes the steps taken in Italy to register unaccompanied foreign children and appoint guardians to them. GRETA considers that the Italian authorities should strengthen their efforts to prevent trafficking in children for different types of exploitation by raising public awareness about the different manifestations of child trafficking, sensitising and training educational staff, child welfare professionals and staff working with unaccompanied and separated children, and ensuring that sensitisation programmes on THB, including on online safety, are put in place in schools.**

265. **While welcoming the adoption of SOPs for the identification of child victims of THB and exploitation, GRETA urges the Italian authorities to improve the identification of, and assistance to, child victims of trafficking, including by:**

- **systematically applying the National Referral Mechanism and the SOPs for child victims of THB, and ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB for different forms of exploitation;**
- **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.**

7. Recovery and reflection period

266. In its second report, GRETA urged the Italian authorities to ensure that the recovery and reflection period is specifically defined in the law, and that all possible foreign victims of trafficking are offered this period and all the assistance measures it implies under the Convention.¹⁶⁸

267. The Italian legal framework still lacks an express provision laying down a recovery and reflection period for victims of human trafficking. This period is nevertheless mentioned in several guidance documents, including the NRM which stresses that the recovery and reflection period must be immediately granted after the identification of plausible facts leading to believe that the person involved is a victim of trafficking, for at least 30 days, regardless of whether the person co-operates as a witness, and that expulsion orders must be suspended during this period.¹⁶⁹

268. GRETA was informed that victims who have applied for asylum can be granted a *de facto* recovery and reflection period. In accordance with the above-mentioned "Guidelines for the identification of victims of trafficking among applicants for international protection and referral procedures", whenever a possible victim of trafficking is pre-identified by territorial commissions, the asylum procedure is suspended, and the victim is referred to anti-trafficking entities. The suspension aims at allowing interviews to take place between the presumed victim and the specialised entity, as well as giving the person the time to gain trust in the authorities and to fully understand his or her personal situation and make an informed choice on the decision to cooperate. The procedure is usually suspended for a period of one month.

269. According to official data, 956 persons were granted a recovery and reflection period in 2018, 928 in 2019, 723 in 2020, and 706 in 2021.

270. GRETA is not convinced by the arguments reiterated by the Italian authorities that, in practice, the Single Programme, which is accessible regardless of the residence status, fulfils the purpose of the recovery and reflection period. As a matter of fact, while the Single Programme allows for the provision of a comprehensive set of assistance measures to victims of trafficking (including medical and psychological care, legal assistance, housing and material support), it does not prevent the detention and deportation of foreign victims during a certain period of time of at least 30 days, as required by the

¹⁶⁸ See 2nd GRETA report on Italy, paragraph 195.

¹⁶⁹ See 2nd GRETA report on Italy, paragraph 193.

Convention. In addition, if as argued by the authorities, the recovery and reflection period is provided through the Single Programme, this means that victims who do not want to benefit from assistance can be deported. As mentioned in the explanatory report to the Convention, States Parties are required to create a legal framework allowing the victim to remain on their territory for the duration of the period, and to meet this end, they shall provide victims, without delay, with the relevant documents authorising them to remain on the territory during the recovery and reflection period.

271. GRETA reiterates its concerns that, in the absence of an explicit legal framework concerning the recovery and reflection period, presumed victims of trafficking in Italy risk being deported and not being given the time needed to recover from the trauma experienced and to make an informed decision on possible co-operation with the authorities. The circumstance that victims can access a *de facto* period of recovery and reflection through the asylum procedure is not enough to remove GRETA's concerns, as not all victims of trafficking are entitled nor willing to apply for asylum.

272. GRETA once again urges the Italian authorities to enshrine in law the recovery and reflection period, as provided for in Article 13 of the Convention, and to ensure that it is systematically offered to all possible foreign victims of trafficking irrespectively of their co-operation with the authorities or their application for international protection, together with all the measures of protection and assistance envisaged Article 12, paragraphs 1 and 2, of the Convention during this period. Guidance and training courses should be provided to professionals (including law enforcement officers, prosecutors, judges, immigration officers) on the recovery and reflection period.

8. Residence permits

273. As described in GRETA's second report, victims can obtain a "residence permit for social protection" under Article 18 of the Consolidated Immigration Law.¹⁷⁰ This concerns persons facing "situations of violence or serious exploitation" when "concrete dangers to their safety emerge", provided that they participate in an assistance and social integration programme. It is issued for a period of six months with a possibility of renewal of one year or longer. There are two ways to obtain this residence permit. Under the "judicial path", the victim decides to co-operate with the authorities in the criminal proceedings and the request for the residence permit is made to the *Questura* upon proposal or approval of the public prosecutor's office. Under the "social path", the victim is not obliged to co-operate with the criminal proceedings and the request for the residence permit is made to the *Questura* by NGOs or public services.

274. Victims of *caporalato* can obtain a residence permit under Article 22, paragraph 12 quarter of the Consolidated Immigration Law, provided that they co-operate with the criminal proceedings and were subjected to aggravated forms of labour exploitation.¹⁷¹ The residence permit is issued by the *Questura* upon proposal or approval of the public prosecutor's office, for a period of six months with a possibility of renewal of one year or longer.

275. Pursuant to the 2017 "Zampa Law", child victims of trafficking who are unaccompanied minors automatically receive a residence permit until the age of majority.¹⁷² Following the Decree of the President of the Italian Republic No. 191 of 4 October 2022 (see paragraph 20), the residence permit allows them to work as well as to attend professional training, in line with the relevant labour legislation, without the need to convert it into another residence permit. Further, a residence permit "for integration" can be issued to victims up to 21 years of age in order to continue their path of social integration after their majority. Considering that the decree entered into force on 28 December 2022, more time is needed to assess the effectiveness and results of the legislation.

¹⁷⁰ See 2nd GRETA report on Italy, paragraphs 197 and 200; 1st GRETA report on Italy, paragraphs 157-159.

¹⁷¹ Aggravated forms of exploitation refer to Article 603 bis, paragraph 3, of the CC (e.g. at least three persons are concerned, or at least one of the workers concerned is less than 16 years old, or the person is exposed to serious dangers related to the characteristics of work or the working conditions).

¹⁷² See 2nd GRETA Report, paragraph 197.

276. According to data provided, 77 victims benefited from the residence permit under the "judicial path" in 2019, 34 in 2020, 64 in 2021 and 43 in 2022. The data are lower concerning the residence permit under the "social path" (40 in 2019, 20 in 2020, nine in 2021 and nine in 2022). A growing number of residence permits have been issued under Article 22, paragraph 12 quarter (62 in 2019, 76 on 2020, 124 in 2021, and 174 in 2022).

277. GRETA is concerned that the number of residence permits granted to victims of trafficking or labour exploitation under Article 18 of the Consolidated Immigration Law continues to be very low, particularly when compared to the number of foreign victims without residence permit who participate in assistance projects under the Single Programme.¹⁷³ NGOs continue to report that some *Questura* interpret narrowly the conditions of "serious exploitation" and "concrete danger" provided for in Article 18, and require a very detailed account of their trafficked experience. There are also cases where they require the victim's co-operation as well as a positive opinion from the public prosecutor's office, even when the request is made through the social path.¹⁷⁴ Further, there are concerns regarding long waiting periods for issuing the residence permits (over a year in some regions) and difficulties in the conversion into a work permit at the end of the residence permit. During this long wait, victims cannot work legally, which undermines their effective job and social inclusion (see also paragraph 70).

278. In this context, there are legislative proposals to amend the Italian immigration law, in particular Articles 18 and 22 of the Consolidated Immigration Law, and to harmonise the protection and assistance provided to these two groups, including the application of the non-punishment provision in respect of illegal entry and residence. It is also proposed to introduce a permanent regularisation mechanism on an individual basis, if an employer declared the will to conclude an employment contract.

279. According to data provided, more than 60% of victims apply for international protection each year (compared to only 10% who applied for a residence permit under Article 18). Of these victims, 370 obtained refugee status or another form of international protection in 2019, 307 in 2020, and 214 in 2021. This preference for the international protection procedure can be explained by the possibility to obtain a residence permit of a longer duration (5 years, instead of six months). There is a well-established case-law regarding the granting of refugee status to victims of trafficking, in particular women victims of trafficking for the purpose of sexual exploitation.¹⁷⁵ There are also cases of refugee status or complementary protection granted to victims of trafficking for the purpose of labour exploitation (which occurred sometimes before the person arrived in Italy), as well as illicit activities or forced begging even if they are more anecdotal.¹⁷⁶

280. Further, in case victims do not meet the requirements of the Geneva Convention, they can obtain a "residence permit for special protection" pursuant to Legislative Decree No. 130 of 21 October 2020. However, Legislative Decree No. 20/2023 has limited the possibility to grant such a residence permit to situations where the removal from the Italian territory would risk exposing the person concerned to torture and inhuman or degrading treatment.

281. According to NGOs assisting victims of THB, the processing of asylum claims takes an unreasonably long time, leading to secondary victimisation.

282. GRETA considers that the Italian authorities should continue making efforts to ensure that victims of trafficking can fully benefit in practice and in a timely manner from the right to obtain a renewable residence permit for their personal situation or for co-operating with the authorities, without prejudice for the right to seek and enjoy asylum.

¹⁷³ In 2022, 36,5% of the 791 victims who started participating in projects did not have any residence permit. i.e. 288 persons. Source: Observatory of the Anti-trafficking Helpline.

¹⁷⁴ Court of Bologna, decision 3 of March 2020; Court of Turin, decision 12 of February 2020; Court of Florence, decision 8 of January 2020.

¹⁷⁵ See for instance, Court of Florence, decree 11 January 2023; Court of Genoa, 3 April 2022; Court of Bologna, decree 20 January 2022; Court of Bologna 3 December 2020.

¹⁷⁶ See for instance, Court of Salerno, decree 28 November 2022; Court of Trieste, decree 7 of June 2022; Court of Catanzaro, decree 18 February 2021; Court of Venice, decree 23 December 2021.

Appendix 1 - List of GRETA's conclusions and proposals for action

The position of the proposals for action in the text of the report is shown in parentheses.

Topics related to the third evaluation round of the Convention

Right to information

- GRETA considers that the Italian authorities should take additional measures to ensure that presumed and identified victims of human trafficking are given information on their rights in a proactive manner, as soon as they come into contact with a competent authority. The information should take into account the victim's age, maturity, intellectual and emotional capacity, literacy and any mental, physical or other disability which may affect the ability to understand. The information should be provided irrespective of the victim's capacity or willingness to co-operate in the criminal proceedings and cover the right to a recovery and reflection period, the services and assistance measures available, the state compensation procedure and other relevant civil and administrative remedies and procedures. These measures should include:
 - developing a document with information on the rights of victims of THB and how to access them, which is available in a range of languages and is provided to presumed victims upon their first contact with competent authorities;
 - ensuring that all victims of trafficking who are not fluent in Italian are assisted during interviews with law enforcement authorities and hearings in court by qualified interpreters, and sensitise the latter to the issue of human trafficking;
 - sensitising cultural mediators to THB and the rights of victims of human trafficking (paragraph 49).

Legal assistance and free legal aid

- GRETA considers that the Italian authorities should take further steps to guarantee effective access to legal assistance and free legal aid for victims of trafficking, including by:
 - ensuring that victims have access to legal assistance as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not he/she wants to co-operate with the authorities and/or make an official statement;
 - making sure that access to free legal aid for victims of THB does not depend on proof of lack of financial means to pay for a lawyer and/or their residence status;
 - securing sufficient fundings for the provision of legal assistance and free legal aid to victims of trafficking, including when provided by ex officio lawyers or NGOs' lawyers;
 - encouraging Bar Associations to offer specialised training to lawyers assisting and representing victims of trafficking (paragraph 60).

Psychological assistance

- While welcoming the psychological support provided to victims by the anti-trafficking projects, GRETA considers that the Italian authorities should strengthen their efforts to ensure that all victims of trafficking, including those accommodated in facilities for asylum seekers and beneficiaries of international protection, are provided with psychological assistance to help them overcome the trauma and achieve a sustained recovery and social inclusion, with the assistance of trained cultural mediators when needed (paragraph 65).

Access to work, vocational training and education

- GRETA considers that the Italian authorities should strengthen effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state-supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking (paragraph 73);
- GRETA invites the Italian authorities to extend the right to work to victims of THB awaiting a residence permit (paragraph 74).

Compensation

- GRETA once again urges the Italian authorities to make efforts to guarantee effective access to compensation for victims of trafficking, in particular by:
 - informing victims, in a language they can understand, of the right to compensation and the procedures to be followed, building the capacity of legal practitioners to support victims to claim compensation and including victim compensation in the training programmes for law enforcement officials, prosecutors and judges;
 - making full use of the existing legal provisions and mechanisms of international co-operation to identify and seize perpetrators' assets with a view to securing compensation for victims of THB;
 - ensuring that victims can obtain a decision on compensation from the offender as part of the criminal proceedings within a reasonable time;
 - making the state compensation scheme effectively accessible to victims of trafficking and reviewing 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 (paragraph 92);
- GRETA considers that the Italian authorities should take measures to collect statistics on compensation claims brought by victims of trafficking and the amounts granted (paragraph 93).

Investigations, prosecutions, sanctions and measures

- GRETA once again considers that the Italian authorities should state explicitly in law the irrelevance of the consent of a victim of trafficking to the indented exploitation (paragraph 97);
- GRETA urges the Italian authorities to step up their efforts to improve the criminal justice response to trafficking in human beings, and in particular to:

- ensure that human trafficking offences are prosecuted as such every time the circumstances of a case allow this, regardless of whether the case involved a criminal organisation, whether the victim consented to the exploitation, or whether there was no transnational element;
 - further develop the training of investigators, prosecutors and judges on the offence of trafficking in human beings, in particular on the different constituent elements on the crime, its differences with other related offences, and the specificities of trafficking for the purpose of labour exploitation (paragraph 116);
- GRETA considers that the Italian authorities should make further efforts to:
- ensure that human trafficking offences for different forms of exploitation are proactively and promptly investigated, regardless of whether a complaint about the reported crime has been submitted or not by a victim, making use of all possible evidence, including evidence gathered through special investigative means, financial evidence and digital evidence, so that there is less reliance on testimony by victims;
 - ensure that human trafficking cases lead to effective, proportionate and dissuasive sanctions for those convicted. The plea-bargaining procedure should be used only exceptionally in human trafficking cases, subject to appropriate safeguards, where the reduction of a sentence is clearly outweighed by the advantages offered by the plea agreement (these advantages being indicated in the judicial decision approving the agreement) and the agreement is not in any way detrimental to the rights of the victims, including their access to compensation;
 - ensure that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ) (paragraph 117).

Non-punishment provision

- GRETA urges the Italian authorities to ensure compliance with Article 26 of the Convention on the principle non-punishment of victims of trafficking, in particular by:
- adopting a specific legal provision ensuring the non-punishment of victims of trafficking for their involvement in unlawful activities, including administrative offences, to the extent that they were compelled to do so, and regardless of their co-operation with law enforcement authorities;
 - providing guidance and training to law enforcement officers, prosecutors and judges on the application of the non-punishment provision enshrined in the Convention (paragraph 128).

Protection of victims and witnesses

- GRETA considers that the Italian authorities should make full use of the available measures to protect all victims and witnesses of trafficking, with a view to preventing intimidation during the investigation, as well as during and after the court proceedings (paragraph 137).

Specialised authorities and co-ordinating bodies

- While welcoming the efforts made to develop specialisation of professionals to deal with human trafficking cases, GRETA considers that the Italian authorities should further develop the training of all relevant professionals (including law enforcement officials, prosecutors, judges, lawyers, labour inspectors, immigration staff, social workers, child welfare staff, health-care staff, and diplomatic and consular staff) and ensure that it is systematic and periodically updated (paragraph 147).

International co-operation

- While welcoming the participation of the Italian authorities in international co-operation on human trafficking, GRETA invites them to further develop international co-operation with countries of origin of victims as well as on transnational cases related to trafficking facilitated by information and communication technology (ICT). Further, referring to its report published in April 2022 on Online and technology-facilitated trafficking in human beings, GRETA encourages the Italian authorities to ratify the Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence (paragraph 155).

Gender-sensitive criminal, civil, labour and administrative proceedings

- GRETA urges the Italian authorities to take measures to ensure that women victims of trafficking with children can effectively access justice for the protection of their right to family life, in accordance with the case-law of the European Court of Human Rights (Article 8 of the ECHR) (paragraph 161);
- GRETA considers that the Italian authorities should promote a gender-sensitive approach to access to justice for victims of trafficking, including through gender mainstreaming and training (paragraph 162).

Child-sensitive procedures for obtaining access to justice and remedies

- While welcoming the steps taken to ensure child-sensitive procedures, GRETA considers that the Italian authorities should strengthen their efforts to ensure that all child victims of trafficking are afforded special protection measures and to further develop training of professionals on child-friendly interviews. In this context, reference is made to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (paragraph 168).

Role of businesses

- GRETA considers that the Italian authorities should continue their engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights as well as Council of Europe Committee of Ministers Recommendations CM/Rec(2016)3 on human rights and business and CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation, with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims of trafficking, and providing access to effective remedies (paragraph 172).

Measures to prevent and detect corruption

- GRETA invites the Italian authorities to include measures against corruption in a THB context in the overall policies against corruption, and to implement them effectively (paragraph 178).

Follow-up topics specific to Italy

Developments in the legal, institutional and policy framework for action against human trafficking

- Reiterating that Article 29 of the Convention makes a clear distinction between national co-ordination and National Rapporteur, GRETA considers that the Italian authorities should designate as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions and making recommendations to persons and institutions concerned (paragraph 23);
- GRETA considers that the Italian authorities should introduce an independent evaluation of the implementation of National Action Plan against THB, as a tool for assessing the impact of the activities and planning future policies and measures to combat THB (paragraph 27).

Measures to prevent and combat trafficking for the purpose of labour exploitation

- GRETA urges the Italian authorities to take additional measures to effectively prevent, detect and combat trafficking for the purpose of labour exploitation, taking into account Recommendation CM/Rec(2022)21 of the Committee of Ministers and GRETA's Guidance Note on combating trafficking for labour exploitation. This should include steps to:
 - ensure that sufficient resources are made available to labour inspectors to fulfil their mandate and carry out proactive and unannounced inspections, including in remote locations at risk of trafficking, without prior complaints from workers;
 - strengthen the monitoring of domestic work, recruitment and temporary work agencies and supply chains, as well as other risk sectors;
 - establish safe reporting and effective complaint mechanisms for workers, to ensure that victims of abuses or exploitative situations can refer their case without fear of repercussions;
 - put in place practical co-operation and data sharing agreements between labour inspectors and law enforcement in order to ensure that personal information of workers, whether collected in the course of labour inspections, joint inspections, reporting or complaints mechanisms, is not used for immigration enforcement purposes, but to tackle the perpetrators of trafficking offences;
 - guarantee that the living and working conditions of migrant workers, including in the agricultural sector, meet all the requirements laid down in the legislation with a view to preventing abuse and exploitation. Immediate action should be taken to close down informal settlements, provide durable living and working conditions for those living there and ensure that they are able to regularise their residence status (paragraph 204);
- GRETA considers that the Italian authorities should:
 - expand legal routes to migration and improve the reception system of refugees and asylum seekers as an effective measure to reduce vulnerability to trafficking;
 - further train labour inspectors, as well as law enforcement officers, prosecutors and judges, on THB for the purpose of labour exploitation and the rights of victims;
 - raise awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of trafficking for the purpose of labour exploitation;
 - develop data collection on the number of presumed victims of trafficking detected during labour inspections (paragraph 205);

- GRETA invites the Italian authorities to further develop co-operation with specialised NGOs in conducting multi-agency labour inspections (paragraph 206).

Measures to discourage demand

- Recalling its previous recommendation, GRETA considers that the Italian authorities should step up their efforts to discourage demand for the services of trafficked persons, in partnership with civil society, trade unions, private sector and the media, including by:
 - continuing to raise public awareness of trafficking for all forms of exploitation and on risks of human trafficking online;
 - criminalising the use of services which are the object of exploitation, with the knowledge that the person is a victim of trafficking in human beings, as provided for in Article 19 of the Convention (paragraph 212).

Border measures

- GRETA urges the Italian authorities to take measures to ensure that international co-operation in the area of border measures is used to prevent and detect trafficking, and to suspend the application of the Memorandum of Understanding with Libya (paragraph 218).

Identification of victims of trafficking

- GRETA urges the Italian authorities to:
 - introduce into practice the National Referral Mechanism and develop Standard Operating Procedures for the establishment of effective procedures for the identification of victims of THB;
 - strengthen efforts to proactively detect and identify victims of trafficking for different forms of exploitation, including among migrants at all borders (see also paragraph 218), in reception facilities and detention centres for migrants, and amongst Italian and EU nationals. This should include the provision of sufficient resources, capacities, guidance and training to all professionals concerned;
 - respect the principle of non-refoulement in particular by ensuring that pre-removal risk assessments prior to all forced removals from Italy fully assess risks of trafficking or re-trafficking on return. The Italian authorities should take full account of the UNHCR guidelines on the application of the Convention relating to refugee status to victims of trafficking, and their right to seek asylum, and to GRETA's Guidance Note on the entitlement of victims of human trafficking, and persons at risk of being trafficked, to international protection;
 - ensure that the rules applying to NGOs undertaking search and rescue operations enable them to detect potential victims of trafficking (paragraph 240);
- GRETA considers that the Italian authorities should enable specialised NGOs with experience in identifying victims of trafficking to have regular access to facilities for asylum seekers, holders of international protection, detention centres for migrants and prisons (paragraph 241).

Assistance to victims

- GRETA urges the Italian authorities to take steps to ensure that presumed victims and victims of THB have access to health care, including to reproductive rights (safe and legal abortion) (paragraph 254);
- GRETA considers that the Italian authorities should:
 - evaluate the funding needs of victim assistance programmes and adapt the respective resources, ensuring that there are sufficient accommodation places for female, male and transgender victims of THB;
 - adapt the length of assistance programmes to the individual needs and vulnerability of victims to enable their rehabilitation and integration;
 - ensure the availability of dedicated accommodation for asylum seekers who are presumed victims of trafficking;
 - improve access to assistance for victims of THB who are EU nationals;
 - strengthen co-ordination between the anti-trafficking system and the Dublin transfers system in order to ensure that victims of THB are offered specialised assistance (paragraph 255).

Prevention of child trafficking and identification of, and assistance to, child victims of trafficking

- GRETA welcomes the steps taken in Italy to register unaccompanied foreign children and appoint guardians to them. GRETA considers that the Italian authorities should strengthen their efforts to prevent trafficking in children for different types of exploitation by raising public awareness about the different manifestations of child trafficking, sensitising and training educational staff, child welfare professionals and staff working with unaccompanied and separated children, and ensuring that sensitisation programmes on THB, including on online safety, are put in place in schools (paragraph 264);
- GRETA urges the Italian authorities to improve the identification of, and assistance to, child victims of trafficking, including by:
 - systematically applying the National Referral Mechanism and the SOPs for child victims of THB, and ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB for different forms of exploitation;
 - 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 (paragraph 265).

Recovery and reflection period

- GRETA once again urges the Italian authorities to enshrine in law the recovery and reflection period, as provided for in Article 13 of the Convention, and to ensure that it is systematically offered to all possible foreign victims of trafficking irrespectively of their co-operation with the authorities or their application for international protection, together with all the measures of protection and assistance envisaged Article 12, paragraphs 1 and 2, of the Convention during this period. Guidance and training courses should be provided to professionals (including law enforcement officers, prosecutors, judges, immigration officers) on the recovery and reflection period (paragraph 272).

Residence permits

- GRETA considers that the Italian authorities should continue making efforts to ensure that victims of trafficking can fully benefit in practice and in a timely manner from the right to obtain a renewable residence permit for their personal situation or for co-operating with the authorities, without prejudice for the right to seek and enjoy asylum (paragraph 282).

Appendix 2 - List of public bodies, intergovernmental organisations, non-governmental organisations and civil society actors with which GRETA held consultations

Public bodies

- Department for Equal Opportunities of the Presidency of the Council of Ministers
- Ministry of the Interior
 - o Central Directorate of Civil Services for Immigration and Asylum
 - o National Commission for International Protection
- Ministry of Justice
- Ministry of Labour and Social Policies
- Ministry of Agriculture, Food Sovereignty and Forestry
- Ministry of Foreign Affairs and International Co-operation
- Ministry of Health
- State Police
- *Carabinieri* Corps
- Financial Police
- Coast Guard
- Court of Cassation
- High Council for the Judiciary
- National Anti-Mafia Directorate (DNA)
- National School for the Judiciary
- National Council of Lawyers
- National Labour Inspectorate
- National Institute for Statistics
- Chamber of Deputies
- Senate
- National Guarantor of the Rights of Persons Deprived of Liberty
- Supervisory Authority for Children and Adolescents
- Territorial Commission for the recognition of the right to asylum of Rome

Piedmont region

- Municipality of Turin
- Piedmont Region
- Prefecture of Piedmont
- Public Prosecutor's Office of Turin
- Questura of Turin (Immigration office)
- Representatives of the State Police, *Carabinieri* Corps and Financial Police
- Territorial Commission for the recognition of the right to asylum of Turin
- IRES Piedmont

Puglia region

- District Anti-Mafia Prosecutor's Office (DDA) of Bari
- Prefecture of Foggia
- Provincial Directorate of the National Institute for Social Security (INPS) in Foggia
- Public Prosecutor's Office of Foggia
- Puglia Region
- Questura of Foggia (Immigration office)
- Representatives of the *Carabinieri* Corps and Financial Police in Foggia
- Territorial Commission for the recognition of the right to asylum of Foggia
- Territorial Labour Inspectorate of Foggia

Intergovernmental organisations

- International Organization for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)

NGOs and other civil society actors

- ANOLF-CSIL
- Anti-trafficking helpline (Numero Verde)
- ASGI (Associazione per gli Studi Giuridici sull'Immigrazione)
- ASL Foggia and Cerignola (public health service for sanitary outreaching in informal camps)
- BeFree cooperativa sociale
- Caritas Borgo Mezzanone
- Caritas Italiana
- Caritas San Severo
- CNCA (Coordinamento Nazionale Comunità di Accoglienza)
- Comunità Oasi2
- Cooperative Sociale Arcobaleno Baobab
- Cooperative sociale C.A.P.S. (Centro Aiuto Psico-Sociale)
- Cooperativa sociale Medtraining
- Cooperativa sociale Progetto Tenda
- CUAMM (Medici con l'Africa)
- Differenza Donna
- F.A.I. CISL (Federazione Agricola Alimentare Ambientale Industriale Italiana – CSIL)
- FLAI-CGIL (Federazione Lavoratori dell'Agroindustria - Confederazione Generale Italiana del Lavoro)
- Fondazione Ceci Siniscalco Emmaus
- GIRAFFA Onlus
- Gruppo Abele
- Idea Donna
- Intersos
- L'Altro Diritto
- Legal clinic of the University of Turin
- Legal clinic of the University of Foggia
- Liberazione e Speranza
- National Anti-trafficking Platform
- PARSEC cooperativa sociale
- Save the Children
- Sermig
- PIAM Onlus

Government's comments

The following comments do not form part of GRETA's analysis concerning the situation in Italy

GRETA engaged in a dialogue with the Italian authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Italian authorities on 15 December 2023 and invited them to submit any final comments. The comments of the authorities, submitted on 8 February 2024, are reproduced hereafter.



Presidenza del Consiglio dei Ministri
Dipartimento per le Pari Opportunità
Ufficio per le politiche delle pari opportunità
Il Direttore Generale

Rome, 8 February 2024

Ms. Petya Nestorova
Executive Secretary of the Council of
Europe
Convention on Action against Trafficking
in Human Beings
Council of Europe
Strasbourg – FRANCE

cc: Permanent Representation of Italy to
the Council of Europe

Dear Madame Executive Secretary, Ms. Nestorova,

with reference to your letter dated December 15, 2023, I take this opportunity to thank you and the Group of Experts on Action against Trafficking in Human Beings (GRETA), on behalf of Italian Government, for the final Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (third evaluation round) and for your kind indications about final comments.

In this regard, the final observations are collected in the attached document, which collects short comments on the final version of the report and further information as an update of the comments already sent by Italy in October 2023 (Annex No.1).

Furthermore, Italy is pleased to inform GRETA that the new National Referral Mechanism for the identification, assistance and protection of victims of human trafficking and/or severe exploitation was officially adopted in December 2023 and is attached – in its English version – to the Annex No.1.

I also take this opportunity to reiterate that Italian Government attaches the utmost importance to GRETA and our constructive dialogue and that we have taken into full consideration the recommendations (“urges”) and invitations contained in the Report under reference.

I therefore remain at your full disposal for additional information or any other question.

Sincerely,

Stefano Pizzicannella



Firmato digitalmente da
PIZZICANNELLA STEFANO
C = IT
O = PRESIDENZA CONSIGLIO DEI
MINISTRI

ANNEX I
COMMENTS ON THE DRAFT REPORT CONCERNING THE
IMPLEMENTATION OF THE COUNCIL OF EUROPE CONVENTION ON
ACTION AGAINST TRAFFICKING IN HUMAN BEINGS IN ITALY –
THIRD EVALUATION ROUND

The Italian Government thanks GRETA for the transmission of the final report adopted by the Group at its 49th meeting, and for the opportunity to provide final comments on the text in view of its consideration by GRETA for the adoption of a recommendation to the Italian Authorities. This document therefore collects short comments to the final version of the report and further information as an update of the comments already sent by Italy in October 2023.

In relation to the availability of linguistic mediators with reference to paragraphs 45, 46 and 47, it is noted that personnel of all the institutional bodies responsible for intervening in the prevention, persecution, protection and collaboration phases must be constantly trained on the evolution of the phenomenon of trafficking and informed about the presence and services rendered by the Italian anti-trafficking system which, among other things, provides qualified cultural mediators, guarantees greater knowledge of the cases addressed and allows the identification of the path for the most suitable integration to undertake.

Italy is pleased to inform GRETA that the new National Referral Mechanism for the identification, assistance and protection of victims of human trafficking and/or severe exploitation was officially adopted in December 2023 and is attached – in its English version – to this Annex.

With reference to **para. 22** of the final report on the MoU signed by Italy and Albania, please note that the document will not apply to vulnerable migrants, including trafficking victims.

The Court of Cassation has requested to provide some clarifications deriving from its case law on two main points.

First, with reference to **para 97** according to which the “*judicial practice shows a restrictive interpretation of the offence of trafficking and, if the victim has in some way consented to the exploitation, other offences apply*”, it is worth noting that the Court’s case law has laid down that, for trafficking in persons, the state of necessity established by art. 601, first clause of the Penal Code, coincides with the “position of vulnerability” as referred to in Directive 2012/29/EU and in Legislative Decree No. 24 of 4 March 2014, and shall be intended as any situation of weakness, or moral or material lack of the victim, affecting their will and leaving no life choice other than surrendering the abuse. Therefore, it cannot be identified with the “state of necessity” as referred to in art. 54 of the Penal Code, but it should rather be related to the notion of “state of need” as referred to in art. 644, fifth clause, no. 3 of the Penal Code on aggravated usury. Some of the most recent judgements in this regard are Sez. 5, No. 49148 of 28.05.2019, Rv. 278051; Sez. 1, No. 19737 of 19.01.2021, Rv. 281282.

In such judgements the Court highlights how it carefully interprets the situation of vulnerability of trafficking victims and does not deem “coerced” consent, even if influenced by family backgrounds or religious beliefs, as relevant to exclude the crime of trafficking. The victim’s situation is rather examined thoroughly considering objections related to their consent.

There is a growing sensitivity of the judges of the Court of Cassation leading them to assert in the past that, in order to confirm the crime of human trafficking (in compliance with art. 601 of the Penal Code), it is not necessary for the passive subject to already be in slavery or in a similar condition. Consequently, the crime can be recognized even if a free person is deceitfully brought to Italy with the intent to place them within our territory in conditions similar to slavery. The crime of human trafficking can indeed be committed through inducement by deceit as an alternative to coercion with violence or threat (as established in Sez. 5, No. 40045 of 24.9.2010, Rv. 248899: Applying the abovementioned principle, the appeal court confirmed the responsibility (regarding the crime under art. 601 of the Penal Code) of the defendants who, through misleading advertisements in the Press in Poland and other Eastern countries as well as online, had promised well-paid jobs in Italy, ensuring relocation, accommodation, and meals at the destination where individual cells used to sort the workers in the fields and reduce them to slavery. Furthermore, regarding the possibility of applying offences other than trafficking in human beings, it should be noted that – while referring to consent – in some cases the crime of human trafficking under art. 601 of the Penal Code embeds (being more serious) the offence of facilitating the entry of a non-EU foreigner into the territory of the State (among the latest judgements, reference is made to Sez. 1, No. 20134 of 3.2.2023, Rv. 284651 which, linking with the supranational sources highlighting the heterogeneity of reasons justifying both charges, identifies consent as the key factor to distinguish between the two offences. However, it adopts the approach of verifying the existence of such consent, which should be excluded when tainted in any way).

Particularly worth mentioning is also the very recent judgement of the Court of Cassation, VI Criminal Section, n. 219 dated 01/18/2024, which – in its reasons for judgement – has examined an issue connected to grounds of justification asserting that “in compliance with an interpretation of art. 54 of the Penal Code considering supranational provisions under art. 2.2 of Directive 2011/36/EU and its recital 11, the justification of the state of necessity of a vulnerable person is conceivable. This applies to a person considered as “victim of human trafficking” coerced by criminal organizations involved in drug trafficking, compelled to transport narcotics without the possibility of seeking protection from the authorities”. Lastly, the Court of Cassation’s case law has sometimes considered some offences such as enslavement as “closely related” to trafficking, depending on the specific circumstances. Judgement Sez. 5, No. 17095 of 16.3.2022, Rv. 283899 highlights the victim’s vulnerable condition and establishes that enslavement or maintenance in slavery or servitude (art. 600 of the Penal Code), unlike the offence of illicit intermediation or labour exploitation, requires a significant impairment of the passive subject’s capability of self-determination due to the verified absence of validly achievable existential alternatives.

Second, with reference to **para 128**, the Court of Cassation has been engaging in a self-training on the job process for its judges for years, promoting thematic study groups, internal discussion on case law within the sections, as well as the in-depth analysis of the European Courts’ judgements (including those addressing human trafficking in recent years) through the Group for the implementation of Protocols with the ECHR and the Court of Justice. The Protocols Group consists of judges from the Court, is led by section Presidents and is overseen by the Chief Justice of the Court of Cassation. The study activities of the European case law result in periodic reports summarizing the discussed judgement and connecting it with domestic law, especially aligning with the orientations of the Court of Cassation. The reports are then disseminated among all judges of the Court. Precisely on human trafficking, a report has been prepared in the recent past concerning the significant judgement of the ECHR, Fourth Section, dated 16 February 2021, *V.C.L. and A.N. v. United Kingdom*.

In 2023, the Chief Justice of the Court of Cassation started a significant dialogue between the civil and criminal sectors of the Court, establishing study groups on topics that overcome the traditional division of civil and criminal competencies, involving common and overlapping areas of interest. One such theme is immigration, for which a dedicated group has been established for the integrated study of the phenomenon, often forming the basis for human trafficking offences.

With reference to para 163 and 262, please find below some additional elements that had not been included in the comments sent by Italy in October 2023.

163. As mentioned in paragraph 53, in Italy child victims have the right to free legal aid in all legal proceedings, irrespective of their financial situation. Bar associations should draw a list of lawyers qualified to provide free legal aid to children. Further, if the victim is an unaccompanied child, a legal guardian shall be appointed by the juvenile court in order to protect the child and represent his or her interests. According to Article 11, par. 1, of the Law No. 47/2017, a specifically trained legal guardian shall be appointed, specifically, a voluntary guardian: 'tutore volontario'. Following the adoption of Law No. 47/2017, there is a list of voluntary guardians in all juvenile courts. Specifically, voluntary guardians are selected and adequately trained among private citizens by the regional Ombudspersons for children and adolescents and the Ombudspersons for children and adolescents of the autonomous provinces of Trento and Bolzano. In the regions and autonomous provinces of Trento and Bolzano where the Ombudsperson has not been appointed, the office of the Authority for Children and Adolescents shall temporarily carry out these duties with the support of associations with expertise in the field of migration and children, as well as local authorities, the councils of professional associations and universities (Article 11 of Law No 47/2017 as amended by the Legislative Decree of 22 December 2017, No. 220).

262. Article 11 of Law No. 47/2017 provides for the appointment of voluntary guardians by juvenile courts. A report on monitoring voluntary guardianship for unaccompanied foreign children was published by the Ministry of the Interior and the Authority for Children and Adolescents (AGIA). Article 11 of Law No. 47 of 2017, as amended by Article 2, paragraph 3 of Legislative Decree No. 220 of 2017, assigned the Authority for Children and Adolescents (Agia) the competence to monitor the state of implementation of the provisions on voluntary guardianship of unaccompanied foreign minors. In compliance with this competence and in continuity with the three quantitative surveys previously carried out, Agia within its project "Support for the monitoring of voluntary protection for unaccompanied foreign minors" in partnership with the Opera Don Calabria Institute and CNCA, has launched and concluded the fourth quantitative survey that covers the period from 1 January 2021 to 31 December 2021.

From the date of entry into force of Law 7 April 2017, n. 47 (6 May 2017) until 31 December 2021, a total of 93 training courses for aspiring volunteer guardians were activated and concluded, including 18 organised by the Authority for Children and Adolescents.

In total, from 1 January to 31 December 2021, 94% of the participants completed the course, of which about 70% (362 people) agreed to be included in the lists established by juvenile Courts.

The total number of voluntary guardians registered in the lists established in the Juvenile Courts at 31 December 2021 is 3,457. The number of combinations accepted was, instead, indicated by 26 Courts, with the exception of the Courts of Caltanissetta, Bolzano and Ancona, and is equal to 5737 combinations accepted in the year 2021. At 31 December 2021, 4587 of the total combinations proposed and accepted were still in progress.

All results of the monitoring activity (and other information on voluntary guardianship) might be found at the website ad hoc created and managed by the Italian Authority for Children and Adolescents: <https://tutelavolontaria.garanteinfanzia.org/homepage>.

Furthermore, Italy would like to reiterate some of the comments already submitted to the Group in October 2023, that were not included in the final report. Please find them listed below:

To comment the recommendations set in paragraph 60, it can be underlined that THB victims have access to legal aid borne by the State irrespective of their financial means (Article 76 paragraph 4 ter of Presidential Decree no. 115/2002) only if they are children.

As far as paragraph 65 is concerned, as far as the SAI (Reception Integration System) network is concerned, the victims of trafficking have access to the “integrated reception” services, which include psycho-social medical support, linguistic-cultural mediation and legal assistance.

Moreover, the SAI projects organise training courses on trafficking and severe exploitation on their territories, and establish relations with all the stakeholders dealing with this phenomenon. For example, they can conclude either protocols or formal agreements with the Territorial Commissions for the recognition of international protection. Moreover, they have contacts with the anti-trafficking centres through the regional Helpline 800.290.290 (managed by the Equal Opportunities Department at the Presidency of the Council of Ministers), whenever there isn't any direct contact point on the territory. Finally, they provide support to the law enforcement and the judicial authorities in case of risk, threat and anti-trafficking activity.

In relation to the victims of trafficking for sexual exploitation, accommodated in the reception facilities of the SAI network, each beneficiary receives adequate legal information according to his/her gender, in compliance with the national and international legislation, in particular the Istanbul Convention. Some projects make use of anti-violence operators with the purpose of providing women with more interpretative tools in order to cope with the international protection application. The anti-violence operator can also contribute to the comprehension and the acknowledgement of the phenomenon by the victims in the course of the interviews, which are very important to enable the trauma awareness.

Within the SAI, victims of trafficking are preferably accommodated in flats rather than in collective facilities, so that they can live with guests of the same gender, in semi-autonomous housing conditions, while the team daily keeps in touch with the group. For minors, if appropriate and if necessary, on the basis of what is established by the Social Services and the Juvenile Court, it is possible to provide for forms of foster care.

Moreover, the Unaccompanied Foreign Minors, in relation to protection, have the same rights as the Italian minors, including the National Health Service enrolment. In addition to this, those who are granted reception in the so-called Special Reception Facilities (CAS) for minors, have access to the same minimum services provided for by the Ministerial Decree dd. September 1st 2016 concerning the Unaccompanied Foreign Minors' in the first reception governmental facilities, including the psycho-social support.

In relation to paragraph 73, it can be noted that, as part of the [2021-2027 programming cycle](#), the [Directorate General of Immigration of the Ministry of Labor](#) plans, among the interventions dedicated to vulnerable migrants, to focus efforts on the socio-labour inclusion of people who are victims of trafficking and severe exploitation. In particular, the intention is to use the model already tested in other inclusion pathways for vulnerable migrants, combining active labour and Equal Opportunity policies and involving employment services,

reception system, national anti-trafficking network system, and companies in offering personalised integration pathways. Each integration pathway should be financed by an individual grant. These pathways should include job orientation and other supplementary support measures (intercultural mediation, counselling, skills enhancement, housing accompaniment, housing support, work-life balance measures...) and the activation of an internship. The actions should make it possible to channel skills and expertise gained by organisations qualified to carry out assistance and protection programs for trafficking and severe exploitation victims. It is also considered of crucial importance to invest, in cooperation with the relevant Administrations and competent agencies, in the development of skills of employment services workers on the issue of human trafficking, in order to provide the tools to implement specific modes and approaches for taking charge of victims.

In relation to paragraph 74, with regard to the possibility for victims to work while awaiting the issuance of a residence permit, it is noted that, at a general level, this possibility is already provided for by the law (art. 5 paragraph 9-bis of the TUI). To overcome bureaucratic and administrative slowness, a joint intervention of the various administrations concerned is required.

The Anti-Trafficking Plan 2022-2025 also includes the recommendation of early intervention for the employment inclusion of victims or presumed victims of trafficking. In the framework of the actions aimed at the "Protection and assistance of victims" and, in particular, with reference to the socio-labour inclusion of trafficked persons, it is stated that "To promote the success of inclusion paths, it is desirable to set the labour inclusion phase as early as possible, also to ensure a horizon of emancipation for victims or presumed victims: the accompaniment to work should begin even before the issuance of the residence permit".

With regard to paragraph 88, victims of trafficking can claim compensation from the perpetrators through legal proceedings, civil actions and/or from the State through an ad hoc fund for victims established by Article 12 of Law No. 228/2003 (as amended and supplemented by Legislative Decree No. 24/2014). Each victim of trafficking is entitled to compensation of 1,500 euros and since the entry into force of the law, only one application for compensation has been rejected (year 2015) as it lacked the requirements provided by law.

On paragraph 92, it can be noted that under Article 90 bis of the Code of Criminal Procedure, since when first in contact with the authority in charge of the proceedings, the victim is provided, in a language it understands, with all the information set forth in the first point above. We would also like to underline that under Article 90 quater of the Code of Criminal Procedure, the THB victims fall within the category of especially vulnerable victims entitled to specific additional guarantees in the course of the proceedings and the trial with a view to facilitating a protected taking of statements to avoid the risk of secondary victimisation arising from any reiterations of testimonies. As to the second and third points, which respectfully concern the use of international cooperation instruments to identify and secure the defendant's assets abroad, and the possibility for the victims to obtain compensation from the defendant as part of the criminal proceedings within a reasonable time, there are no specific rules for THB trials.

In relation to the recommendations of paragraph 204, the National Labour Inspectorate (INL) is devoted to combatting offences of considerable economic and social alarm such as illegal recruitment, labour exploitation and issues related to human trafficking whilst exercising its functions of planning and carrying out supervision in the field of labour, social security insurance and health and safety in the workplace. It also intervenes to protect the workers in sectors where their fundamental rights are most at risk of being violated, such as

recruitment and staffing agencies and the contracting chains mentioned in the GRETA report. In this regard, it should be noted that the 2023 supervisory document highlights (not only) the need to prioritise the fight against fictitious, illegal and fraudulent production outsourcing (e.g., procurement contracts, labour supply, the temporary relocation of workers, including from companies established abroad and subcontracting). It also fights to protect against discrimination in the workplace and the continuation of the action of the multi-agency task forces within the project “A.L.T. Caporalato D.U.E. Azioni per la Legalità e la Tutela del lavoro – Dignità, Uguaglianza ed Equità”. Reference is also made to the National Plan to fight undeclared work for the three-year period 2023-2025 which foresees by the end of 2024, an increase of at least 20% in the number of inspections carried out, compared to the average of the period 2019-2021. It also has the target of reducing undeclared work in the economic sectors covered by the national plan by at least 2% by March 2026. This should be done through “targeted actions providing specific incentives for families who benefit from domestic work, a sector in which one in every four undeclared workers is identified; experimental active policy activities targeting the most fragile workers to prevent them from being “captured”; in irregular work; evaluation of possible regulatory interventions to prevent the risk of immigrant workers ending up doing undeclared work”. In this regard, INL’s work is aimed at increasing and strengthening inspections. When looking specifically at the domestic labour sector, however, inspections remain a residual option for effectively combating the use of undeclared work. This is due to the specific characteristics of this employment relationship which require inspections to be carried out in private homes, the reluctance of the workers themselves to report their irregular situation except at the termination of the relationship or in the case of serious violations, the difficulties arising from the multiplicity of employment relationships for one individual worker. Furthermore, the unique character of the domestic employment relationship has been the subject of specific consideration by the Italian legislator due to the fact that it is exempt from the maximum penalty for undeclared work. In line with this, the number of checks in the “Ateco” sector – that regularises domestic work- is limited. This is because the protection of domestic workers is managed by the monocratic conciliation institution, which is activated upon request of individual workers. Inspections in the sector are carried out with the aim of intercepting activity linked to illicit intermediation, or the irregular management of the relationship involving persons who improperly set up and use unauthorised cooperatives or temporary employment agencies. However, they often do not employ people to do undeclared work, as they prefer to disguise the illegal intermediation with formally regulated documentation. Regarding the establishment of safe and effective mechanisms for workers, to ensure that victims of abuse or exploitation can report their case without fear of retaliation, it must be highlighted that, for this purpose, in the section dedicated to the provisions for inspection personnel of the current Code of Conduct for Employees of the National Labor Inspectorate, it states “during the pre-inspection, the inspection itself and in the subsequent stages, including the concluding minutes, inspection staff shall ensure the secrecy of the reasons that activated the inspection, as indicated by the law and the Administration” (Art. 21(3)). Moreover, with specific reference to the need for adequately protecting victims of trafficking, illegal recruitment or serious labour exploitation, which tends to affect more vulnerable migrants due to their social and economic condition, in an attempt to foster dialogue and strengthen the confidence of workers in the public authorities in charge, INL has recently renewed a cooperation protocol with IOM, with which the Agency has also opened multilingual listening and information desks in some regional offices. These were initially activated at the Regional Labour Inspectorates (IITTL) in Cuneo, Ferrara, L’Aquila and Foggia and more recently set up at the IITTLs of Reggio Calabria and Bari. The experiment involves the simultaneous presence of labour inspectors and IOM cultural mediators, on a regular basis, in the offices responsible for receiving, in a confidential and protected manner, complaints of irregularities in the workplace. The multilingual desks also

facilitate the workers' knowledge of their rights, therefore encouraging requests for action. Complaints are drafted using a specific form (also available on the INL institutional website) which has been translated (thanks to the cooperation of the IOM) in the languages most commonly used in the Italian context: English, French, Romanian, Chinese, Arabic, Bengali, Punjabi, Urdu, Ukrainian and Russian. It is important to note that upon identification of a migrant worker who is not in possession of a residence permit, inspection staff are required to provide them with any useful information and, in particular, to give them the special form introduced by the Inter-Ministerial Decree of 10 February 2017 by the Ministry of the Interior and the Italian Ministry of Labour and Social Policies (MLPS), in agreement with the Ministry of Economy and Finance (MEF) (in implementation of Article 1, paragraph 3, Legislative Decree No. 109/2012), currently available - once again thanks the collaboration of IOM - in several languages (English, French, Bengali, Punjabi, Chinese, Arabic and Urdu). During the implementation of the actions being carried out by the projects combating illegal recruitment ("SU.PR.EME. Italia" and "A.L.T. Caporalato!"; and, most recently, "A.L.T. Caporalato D.U.E."), INL and IOM also created a multilingual leaflet (Italian, English, French, Arabic, Urdu, Pashto Bengali, Hindi, Punjabi, Chinese, Romanian) which facilitates information for foreign workers in Italy, to help raise awareness of their possible situation of exploitation and of the options available to report to the police and for redemption. Finally, when considering cooperation and data sharing between inspectors and law enforcement agencies, in the drafting phase of the reports to the competent Public Prosecutor's Office on offences of trafficking, illegal recruitment or serious labour exploitation of non-EU workers who do not possess a regular residence permit, the labour inspector devotes specific attention to all useful elements (such as the complaint/cooperation of the victim, the situation of violence and serious exploitation, the condition of danger, etc.). This includes the issue of a favourable opinion by the Public Prosecutor and to the possible reduction of the time needed to issue - by the Immigration Office of the Police Headquarters - the residence permits ex Art. 18 c.1 and Art. 22 c. 12-quater, Legislative Decree 286/98.

In relation to the recommendations of paragraph 205, through recent legislative measures - in particular Decree-Law No. 20 of March 10, 2023, on "Urgent provisions on legal entry flows of foreign workers and on the prevention and contrast to irregular immigration", converted with amendments by Law No. 50 of May 5, 2023 - the Italian government has launched a complex strategy to expand legal entry channels for work. The aim is, in addition, to meet the needs expressed by the Italian labour market, to encourage safe, regular and orderly migration flows.

The Presidential Decree (DPCM) on "Programming of legal entry flows of foreign workers in Italy for the three-year period 2023-2025" - which defines the maximum entry quotas of foreign workers for each year of the three-year period 2023-2025, increasing the numbers of entries for labour reasons and extending professional categories and production sectors involved - is in the process of approval. The proposed scheme would provide for 452,000 entries, including 136,000 in 2023, 151,000 in 2024 and 165,000 in 2025.

In the direction of promoting legal channels of entry and qualification of human capital, amendments to Article 23 of Legislative Decree 286/1998 (TUI) also intend to strengthen pre-departure vocational training as a legal channel of entry for foreign workers. The Ministry of Labor and Social Policies adopted in July 2023, by Directorial Decree No. 27, the Guidelines on the definition of the implementation modalities for vocational and civic-linguistic training programs to be held in the Countries of origin and the criteria for their evaluation.

Besides, the Decree introduces the possibility for the Ministry of Labor to promote collaboration agreements and technical deals with public and private entities operating in the field of training and labour services in the countries of origin, and strengthens the use of awareness campaigns in the fight against human trafficking, allocating reserved entry quotas

for workers coming from states that, in collaboration with Italy, promote media campaigns on the risks of irregular migratory trafficking.

In addition to the elements provided for paragraph 205 and in relation to paragraph 203, reference is made to the provisions of the National Action Plan against trafficking and the serious exploitation of human beings 2022-2025 when assessing the need for adequate training on the complex issues of human trafficking and the various forms of exploitation for those working in the relevant institutions. The plan provides for multiannual strategies and actions aimed at awareness-raising, prevention, emergence, and social integration of victims. In particular, to prevent further spread of the offences, continuous training is essential for all operators involved - including labour inspectors - in order to improve knowledge of the issue as well as taking action to inform the population. It should be noted that such training is essential for labour inspectors when performing their duties in the area of trafficking in human beings and is limited to some of the tasks involved in the emersion and management of individual cases or related offences (such as labour exploitation resulting from a trafficking case). It is important to point out that inspection staff routinely carry out promotion and prevention activities in the field of illegal recruitment, trafficking and labour exploitation with the aim of preventing offences and promoting a culture of legality. They also participate in meetings that explore these specific topics with employers' associations, trade unions, labour consultants, associations and migrant communities and also in schools and universities, with a view to investing in future generations. Significant findings have recently emerged from the data collection on the number of presumed victims of trafficking that have been identified during labour inspections and especially within projects already set up to combat labour exploitation. These results have also stemmed from the use of a multi-agency approach that allowed for operational coordination between the INL inspection staff and the staff of other agencies involved (the Social Security service (INPS), the National Institute for Insurance against Accidents at Work (INAIL), the Financial Police (GdF), the Carabinieri Corps (CC) and local health authorities (ASL), etc.). Furthermore, in order to overcome possible situations of fear or mistrust, efficient collaboration was key with the associations and third sector bodies active in the area, as well as collaboration between INL and IOM mediators, with the significant increase in the effectiveness of controls as a result of the refined ability to build and consolidate a relationship of trust of foreign workers towards the inspection staff and, more generally, towards the Italian authorities. Results can be found in the Annual Reports on labour and social security surveillance activities of INL published on the institutional website in the section "Attività, studi e statistiche" (available at the following link: <https://www.ispettorato.gov.it/attivita-studi-e-statistiche/monitoraggio-e-report/rapporti-annuali-sullattivita-di-vigilanza-in-materia-di-lavoro-e-previdenze/>).

In relation to the issues raised in paragraphs 207 and 212, the preventive measures foreseen in the NAP which will be implemented include awareness-raising activities for responsible and conscientious tourism, awareness-raising in schools, as well as research projects on reducing the demand for services provided by victims of trafficking for sexual exploitation and on the recruitment of victims on the Internet.

With regard to paragraph 218, Italy supports the development of the political process in Libya and the mediation of the Special Representative of the UN Secretary General Bathily, as holding free and fair elections would lead to stronger institutions in the country, thus bringing stability and preserving its unity. In the meantime, Italy has chosen a path of cooperation with the Libyan authorities to enhance their capacities in dealing with the most pressing issues, such as managing migration flows and fighting against human trafficking networks, with the goal of reducing the number of the deaths at sea, in full respect of human

rights. Cooperation with Libyan authorities allows to combat more effectively the networks of human traffickers and migrant smugglers. The respect of human rights, humanitarian law and our obligation under international law has always been a priority. Cooperating with Libyan authorities is the best way to promote a better respect of international law in the country. It is also essential in order to encourage and facilitate the cooperation of the Libyan authorities with relevant International Organizations. Italy also supports projects aimed at the migrant community in Libya. The training activities in favour of the Libyan Coast Guard personnel, which are also part of the EU funded programme SIBMMIL, have also consistently included specific modules on International humanitarian Law and Human Rights.

In relation to the recommendations contained in paragraph 240 and 241, the presence of the anti-trafficking bodies at disembarkation points is essential. However, it should be noted that often, especially in places where arrivals are numerous and complex, the possibility of carrying out formal identification is very difficult, both due to logistical conditions and the stress accumulated by potential victims during the journey. Therefore, in order to conduct preliminary identification or a generic vulnerability assessment, it is useful to be informed of the first reception structure in Italy (including the CPRs) where the person will be located, to allow for the timely intervention of the competent anti-trafficking body in the area.

With regard to the information requested in paragraph 252, firstly, it should be noted that, on 5 December 2022, the Dublin Unit of the Department of Civil Liberties and Immigration sent a circular to its counterparts in the other Member States informing them of the temporary suspension, until further notice, of the transfers of asylum seekers entering Italy, excluding those relating to unaccompanied foreign minors for family reunification, due to the unavailability of places in reception. This means that only incoming transfers are temporarily suspended. However, Italy continues to receive and respond to take charge/take-back requests from other Member States under the "Dublin" Regulation.

With regard to victims of trafficking who, in the years preceding the suspension of transfers, have returned to Italy under the aforementioned Regulation, the practice of the Dublin Unit is to alert the competent authorities (in particular, the competent Prefecture and Police Headquarters, as well as the Office of the Border Police of the arrival airport) in the event that a vulnerability is reported or highlighted, so that the most appropriate measures can be taken.

Finally, it should be noted that recently the Dublin Unit has started informal contacts with UNHCR for a collaboration aimed at identifying victims of trafficking among the "Dublin returnees" and the consequent reporting to the competent bodies.

In relation to paragraph 254, access to treatment and medical assistance, including reproductive health, is guaranteed by the National Health Service (SSN) for victims of trafficking. In particular, access to safe abortion is regulated by law no. 194 of 1978 and covered by the SSN. Private clinics that are authorised to perform such services, operating in Italy are also affiliated with the SSN. Therefore, discrimination due to economic means should not exist. However, there are still difficulties in accessing reproductive health services which derive from the social and personal determinants of the unequal use of health services. For example, being a foreigner, being vulnerable and having a lack of knowledge of one's own right to health. In recent years, a growing need has been recorded to guarantee the right to health for women and access to safe abortion, especially for the more vulnerable members of the population. This can be achieved by increased training, action and preparation across Italy and especially in family counselling, in the attempt to overcome the above mentioned difficulties. Even in this case, the actions set forth during the planning phase related to European funding, such as the PNE National Healthcare Outcomes

Programme (PNE) and the Asylum, Migration and Integration Fund (FAMI) aim to continuously improve health services, especially for disadvantaged groups, tackling health poverty and unequal access to services.

In relation to paragraph 255, the projects selected in the call for proposals of the single programme of emergence, assistance and social integration in favour of foreigners and EU citizens who are victims of trafficking are also financed according to the quantity and quality of housing made available. For trafficking victims, individual assistance programmes are foreseen and created together with the victims on the basis of the identification of their needs and future plans with the ultimate goal of full social inclusion.

In relation to paragraph 272, please refer to the 'Recovery and Reflection Period' section of the new NRM.