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Reply from Italy  
to the Questionnaire for the evaluation of the implementation  
of the Council of Europe Convention on Action against  
Trafficking in Human Beings by the Parties

Second evaluation round  
(Reply submitted on 30 October 2017)

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## Introduction

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

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

## A. Follow-up questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- *the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);*
- *any changes in your country's laws and regulations relevant to action against THB;*
- *the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;*
- *an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).*

The Legislative Decree N. 24 of 04.03.2014, adopted on 26 February 2016, implemented the Directive 2011/36/EU preventing and combating trafficking in human beings and protecting victims and it replaced the Framework Decision 2002/629/ JHA.

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

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

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

The Legislative Decree No. 24 of 4.3.2014 introduced several provisions whose aim is making the national action against Trafficking in human beings more complete and effective.

One of the main innovations – in compliance with the Directive – is represented by the acknowledgment of the victim's right to be awarded a compensation for the offence they have suffered. The established amount is 1500 Euros for each victim to be paid by the Annual Fund against Trafficking, in compliance with the rules established by the Decree.

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

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

The Legislative Decree No. 24 of 4 March 2014 concerning the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims provides in Article 1, paragraph 1, that "In implementing the provisions of this Decree, shall be taken into account, on the

<sup>1</sup> C.P.: criminal Code.

basis of an individual assessment of the victim, the specific situation of vulnerable persons such as minors, unaccompanied minors, the elderly, disabled people, women, especially if pregnant, single parents with minor children, people with mental disorders, people who have been subjected to torture, rapes or other serious forms of psychological, physical, sexual and gender”.

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

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

Article 18 of the Consolidated Immigration Law (Legislative Decree No. 286 of 25 July 1988) establishes that in Italy the "residence permit for reasons of social protection" is released by the Police to foreigners, even illegal immigrants, when they are found - in the course of operations or police investigations, or during routine care of social services - in situations of violence and/or serious exploitation carried out by criminal organizations and when there are real emerging dangers for the safety of persons, as a result of their attempts at escaping from the influence of the same criminal organizations.

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

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

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

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

The Italian Government, pursuant to art. 9 of the Legislative Decree of March 4, 2014, no. 24 (implementation of Directive 2011/36 / EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA), adopted in 2016 the National Action Plan on Trafficking and the Serious Exploitation of Human Beings (NAP) for the period 2016-2018, taking into account also the organizations (NGOs) involved in the fight against labor exploitation and human trafficking.

The first National Action Plan against Trafficking in and Serious Exploitation of Human Beings was adopted by the Council of Ministers precisely on 26 February 2016, in line with Legislative Decree No 24/2014 transposing Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. The Plan is aimed at identifying multiannual intervention strategies for the prevention and fight against these phenomena, as well as measures aimed at increasing public awareness, social prevention, emergence and social integration of victims.

With a view to enhancing the national response to human trafficking, through prevention, prosecution, protection interventions and actions for the social integration of victims, the National Action Plan envisages measures aimed at:

- Improving the emergence of the phenomenon and ensuring an effective and coordinated response;
- Devising adequate mechanisms for the rapid identification of human trafficking victims through the drafting of specific guidelines on the topic;
- Establishing a National Referral Mechanism;
- Updating the existing reception actions;
- Providing multi-agency training;
- Adopting specific guidelines on the fulfilment of the obligation to inform victims of 1) their right to stay permit (in compliance with Article 18 of Legislative Decree No. 286/1998) and to ask for international protection; 2) the opportunity to ask for psychological assistance by an association having proved experience on the topic; 3) request for legal aid; 4) ask for a protected hearing (in accordance with Art. 498 of the Code of Criminal Procedure); 5) ask for the compulsory presence of an expert in psychology or child psychiatry for minors during examination carried out by law enforcement agencies and the judicial authority.

The Plan also establishes the coordination of the international cooperation actions, with a view to strengthening and promoting the collaboration between Italy and the international organisations working on human trafficking and serious labour exploitation (IOM, ILO, etc.), and the EU and non-EU countries involved in these phenomena.

The implementation of the Plan and the results achieved at the national, regional and local level will be monitored through a specific System of Monitoring and Verification of the National Action Plan. The Plan is in line with the EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016).

The Plan involves all the competent Administrations. Therefore, on 2 August 2016, a political and institutional Steering Committee (*Cabina di regia*), which is chaired by the Undersecretary of State in charge of gender equality, was established. The Committee is composed by the political and technical representatives of the Ministry of the Interior, Ministry of Justice, Ministry of Education, University and Research, Ministry of Foreign Affairs and International Cooperation, Ministry of Health, Ministry of Agricultural, Food and Forestry Policies, Ministry of Defense, Ministry of Economy and Finance, Ministry of Labour and Social Policies, as well as by the representatives of the National Anti-Mafia Directorate, Carabinieri Corps, State Police, Financial Police, Regions and local Authorities.

Within the Steering Committee, 4 specific working groups have been established with a view to ensuring the implementation of all aspects dealt with by the Plan. In particular, 3 out of the 4 groups work on the traditional dimensions of "Prevention", "Protections" "Cooperation". The fourth is an ad hoc group established to facilitate coordination between the protection system for refugees and asylum seekers and the system for the protection of human trafficking victims.

The abovementioned working groups include representatives of NGOs and other third-sector entities, who are concretely contributing to the production of the groups' outputs, that will be presented to the Steering Committee for adoption.

The investigative activity carried out by our Anti-mafia and Counter-Terrorism Districts, shows that the criminal phenomenon of trafficking of human beings, often linked with the offense of facilitating illegal immigration, is managed by foreign associations with appropriate organizational structures and transnational operative capabilities.

Sexual exploitation is the main manifestation of this serious offense; most of the victims are women, generally aged 18-30, recruited by traffickers in Nigeria, Albania, Eastern Europe, the former Soviet Union, China, and to a lesser extent, in South-America; many of them, especially Nigerian and Romanian, are also underage.

Victims are recruited and selected in the Country of origin, included through the media and social-network. They are often deceived with the false promise of an honest and well paid work to be performed in the Country of destination, where, once they have come, are generally deprived of money and identity documents, and forced to live under inhumane conditions, under constant control - which often turns into a real slavery reduction - and trained in prostitution.

The phenomenon above described is particularly serious both quantitatively and qualitatively with regard of the exploitation of the prostitution of Nigerian women, whose psychological vulnerability is induced by the celebration of "Voodoo" rites.

In view of this situation, the Ministry of Interior, on the basis of the National Action Plan against the serious trafficking and exploitation of human beings, has issued guidelines that include indicators for Nigerian women, who are victims of trafficking for sexual exploitation, to be assessed by the Territorial Commissions for international Protection.

Another form of exploitation of the victims of trafficking is the one carried out in the workplace, a phenomenon more difficult to emerge; the victims are mainly men from East European, African, Asian and Latin-American Countries, employed in agriculture and sheep farming (Poles, Bulgarians, Romanians, becoming to the former Soviet Union, Africans and, constantly increasing, Pakistanis and Indians); in the field of construction (Albanians and East-European); in the textile and manufacturing field (Chinese); in domestic work (coming from East Europe, former Soviet Union, Asia and South-America).

Some forms of exploitation are found in the recruitment and commission of criminal offenses, involving victims from Eastern-European Countries, Maghreb, former Yugoslavia, Romania and Morocco. As far as traffickers are concerned, these are predominantly male and, generally, of the same ethnicity as the victims.

It should be recalled also that the 4<sup>th</sup> National Action Plan for the Care and the Development of Children and Adolescent has been issued by the National Observatory on children and Adolescent 2014-2016, that met in plenary session on the 28<sup>th</sup> July 2015 for its approval. The Action Plan had then started its institutional course, after the reception of positive opinions by the Authority for Childhood and Adolescence and by the Parliamentary Commission for Childhood and Adolescence. The plan was approved by the joint Conference and adopted by a decree issued by the President of the Italian Republic on the 31<sup>st</sup> August 2016, after a resolution of the Council of Ministers, on proposal of the Minister of Labour and social Affairs. The 4<sup>th</sup> National Action Plan was published on the Italian Official Journal nr. 50 of 15<sup>th</sup> of November 2016 and is at the moment starting the phase of the follow-up and monitoring. It is relevant to point out that the "National Action Plan to Prevent and Fight against Sexual Exploitation of Children 2015-2017" is integral part of the 4<sup>th</sup> National Action Plan for the Care and the Development of Children and Adolescent and has therefore been approved with it. The National Action Plan to Prevent and Fight against Sexual Exploitation of Children was issued according to the founding regulation of the Observatory against Paedophilia and Child Pornography, Ministry Decree nr. 240 of 30<sup>th</sup> of October 2007, as renewed by Ministry Decree nr. 254 of 21<sup>st</sup> of December 2010. The updating and implementation of the aforementioned Plan at a regional and local level, together with the subsequent monitoring and follow-up of the interventions, take into account also the entry into force of Italian law nr. 172/2012, that implements Lanzarote Convention. The Plan considers also the outcomes of the follow-up and of the research commissioned for the last report to the Parliament on the state of implementation of Law 269/98 and of the following laws on abuse and sexual exploitation, together with international and EU reports that define standards and best practices for prevention, victims protection and assistance and fight against crimes. This Plan provides for action priorities and specific aims also consistently with the structure of the above mentioned 4<sup>th</sup> National Action Plan for the Care and the Development of Children and Adolescent. The National Action Plan to Prevent and Fight against Sexual Exploitation of Children 2015-2017 consists of four strategic areas: each of them develops specific actions and interventions in cooperation with other administrations, described as follows:

- 1) Prevention
- 2) Victims' protection

- 3) Fight against crimes
- 4) Monitoring and follow-up.

One of the contents of the Plan is the monitoring aimed at the writing of Guidelines that point out the essential service levels for the protection and the educative support for children victims of abuse or of sexual exploitation. This action will be linked to the monitoring of the outcomes of pilot projects for the psychophysical support of children victims of abuse or of sexual exploitation, that have been financed by the Department for Equal Opportunities through a public notice in September 2011. Consistently with the methodology applied to the writing of the 4<sup>th</sup> National Action Plan for the Care and the Development of Children and Adolescent, also the writing of the National Action Plan to Prevent and Fight against Sexual Exploitation of Children 2015-2017 has taken into account the same participatory process in order to promote its implementation at a regional and local level and the following phase of intervention.

It is also worth mentioning that there are some phenomena of unlawful recruitment and irregular employment of workers that the former Directorate General for Inspection activity of the Ministry of Labor and Social Policy (currently National Labor Inspectorate) is committed to counteract in its institutional activity and that have potential links with the phenomenon of trafficking. In particular reference is made to the illegal recruitment (*gangmaster*)- so called "caporalato" set out in Article 603 of the criminal code and to the use of non-EU workers and labour force without regular residence permits, especially if they are subject to conditions of particular exploitation (see Article 22 Paragraphs 12 and 12 bis, Legislative Decree 286/1998).

The aforementioned offences are often related to migratory flows, although they may also involve other categories of subjects (minors, working mothers), all particularly vulnerable for subjective reasons (sex, nationality, age) and objective reasons (conditions of social-economic precariousness and consequently most exposed to the risk of accepting unfavorable and discriminatory working conditions).

In this regard, the renewed national commitment to the pursuit of the offense of the gangmaster crime (Article 603 bis, above mentioned) is in line with the issuing of the recent Law no. 199/2016, "Provisions to counter the phenomena of undeclared employment, of exploitative labour in agriculture and the realignment of wages in the agricultural sector" which redefined the provision under consideration by providing for sanction of imprisonment from 1 to 6 years and fine from 500 to 1,000 euros in relation to each worker concerned against for anyone who recruits illegal manpower for the purpose of working with third parties or to hire or employ them, even through intermediaries, under conditions of exploitation and taking advantage of the state of need. As part of the actions taken to implement the effectiveness of the inspections in the agricultural sector, particularly exposed to the scourge of forced labor, it is also recalled that the Central Directorate, through its own representative, participates in the "Control Room" established at the National Social Security Institute (INPS) in order to oversee the Quality Agricultural Work Network, pursuant to art. 6, D.L. no. 91/2014 converted into Law no. 116 / 2014, in force since 21/8/2014, recently amended by the Article 8 of the Law no. 199/2016.

Among the measures to counteract the labor exploitation phenomenon adopted by the Directorate General for inspection activities, the Memorandum of Understanding with the Automobile Club of Italy (ACI), signed on September 2, 2015 (from the former Directorate General for Inspection activity of Ministry of Labor and Social Policy, currently National Labor Inspectorate), through which the inspection staff is enabled to consult the registers for the immediate verification of the ownership of the means of transport in order to access essential information for the identification of the so called gangmasters in order to implement the effectiveness of controls and the efficiency of sanctions. In the event that the inspection staff finds out a case of trafficking in the course of inspection audit, it is always obliged to send timely the related criminal offence report to the competent judicial authority. (Article 601 c.p. of the criminal code provides for the penalty of imprisonment from eight to twenty years).

In relation to the Italian legislation adopted against Trafficking in Human Beings, it is important to mention the following:

- Decree of the President of the Council of Ministers of 16 May 2016, which sets up a Single Programme for the emergence, assistance and social integration of victims with a view to guaranteeing temporary adequate board and lodging conditions and healthcare

and, subsequently, the continuation of assistance provision and social integration for victims of human trafficking and exploitation.

- Decree of the President of the Council of Ministers Nr. 234 dd. November 10<sup>th</sup> 2016  
Regulation concerning the definition of the mechanisms for the age assessment of unaccompanied minors who are victims of trafficking.

- Law No. 47 dd. April 7<sup>th</sup> 2017

Provisions concerning protection measures in favour of third country unaccompanied minors Art. 17, par. 2, "Minors victims of trafficking"

By the law of 7 April 2017, which entered into force on 19 May 2017, some very advanced laws on unaccompanied foreign minors were introduced in our legislation, as it provides the child with a comprehensive protection system, from the date of his/her entry in our Country until he/she is included in the social context, or he/she returns to the origin's Country, always placing the highest interest of the minor at the center of each choice.

The law applies for all children who do not have Italian or other EU citizenship or who have come for any reason in our Country, without the assistance or representation of parents or other adults legally responsible.

Specific provisions are laid down for children victims of trafficking (Art.17) and for those seeking international protection (Art.18).

Particularly important is the equation, provided by art. 1 of the law, of the rights of protection to those guaranteed to Italian or any EU country minor.

The actuality of such a complete equivalence is guaranteed by Art. 3 of the law, introducing an absolute ban on repatriation at the State border of an unaccompanied minor, thus amending Art. 19 of the TU about immigration.

The expulsion, subject to the appraisal of the Juvenile Court, may be determined only for reasons of public order and State security; in other cases the Questor grants a residence permit for a minor (valid until the age of majority) or for family reasons.

Special rules are laid down for the identification of the unaccompanied minors and for the assessment of effective age; qualified staff of reception facilities, with the assistance of a cultural mediator, will have to interview the minor in order to obtain news on his age and family condition.

In absence of identity card or other biographical record, and when, however, there are still doubts (it will be possible to ask for help from the diplomatic-consular authority, when the child doesn't express the will to seek for international protection or there aren't risks for his/her safety), the age will be established by mean of social-medical tests. If after these, doubts persist, it is presumed the minor age.

A further significant innovation concerns the conditions of first-time admission which, for a period for not more than 30 days, must take place in special reception facilities for minors; as well as the subsequent path may lead to voluntary repatriation assisted, or to access to the protection system for asylum seekers and refugees.

The assisted repatriation is matter of Juvenile Court.

The law also provides some measures aimed at integrating the child in his path towards elderly, recognizing the same right to health care, education and legal assistance. In order to make the exercise of these rights effective, a guardian is appointed, selected on the list of the special register set up at the Juvenile Court.



Italy is a transit and destination country where the crime of human trafficking is linked to illegal migration flows involving foreign criminal organizations (currently, in fact, the Italian organised crime is not directly engaged in this crime) which often deal with migrant smuggling and also human trafficking, both very lucrative criminal businesses.

In Italy the criminal activity of “domestic trafficking”, which, actually, is carried out in other European countries, is not registered.

However, the presence of the so-called mixed migration flows makes it more difficult to establish and/or identify those who are economic migrants and those who are in need of international or humanitarian protection or even the victims of trafficking.

Consequently, it is not always easy, also for law enforcement agencies, to distinguish migrant smuggling from human trafficking, in spite of the fact that national and international legislative frameworks provide for different types of crime (UN Palermo Convention of 2000 on transnational organized crime, Warsaw European Convention of 2005 against trafficking in human beings).

Traffickers are usually part of a transnational criminal network rooted in the victims' origin countries and with cells in the states involved in the various phases of the criminal chain (recruitment, transfer and exploitation in the destination place).

Victims, mainly from the Northern and Sub-Saharan African countries, the Western Balkans, Northern-Eastern Europe, Central and South America, are subjected in the majority of cases to sexual exploitation, but also to labour exploitation, and are employed in illicit activities, including begging (especially if minors).

With regard to trafficking for the purpose of sexual exploitation as registered in Italy, most victims are young women, including minors. The high mobility, an ad hoc logistic-organisational support and a particularly strict control are the techniques mostly used by the criminal organizations and aimed at eluding police controls.

In particular, Nigerian criminal groups involved in human trafficking recruit young women, including minors, in their origin countries with false promises of employment. Once in Italy, victims are exploited as prostitutes by means of violence and threats, also resorting to the traditional woodoo or juju rites.

Cases of former prostitutes (the so-called *maman*) who manage the exploitation activities are registered.

There is an increasing trend in indoor prostitution (especially in apartments and hotels) and in addition to women, who remain the main target of traffickers and exploiters, cases emerged of male prostitution, including under age victims, mainly outdoor prostitution, as well as of transsexual victims of Latin American origin.

Trafficking for labour exploitation is less widespread and evident. The majority of victims are men from Eastern Europe, Africa, Asia and Latin America, though the ratio between men and women varies according to the victims' origin country.

The most affected sectors are agriculture and sheep-farming where immigrants from Poland, Bulgaria, Romania, other Eastern European countries, Africa, Pakistan and India are employed. The building sector employs especially Eastern European workers whereas the textile and manufacturing industries consist above all of businessmen from the People's Republic of China. Finally, mention has to be made of the housework (care-takers, domiciliary care) with nationals from Eastern Europe, the former Soviet Union countries, Asia and South America employed.

Usually also victims of trafficking for labour exploitation start to emigrate based on their voluntary choice to expatriate for the desire to improve their life conditions and those of their family. Most of them seem to emigrate without knowing anything about their fate in the destination places. The main formal and informal channels they usually apply to in order to have information on possible job opportunities are relatives and friends who are already in Italy, employers contacted before or whose name was obtained before departure from the origin country, as well as ordinary or temporary employment agencies.

Therefore, the contracted debt becomes a decisive vulnerability factor for migrant workers and the need to return it to the travel “financer” as soon as possible leads to situations of serious exploitation. This is

the reason why it is the most frequent indicator of labour exploitation. The other indicators, i.e. the most recurrent circumstances in this type of exploitation are:

- Heavy work and life conditions (very long work times and without in-between breaks);
- Salaries much lower than those agreed upon and established by law (irregular payment or no payment);
- Heavy, harmful and dangerous tasks without respecting any behavioral rule for the protection of their health and safety;
- Gender discrimination or harassment and/or sexual violence.

As far as minors' exploitation is concerned, the most frequent is trafficking for the purpose of their exploitation in begging or illicit activities with the involvement of the Roma community members.

The modus operandi of organizations active in the migrant traffic field has largely adapted to the reference context.

In the central Mediterranean scenario, with particular regard to the Strait of Sicily and part of the Sardinia Canal, countless actions carried out in recent years, have clearly shown a tendency for skippers to "provoke" rescue attempts.

The use of so-called "expendable boats", characterizes this type of scenario, whereby skippers try to confuse himself among the clandestines being transported, so as to avoid getting traced back to ships they come across. Very often the rescue is activated by phone directly by traffickers.

Departures are mainly from Libya, along the coastline between Zuwarah and Sabratah, about 25 nautical miles away; in recent weeks there has been a more eastward shift of starting area, from the coast between Tripoli and Al Khums.

In this regard, it should be noted that, with an increase, in the first six months of 2017, of migrations, compared with the corresponding period of 2016 (95,138 migrants compared to 70,691), the month of:

- a. July last, saw a sharp decrease both in absolute numbers, as well as, compared to the same month of 2016 (only 10,740 migrants compared to 24,513);
- b. August last, there was a further reduction of migrations compared to the same period of the previous year (4,268 compared with 19,584).

In the lower Adriatic and High Ionian sea basins, however, organizations tend to choose coastal areas unlikely to be subject of police patrols, as sites of unloading irregular migrants, very often coinciding with the same places where boats loaded with narcotics are detected which, trying to escape controls, avoid calling for relief.

Thus pertaining, THB traffickers, sometimes the same capable of handling narcotics on the same route, use powerful dinghies or expensive sail or motorboats that, especially during the summer, can easily be confused with normal leisure traffic, allowing for better condition for migrants transported, due to their greater economic availability to face a much less insidious journey and, therefore, with greater "convenience".

Compensating the recent decline in migrants arriving via the consolidated Libya - Sicily route, there has been a recrudescence of the so-called "ghost landings" phenomenon, that is to say finding isolated coastline landings by small boats.

This new phenomenon has been affecting the southwestern coast of Sicily, and its smaller islands, of the predetermined geographic coastline for some time.

The crafts used are small boats, wooden fishing boats, inflatable or sailing boats.

This data is also confirmed by Frontex's analysis reports.

To deal with this new emergency, regarding aeronautical surveillance, the Guardia di Finanza provided for, among other things, intensification of ordinary naval patrolling in cooperation with the Corps' air

component, equipped with fixed-wing planes and high sea faring naval units, to carry out concealed and in-depth investigation of traffics.

Also the investigations carried out by the Special Operations Group (*Raggruppamento Operativo Speciale - ROS*) of the Carabinieri Corps further confirm the information provided above.

Italy went on to represent, in recent years, the final destination of massive migration flows underlying the broader phenomenon of trafficking in human beings (meaning both the *smuggling* and the trafficking) which is, after trafficking in drugs and arms, the main source of income and one of the most important vehicles for strengthening of relations between criminal organizations of different ethnic groups.

The investigative acquisitions in recent years have continued to show as the operation in this area would result almost exclusively the preserve of foreign transnational criminal organizations and community, among which stand out mainly those of Nigerian matrix.

Albanian, Romanian, North African, Chinese, former USSR and Bulgarian criminals are also able to establish interethnic agreements and to a lesser extent, other associations from Eastern Europe, Western Balkans, South and Central America, Middle East, Indian subcontinent and Asia.

The main countries of origin of victims of trafficking generally coincide with those of criminal networks mentioned above. However, investigations have also documented, in the transfer phase and the final exploitation, especially in the sexual sphere, cases of controlling-switches or the actual sale of young victims between groups of different nationalities (for example, between Albanian and Romanian).

The investigations carried out by the police forces document how trafficking in human beings continues to be articulated through an established modus operandi such as:

- hiring of victims in countries of origin, with different modes (cheating, debt, seizure);
- procurement of identity documents, travel and subsistence, also false;
- transportation of victims to their final destination, sometimes through intermediate stages, the logistic accommodation at hotels or homes procured by the organizations, often with the use of nominees and the final exploitation of victims and / or their enslavement by physical or psychological coercion;
- reuse and recycling of exploitation revenues.

With regard to the new trends within the various stages of international trafficking in human beings, the analysis of the investigative activities of combating the phenomenon conducted by law enforcements during the past recent years highlighted:

- increasing usage of the Internet and particularly social networks both for recruitment and for exploitation of the victims, with the publication on sites run by the traffickers ads with misleading promises of work as well as false ads for cosmetic or personal care jobs, behind which lurk women or men forced into activities of prostitution or serious labor exploitation conditions of real enslavement;
- an increase in cases of labor exploitation;
- the gradual shift from physical and sexual violence in the psychological by the traffickers in order to obtain the complete subjugation of the victims;
- the increasing integration of women in the criminal organizations trafficking in human beings and increasingly skilled roles in the recruitment, transfer, subjugation and surveillance of the victims. This trend involves all ethnic groups, albeit with varying intensity, and it is definitely prominent feature of Nigerian ethnic matrix with the massive use of cc.dd. Madame and controller;
- the transition from a random recruitment of victims in the country of origin to a "recruitment studied" a priori and directed towards one or the other category of victims and functional to

cover any new demands of exploitation or directed at circumventing the cross-border policies and police controls, implemented by the different countries of transit and destination. This last point also influences and changes the routes of trafficking.

In this effect, the investigations have documented the activities of Nigerian criminal structures investigated, such as:

- the recruitment of migrants and in particular the victims of female compatriots in Nigeria, by establishing contacts therein;
- the transport of these, via Niger, to the Libyan coastal city, where they were grouped waiting to be transferred to and from where they were to sail to Italy. In waiting boarding, men and trafficked women were crammed into dilapidated buildings, guarded by armed men in the pay of the organization and made the object of psychological humiliation and physical violence, as well as to counteract any possibility of rebellion or escape and reducing them, in fact, to an absolute subjection condition, typical of enslavement;
- in the commission by the jailers, in many cases of sexual violence against young victims, who often became pregnant;
- in the "recovery" of migrants from shelters where they were led once arrived in Italy, carried out by associates permanently resident in the country. Some of them were then escorted to the final destination, often represented by the place where their family already was resident. Different is the fate of the young Nigerian women "recruited" to be sexually exploited. These girls were in fact entrusted to *madames*, former female prostitutes become members of the organization, that initiated them to the activity of prostitution, constantly controlling, even by coercion, their conduct.

Most studies on the phenomenon of trafficking in human beings and the analysis of investigations on this subject concluded in recent years that the sexual exploitation of the victims appears still to be the main event of "human market" that has an impact on most of the national territory. Women are the main target of traffickers and are recruited in Nigeria, Albania, Eastern Europe.

In the countries of the former USSR and, to a lesser extent, in South America and China, women between 18 and 30 years are the group primarily subject to being trafficked and sexually exploited, but also numerous minors (in particular Nigerian and Romanian). In some cases, cases of trafficking for sexual exploitation of transsexuals have been documented as well, usually from South America. The victims are usually selected in their country, and deceived by the promise of an honest and rewarding work in the destination country where, once arrived, their documents are taken, forced at times to live in inhumane conditions, subjected to constant and vigilant accompanied Control from physical and psychological violence, and launched in prostitution, both outdoor (mainly road) and indoor (in apartments, hotels, spas and nightclubs).

In line with the trend in other European countries, even in our country in recent years cases of trafficking for labor exploitation have been on the rise, even if it appears less obvious, more subtle and difficult to identify. Men make up for the majority of the victims, from Eastern Europe, Africa, Asia and Latin America, although there are different proportions between the male presence and female depending on the country of origin of the victims.

The labor exploitation of trafficked persons is developed in our country, mainly in those economic sectors that lend themselves to abusive or illegal practices and abuse of workers vulnerable position.

The most affected sectors are agriculture and grazing, with predominant use of Polish immigrants. Bulgarian, Romanian, originating in the countries of the former USSR, Africans and increase in Pakistani, Indian and Bangladeshi; the building, with predominant use of Eastern European labor, textile and manufacturing sector, with the predominant involvement of China entrepreneurs, and finally domestic work, (caregivers and home care), with predominant use of the citizens of Europe Eastern Europe, the countries of the former USSR, Asia and South America.

The lower percentage of cases of trafficking for victims in forcing them to ask for charity and / or in the commission of petty crime offenses established throughout the country in recent years, has seen the

involvement of individuals, mainly from Eastern European countries, from the Maghreb, from the former Yugoslavia, Romania and Morocco. In order to pity the passer, often the victims forced to beg are minors, women and the disabled. In general, the victims are recruited and exploited by countrymen, also linked to them by kinship, and forced to "earn" daily a predetermined money amount, as well as sometimes to commit micro-crime activities (pickpocketing, theft, etc.). With reference to the use of minors in the latter sector, over time, through various investigations, cases of use of Romanian and Bulgarian (Roma ethnicity or not) citizens have been registered in the commission of pickpocketing and theft in commercial activities or in homes, they are moved constantly from city to city and subjected to closer forms of surveillance.

Furthermore, many are the initiatives carried out by the Guardia di Finanza in favor of the Libyan Navy Coast Guard.

a. Foreword: restarting the cooperation.

Law 145 of July 21<sup>st</sup>, 2016, lays down general provisions applicable to international missions of armed forces and police (so-called "International Missions Framework Law"), including, as far as the Guardia di Finanza is concerned, activities in favor of Libya.

In this context, the Corps:

- (1) maintains the efficiency of the 4 coast guard cutters (27-meter Bigliani class) flying the Libyan flag held by Corps at Capo Miseno (Naples);
- (2) locally trains crews of the Libyan Navy and Coast Guard, for the overtaking of the 4 above mentioned crafts;
- (3) provides technical and logistical assistance to the Libyan counterpart, in post-return stages, including seconding a specialized Naval Men contingent, to Libya.

b. Training activities for Libyan crews and return of the 4 cutters.

Upon specific orders by the Ministry of the Interior, following cooperation agreements signed in February last by the President of the Council of Ministers and Libyan Government Authorities, appropriate actions have been started to initiate training for 4 Libyan crews, totaling 39 attendees, divided in two classes.

Consequently, in accord with the aforementioned Ministry, a 15 days technical-practical training, for each of the two classes, was organized at the Corps Nautical School in Gaeta for a total of six weeks, for all 39 attendants, which began on April 3<sup>rd</sup>, and ended positively May 12<sup>th</sup>, with redeployment, of the 4 Libyan cutters, to newly-formed crews for their definitive return to Libya.

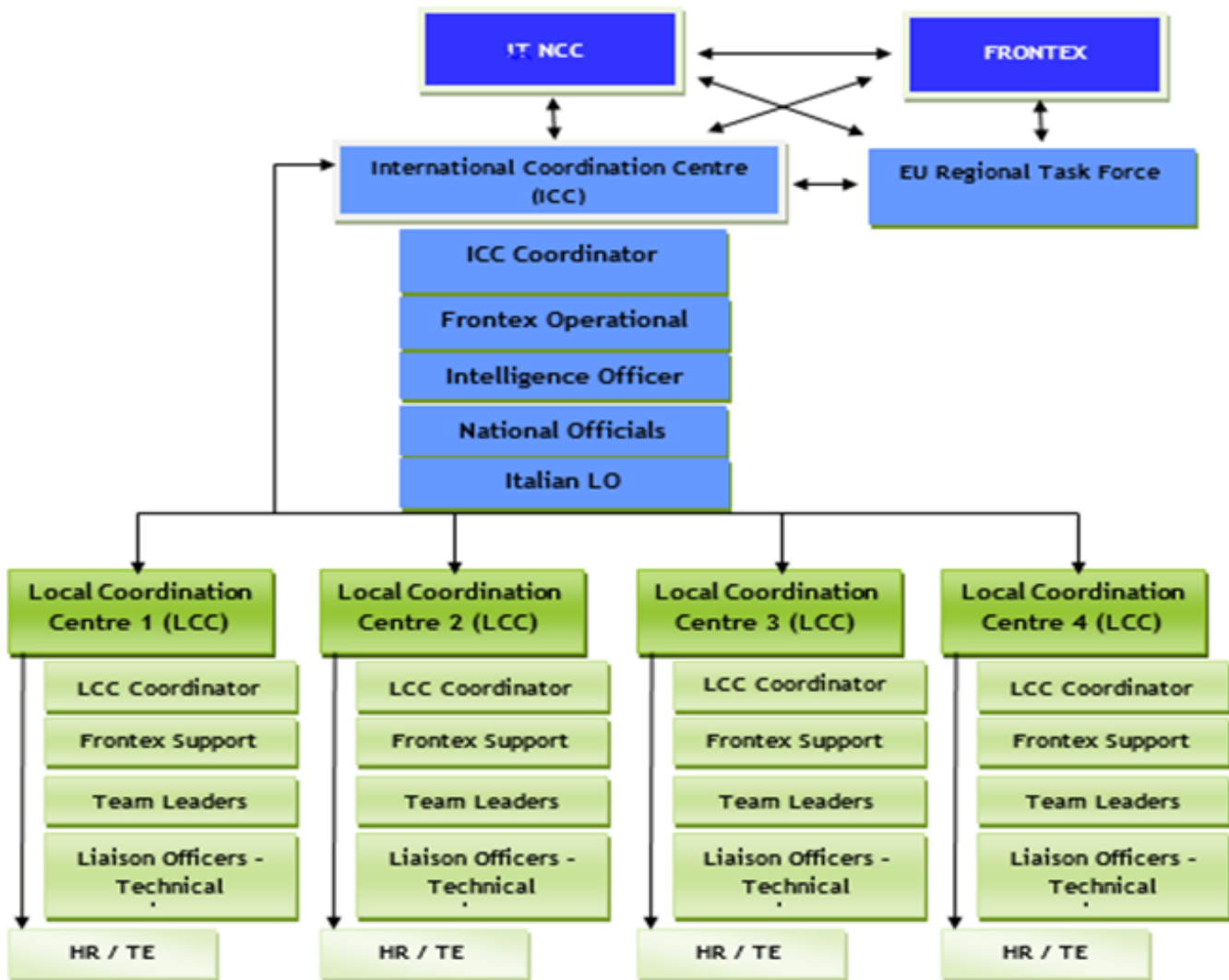
Following definitive redeployment of the 4 aforementioned cutters to the Libyan Navy Coast Guard, on May 15<sup>th</sup>, the Minister of the Interior, Sen. Marco Minniti, went to Tripoli (Libya) to attend the ceremony, organized by local Authorities, to welcome the arrival of the crafts.

Upon specific request by the Libyan Institution, two further separate missions to Libya have recently been completed, aimed at maintaining operability of the redeployed cutters. In particular:

- (1) From June 20<sup>th</sup> to June 22<sup>nd</sup>, 2017, 5 Sea Staff members went to Tripoli to carry out most urgent repairs preventing proper use of the naval units;
- (2) between July 19<sup>th</sup> and August 1<sup>st</sup>, last, 26 Corps' members were sent to Tripoli, on board the "Vaccaro" School Ship, to carry out more complex maintenance.

Both missions were successful and carried out in total security, as Corps' and Libyan staff were together during the repairs, succeeding in transferring important technical know-how that will make them more autonomous in future. daily maintenance.

Collaboration with the European Agency "Frontex"



From February 1<sup>st</sup>, to December 31<sup>st</sup> 2017, with probable extension to January 31<sup>st</sup>, 2018, the Joint Aero-Naval Operation called "TRITON 2017", promoted by the European Border and Coast Guard Agency - FRONTEX, is underway, aimed at contrasting migratory flows towards the southern coasts of Sicily, Calabria, Puglia and Sardinia, as well as the coasts of Malta.

Activities, strategically directed by the Italian Ministry of the Interior's Department for Immigration and Police, are coordinated by the Guardia di Finanza, which, besides taking part directly with its air-naval assets, ensures use of all national and international aero-naval means through the International Coordination Center (ICC), established at the Aeronautical Operations Unit of Pratica di Mare (Rome), headed by a Corps' Senior Officer.

In order to ensure peripheral management, 4 Local ICC Coordinated Centers (LCCs) are set up with the 1<sup>st</sup> and 2<sup>nd</sup> Operations Central of Messina's Aero-Naval Unit (in Messina's Headquarters and Lampedusa) and the Taranto and Cagliari Aero-naval Units.

The international operation sees participation by Italian personnel and means (State Police, Guardia di Finanza, Navy, Port Authorities and Carabinieri) as well as from Member States and non-EU countries (Albania, Austria, Belgium, Croatia, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Ireland, Iceland, Latvia, Lithuania, Luxembourg, Malta, Norway, Netherlands, Poland, Portugal, United Kingdom, Czech Republic, Romania, Slovenia, Spain, Sweden, Switzerland and Turkey) along with European Agencies and International Organizations (EASO, EFCA, EMSA, EUROPOL, FRA, "EUBAM LYB" EEAS/CSDP mission, UNHCR and IOM).

Finally, an essential modification was introduced by Article 1 of the Legislative Decree No. 212 of 15.12.2015 - implementing the Directive 2012/29/EU of 25.10.2012 - which introduced Article 90 c.p.p.<sup>2</sup>

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

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

- a) the procedures for lodging a complaint or a suit, the function he/she performs during investigation and trial, the right to know the date, place of trial and the counts of indictment and – in case he/she files a civil action in the criminal proceedings – the right of having the judgment served on him/her, even by abstract;
- b) he/she may be entitled to receive information about the state of proceedings and the registrations mentioned in Article 335, paragraphs 1 and 2;
- c) he/she may be entitled to be informed about the request for filing a case;
- d) he/she may be entitled to have legal assistance and receive legal aid by the State;
- e) the procedures for exercising his/her right of having the case deeds interpreted or translated;
- f) possible measures of protection that can be ordered on his/her behalf;
- g) the rights the Law recognizes to him/her in case his/her official abode is located in a member State of the European Union differing from the State where the offense was committed;
- h) the procedures for prosecuting possible infringements of his/her rights;
- i) the authorities he/she can address himself/herself if he/she wishes to get information on the proceedings;
- l) the procedures for the reimbursement of the costs due to his/her participation in the criminal case;
- m) he/she may request a compensation for damages because of the offence he/she suffered;
- n) the case can be closed by discontinuance of action under Article 152 of the Italian criminal code - if it is possible - or by mediation;
- o) information about his/her rights in cases where the defendant requests that the proceedings be suspended with probation or cases where there are grounds for exclusion of punishability due to the minor nature of the offense;
- p) information about health facilities within the territory, care homes, anti-violence centers and safe houses.

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

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

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

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<sup>2</sup> C.p.p.: Code of criminal procedure.

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

On the occasion of the EU Anti-Trafficking Day, on 18 October 2016, the Department for Equal Opportunities launched the new awareness campaign (TV advert) aimed at increasing knowledge of the National Toll-free Anti-Trafficking number 800 290 290. The campaign was broadcast on the main national public network and was developed in collaboration with NGOs within the framework of the above mentioned Steering Committee. A new awareness campaign on the National Toll-free Anti-Trafficking number was released for the EU Anti-Trafficking Day also this year. Indeed, on the occasion of the 11<sup>th</sup> EU Anti-Trafficking Day, on 18 October 2017, the Department for Equal Opportunities of the Italian Presidency of the Council of Ministers organized a specific event to celebrate the day. The event, which was opened by Ms. Maria Elena Boschi, Undersecretary of State in charge of gender equality, was an opportunity to gather relevant stakeholders in a discussion on the phenomenon and to present the new awareness campaign of the Italian Government on the topic.

## B. Cross-cutting questions

Gender equality (Articles 1.1.b, 5.3 and 17)

2. *What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?*

General principles of the first National Action Plan against Trafficking in and Serious Exploitation of Human Beings.

At European Union level, the legal and political framework recognises trafficking as a gender phenomenon and requires Member States to take gender-specific actions. For the first time, Directive 2011/36/EU of the European Parliament adopted a gender-specific approach to the phenomenon of trafficking, recognising that men, women and children are trafficked under different circumstances and require different forms of assistance and support depending on gender. In addition, the EU Strategy identifies violence against women and gender inequality as an underlying cause of trafficking and outlines a series of measures meant to deal with the gender dimension of trafficking, as vulnerability to trafficking for the purpose of different forms of exploitation depends on gender.

On the basis of the main recommendations, the effectiveness of prevention actions, the combating of trafficking and victim protection therefore requires a global and systemic approach to the phenomenon and its consequences. It is therefore fundamental to dedicate particular attention to several methodological aspects that may support the holistic nature of the interventions, thereby improving project quality, effectiveness and impact.

This refers to working methods such as: the gender perspective, transnationality and inter-regionality, the interrelation and integration of policies, the creation/strengthening and management of networks and relations amongst a plurality of parties, target approach methods that are highly integrated and focused on the person, and the principle of non-discrimination.

The integration of the gender perspective makes it possible to design, implement, monitor and evaluate interventions that take into account gender inequalities and integrate gender-specific aspects when appropriate.

The measures to be defined within the scope of policies for the prevention of trafficking in human beings and the protection of victims must not only be focused on the particular vulnerability of women, but also be intended to increase their rights, in order to avoid anti-trafficking measures that further limit their freedom and autonomy.

The prejudice that women are innately weak and the consequential need to place them "under protection" could indeed further constrict their self-determination. The integration of a gender-specific



perspective entails, *inter alia*, an in-depth analysis of the specific factors that contribute in the countries of origin to exposing people to the risk of involvement in the trafficking of human beings.

The Directorate General for Immigration and Integration Policies of the Ministry of Labor and Social Policies takes into consideration the gender dimension of unaccompanied minors UAMs, in the data on unaccompanied minors periodically published on the institutional website. In fact, the General Directorate for Immigration and Integration Policies is responsible for the census of UAMs present in Italy. Therefore, an informatics system SIM collects all the information concerning UAMs given by the bodies that, on the national territory, are in charge of UAMs' identification and reception. A national Report, containing aggregated and anonymous data, is monthly published on the institutional website. Furthermore, based on the collected data, every four months a monitoring Report is published. In the Reports a special focus is addressed to unaccompanied minors of female gender, and data are broken by age groups, citizenships and Regions of reception, in order to provide indicators of potential victims of trafficking and an estimate of possible trafficking victims. Furthermore, in the Annual Report on the presence of migrants in the labor market in Italy, published yearly by the Directorate for Immigration and Integration, there is an in-depth analysis of all aspects of the employment situation of migrants and a special focus on migrant women, contributing to the definition of interventions in favor of the female employment rate. The Directorate for Immigration and Integration publishes yearly also the Annual reports on migrant communities in Italy, whose data declination by gender makes them an important instrument of knowledge of the characteristics of the main migrant communities in Italy (Albanian, Bengali, Chinese, Ecuadorian, Egyptian, Filipino, Indian, Moroccan, Moldovan, Pakistani, Peruvian, Senegalese, Sri Lankan, Tunisian, Ukrainian), and a valuable contribution to the definition of public policies gender sensitive.

#### Non-discrimination (Article 3)

3. *What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?*

4. *What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?*

5. *What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?*

In relation to the measures undertaken towards trafficked persons (both irregular and economic migrants), identified as victims of trafficking, the Ministry of the Interior – Department of Civil Liberties and Immigration, in order to ensure their access to the rights established by the Council of Europe Convention on Action against Trafficking in Human Beings and with reference to the identification, assistance, protection activities and to the accommodation in a safe place, has been acting, as follows:

- Cooperation with IOM for the development of a project called ADITUS- co-funded with AMIF Funds 2014-2020 and started on January 1st 2017, for the implementation of information services for migrants arrived by sea, with particular reference to "victims of trafficking and to unaccompanied minors". This project provides for the implementation of activities related to the early identification and assistance to the victims of trafficking in the disembarkation places and at the hotspots; promotion of the knowledge, among the local institutions and the first aid and reception operators, about the phenomenon of trafficking of human beings and about the protection measures provided for by the provisions in force, as well as about the prevention and protection actions – also at psycho-social level – in favour of migrants subject to work exploitation and to other forms of abuse. The activities of this project follow those which were previously accomplished with the Assistance and Praesidium projects, both co-funded by this Ministry. IOM published two reports (the last one in the month of July 2017) on its website, related to the results of the activities carried out in this field. The early identification activity, carried out by IOM in the framework of the ADITUS project actions regards all disembarked migrants, regardless of their gender.

### The Single programme of emergence, assistance and social integration

Pursuant to article 18, paragraph 3-*bis*, of Legislative Decree of 25 July 1998, no. 286, as amended by Legislative Decree of 4 March 2014, no. 24, the Single programme of emergence, assistance and social integration is defined in favour of the foreign nationals and citizens pursuant to paragraph 6-*bis* of the same article 18, who are victims of the crimes set forth in articles 600 and 601 of the criminal code, or who are in the situations pursuant to paragraph 1 of the same article 18.

The Programme applies on the basis of the actions laid out in the National Action Plan against the trafficking and severe exploitation of human beings, pursuant to article 13, paragraph 2-*bis*, of law of 11 August 2003, no. 228, adopted by the Council of Ministers on 26 February 2016.

The Programme is implemented through projects carried out at regional level intended to ensure the programme recipients adequate board, lodging and health care on a transitional basis and, subsequently, the continuation of assistance and social integration.

The implementation and type of projects must comply with the principles outlined in the national framework of policies for the protection of the human rights of victims, and in particular the work of the multi-agency network and the prevention of re-victimisation, in order to favour the development of individualised paths, designed taking into account the needs and safety of the victim and implemented with the consent and volition of the person concerned, given the provisions of law in force, as well as the constraints and resources thereof.

The assistance measures are guaranteed, in compliance with the principle of non-discrimination, to the victims and potential victims of trafficking and/or severe exploitation throughout the country, irrespective of their legal status, age, nationality, gender or type of exploitation suffered.

Each project must establish actions referring to the phase of victim emergence, reporting and referral to protection services, identification, protection and initial and second-level assistance and social inclusion.

In particular, each project must include the following activities:

- a) contact, emergence and protection of the person, also with reference to the period of recovery and reflection;
- b) initial assistance in preparation for social inclusion processes;
- c) second-level reception focusing on professional training and job placement;
- d) autonomy aimed at consolidating social inclusion and job placement processes and residential autonomy.

The projects must include in any event:

- a) adequate facilities at a secret address for residential reception or, when their condition of exploitation so requires, other forms of residential accommodation;
- b) the provision to victims of emergency social and health care services and/or psychological, social and legal assistance, also in order to obtain the residence permit pursuant to article 18 of Legislative Decree no. 286 of 1998;
- c) forms of connection with the institutions and bodies responsible for assistance and social integration programmes, particularly with regard to trafficking victim referral and acceptance methods and in any event with the social services of local entities;
- d) active inclusion;
- e) the convention with the national toll-free anti-trafficking number in relation to the acceptance of reports and the implementation of a local reporting, orientation and referral system constituted by the central office of the national toll-free anti-trafficking number and offices responsible for the emergence and identification of potential victims of trafficking and severe exploitation for the acceptance of qualified reports;

- f) agreements with local entities such as Prefectures, Police Headquarters, Provincial Carabinieri and Tax Police Stations, Local Health Authorities, Public Prosecutor's Offices, Training Agencies and Labour sector associations;
- g) monitoring and verification of social inclusion processes one year after the closure of the Single programme.

Each project is made operative through a methodology that identifies objectives, implementation timing and intake numbers diversified according to:

- a) the safety needs of victims;
- b) the will and determination of the victims to develop skills and abilities with a view to economic, social and residential autonomy;
- c) the effectiveness and efficiency of social public and private networks responsible for legal assistance, health care and social welfare assistance, reception, training, job placement and residential autonomy present locally.

Furthermore, particularly important in Italy is the SPRAR System.

The System for the protection of asylum seekers and refugees (SPRAR) was established by Law No. 189/2002 and is composed of the network of local entities that – for the implementation of reception projects for forced migrants – have access to the National Fund for the asylum policies and services within the framework of the available resources, which is managed by the Ministry of the Interior and envisaged in the State's Budget Law.

At the local level local entities, in collaboration with the third sector, ensure the implementation of "integrated reception" actions, that go beyond the simple provision of board and lodging by also envisaging complementary guidance and legal and social assistance, as well as the designing of individual inclusion and social-economic integration paths.

SPRAR's main objective is the assistance of the welcomed person with a view to activating individualized pathways aimed at making them (re)gaining their own independence and effectively participating in the life of the country, both from a working and housing point of view and access to the local services, socialization and school integration of minors.

The individual welcoming interventions carried out by the local entities are defined as "territorial SPRAR".

Within the framework of SPRAR, therefore, the welcomed people are not passive beneficiaries of actions tailored for them, but rather active protagonists of their own reception and social inclusion path.

The objective of (re)gaining independence is common to all types of intervention, regardless of the beneficiaries' characteristics. Therefore, each service seems to be fundamental in each social inclusion path towards independence. The personal characteristics of the welcomed people then customize the way it is implemented.

As already underlined, SPRAR provides integrated reception. This means that basic material interventions, such as the provision of board and lodging, are provided together with other services aimed at facilitating the acquisition of tools for independence.

The abovementioned services offered by SPRAR can be divided into 9 different areas, equally important in the effective implementation of reception actions:

- Linguistic and intercultural mediation;
- Material reception;
- Guidance and access to the local services;
- Training and retraining;
- Guidance and counselling to work integration;
- Guidance and counselling to housing integration;

- Guidance and counselling to social integration;
- Guidance and legal counselling;
- Psychological, social and health protection.

While envisaging all these services, the reception and social inclusion pathway needs to take into account the complexity of the assisted person (in terms of rights and duties, expectations, personal characteristics, their history, their cultural and political background, etc.) as well as their needs. A holistic approach is therefore applied with the aim of facilitating the assistance of the person as a whole, starting from their identification and development of their own resources.

Such an articulated assistance intervention implies that, both at national and especially at local level, SPRAR acts as a system working in close collaboration with the local context. Indeed, SPRAR is perceived as an integral part of the local welfare and as a complementary system to other local public services.

Within the framework of the SPRAR, both applicants for and beneficiaries of international protection who are also victims of human trafficking, have always received customized assistance taking into account their own specificities also by strengthening networking and collaborations with anti-trafficking specialized entities.

Over the years, some experimentations concerning territorial SPRARs have been started. Such territorial systems have activated specific services for an "integrated reception" of human trafficking victims, particularly women victims of sexual exploitation.

Starting from 2011, the number of women applicants for and beneficiaries of international protection, victims of human trafficking, increasingly younger, vulnerable and fragile women that have been assisted within the framework of SPRAR has significantly increased.

Training of relevant professionals (Articles 10 and 29)

*6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.*

By the end of 2017, always in the framework of the "ADITUS" project, IOM is due to start a "capacity building" action, which is expected to involve the Prefectures, concerning the implementation of training paths on "trafficking in human beings" and the support to the staff involved in the management of the phenomenon of trafficking and exploitation. This action is due to be concluded with the end of the project, expected in 2019.

Criminal police refresher and specialization courses have been started in January 2017 to be completed in the next few months, with a possible follow-up in 2018 (investigative and forensic techniques) for the personnel of the Italian National Police (including officials) working at the investigative offices of the Questure (Mobile Squads and Digos), at the regional and interregional laboratories of the forensic police, as well as for the criminal police units of the traffic and railway police departments.

Moreover, specific European projects have been developed on this issue. Mention will be made of the most recent ones.

In 2014 the personnel of the Anti-crime Central Directorate of the Italian National Police participated in the activities of the European project "Euromed Police III" with, inter alia, a seminar on the fight against human trafficking (27-31 January 2014) held in Rome and organised with the support of CEPOL national Unit. It was addressed to the personnel of the law enforcement agencies of some countries of the Southern Mediterranean area engaged in fighting against trafficking.

In 2015 the personnel of the Anti-crime Central Directorate of the Italian National Police participated in the European Project "TEMVI - Trafficked and Exploited Minors between Vulnerability and Illegality. Forced criminal activities as a new form of exploitation in human trafficking: knowledge and human rights based practices through pilot research and multi-agency training and prototype-procedures"

devoted to the trafficking in minors for their exploitation in illicit activities, with particular reference to Roma minors. The project, launched in 2014 by the Human Right Centre of the Padoa University and concluded in July 2016, involved also France, Romania and Hungary. In addition to international conferences for project assessment, four training meetings (3 with a multi-agency character and 1 for the operators of social services) were organized at the University of Padoa (September and October 2015) and a multi-agency intervention Protocol was drawn up and tested at local level under the coordination of the Venice municipality and the Padoa University.

The European project "BMM- Better Migration Management" is still on-going. In the framework of this project the realization of training courses on illegal immigration and human trafficking has been planned. They will be addressed to police officials of the trafficking, origin and transit countries of the Horn of Africa, and conducted in the next few months with the participation of the Anti-crime Central Directorate of the Italian National Police.

For 2017, five training initiatives, both at central and peripheral level, have been planned for the Guardia di Finanza, with particular reference to first line staff members called upon to intervene in the emergencies related to the illegal immigration phenomenon:

No.	Course title	Location	attendants	Held by	Duration (gg)
1	Peripheral "International Humanitarian Law (D.I.U.)" Information Course	Regional Puglia Unit - Bari	7 (mixed)	Italian Red Cross	5
2	"General principles and principles of international maritime law" Information Course	Nautical School - Gaeta	12 (Officers and Inspectors)	Nautical School	5
3	"National, Community and International Legislation on illegal Immigration" Information Course	Nautical School - Gaeta	10 Officers	Nautical School	3
4	"National, Community and International Legislation on illegal Immigration" Information Course	Nautical School - Gaeta	20 (Inspectors, Superintendents, and 1 <sup>st</sup> and 2 <sup>nd</sup> level Agents)	Nautical School	3
5	2 <sup>nd</sup> "National, Community and International Legislation on illegal Immigration" Information Course	Nautical School - Gaeta	20 (Inspectors, Superintendents, and 1 <sup>st</sup> and 2 <sup>nd</sup> level Agents)	Nautical School	3

As for the training of the actors combating Trafficking in human beings, we would like to underline that – as regards judges and prosecutors – the High Council for the Judiciary plays an active role by introducing this subject in the annual meetings for training and professional updating.

Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

7. *Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.*

8. *What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment for them, including through:*

a. *ensuring registration of all children at birth, in particular from socially vulnerable groups;*

- b. *raising awareness of THB through education;*
- c. *training professionals working with children.*

9. *Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?*

The procedures for verifying the age of a minor are described in the Regulation adopted by decree 234 by the President of the Council of Ministers of November 10<sup>th</sup>, 2016, whereby:

- the age of the unaccompanied minor, victim of trafficking, is derived through a multidisciplinary procedure conducted by specialized personnel and appropriate procedures, which also consider the specifics of the minor's ethnic and cultural origin (Art. 1);
- prior to the definitive ascertainment and determination of its age, the victim of trafficking is considered a minor (Art. 7);
- Age assessment is carried out at public health facilities by such qualified personnel as determined by a judge (Art. 5).

10. *What steps are taken in your country to ensure that the rights of the child and his/her best interests are duly taken into consideration, in particular when it comes to:*

- a. *identification of child victims of trafficking;*
- b. *appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;*
- c. *locating the child's family;*
- d. *ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;*
- e. *access to appropriate and secure accommodation, education and health care;*
- f. *issuing residence permits for child victims of trafficking;*
- g. *providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;*
- h. *carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;*
- i. *special protection measures for children.*

Within the competence of the Directorate General for Immigration and Integration Policies of the Ministry of Labor and Social Policies, the best interests of unaccompanied minors are duly taken into account. According to the national legislation, the General Directorate is responsible to develop Family Tracing of unaccompanied minors UAMs present in Italy, in order to trace family members, also in the Country of Origin.

Family Tracing consists of a deep analysis of the context of origin of the child and provide fundamental information to find durable solutions in the best interest of the child. Moving from the Directorate's requests, IOM activates field staff that contacts the child's family in order to realise and interview, based on a semi-structured questionnaire.

Such an interview is usually conducted at the family's house and it is accompanied by deep observation of the socio-economical context. In this regard, it is important to highlight that family members are always informed by IOM staff about the aims of the interviews and about the relevant Italian legislation.

Then, family tracing's results are transmitted by IOM to the Directorate. The development of family tracing provides detailed information about the child's background, useful in order to identify durable solution for the child (both in Italy or in the country of origin).

Article 19 of the Consolidated Law on Immigration states the principle of non-refoulement of foreign children: according to the provision, with the exception of particular situations justified by reasons of public order and State security, it is forbidden the deportation of a foreigner under the age of eighteen. Consequently, all UAMs are entitled to obtain a residence permit (on the ground of "minority age"), valid until the age of eighteen.

Considering the individual integration experiences and in their best interests, UAMs are given the opportunity to remain in Italy once turning 18, with the issuance of a resident permit for working reasons or study purposes.

This occurs on the basis of a positive opinion issued by the Ministry of Labour and Social Policies after an evaluation of their integration process in the Italian Society.

*11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?*

(Items 9-10-11)

In relation to the methodologies used for the age assessment of the alleged victims ensuring the best interest of minors, including the international protection applicants, the following actions have been undertaken:

ACT Nr. 47 dd. April 7<sup>th</sup> 2017. "Provisions concerning the protection measures of third country unaccompanied minors", which regulated the required passages for the identification of minors and introduced the procedures of the age assessment with multidisciplinary approaches in line with the European legislation.

The Act Nr. 47, dd. April 7<sup>th</sup> 2017, has consolidated, in a structured way, previous legislative provisions concerning basic principles related to the protection of third country unaccompanied minors, such as the removal prohibition and the right to health assistance, the issue of the residence permit for minors.

The abovementioned legislation, moreover, after having reduced the minors' stay in the first reception centers from 60 to 30 days, provides for in favour of this vulnerable category of migrants, a very high level of protection concerning the principle of not being removed, the accommodation in a safe place, the right to study, to the legal protection, to the medical treatment as well as to work according to the minors' work legislation.

In order to promote further actions in favour of this vulnerable target, the Ministry of the Interior has started some agreements and concluded some Protocols with other Ministries, with local bodies, NGOs and in general with the social volunteering.

Moreover, according to the Act Nr. 47/2017, at each juvenile court a list of voluntary guardians has been created; this list can also include private citizens, who have to be selected and adequately trained.

For the procedure of age assessment the Decree of the President of the Council of Ministers Nr. 234 dd. November 10<sup>th</sup> 2016 was adopted.

The order by the Italian Supreme Court, sixth civil section, dd. January 12<sup>th</sup> 2017, Nr. 686, sets out that the guardian of the third country unaccompanied minors has to be appointed by the ordinary court, not by the juvenile court, as provided for by the Legislative Decree Nr. 142/15 (Art. 19). In this way, a quick action can be ensured, in consideration of the territorial proximity of the competent body.

For the access to appropriate and secure accommodation, education and health care, the Ministry of the Interior started to be responsible for the management of the reception of third country unaccompanied minors in the year 2014 when, after the remarkable increase in the migratory flows, an increase in the presence of unaccompanied minors from third countries was ascertained; consequently the need for setting up an organic and structured reception system expressly devoted to this target arose. In this new organizational and functional context, the new reception system gradually started to be set up. This system was partly accomplished and partly still has to be defined; it is structured in two reception levels – which are linked with each other and which, indeed, accompany minors in their path towards the autonomy and social integration.

In particular, the first level of reception enables the take in charge of minors since their arrival on the national territory – up to a maximum of 60 days, in order to ensure them specialized services, aiming at the subsequent transfer into the facilities of second level.

The second level of reception is provided for in the framework of the Protection System for asylum seekers, refugees and unaccompanied minors from third countries, according to Art. 1-sexies of the Decree Law Nr. 416, dd. December 30<sup>th</sup> 1989, converted, with some amendments, by the Act Nr. 39, dd. February 28<sup>th</sup> 1990, and in particular in those projects specifically devoted to this category of vulnerable persons.

The Ministry of the Interior, in the framework of the Urgent Measure of the 2014-2020 AMIF Fund, started, in the first six months of 2017 a one-year pilot project, called "*PUERI – Pilot action for Uams: Early Recovery Interventions*". The project is accomplished within the four hotspots that are operational on the Italian territory (Trapani, Pozzallo, Lampedusa and Taranto) and provides for that a multidisciplinary expert team (composed of social workers, psychologists, cultural mediators) carries out interviews among children, gathering in this way information related to their families, their place of origin, their journey, their personal history, and so on, by entering the gathered data into a "social file", which is due to follow the children during the relevant stages of reception in Italy.

The purpose of this action lies in the "reasonable" and not "random" referral of children into the specific reception facilities. The multidisciplinary action methodology enables to improve the current reception system for unaccompanied minors and to promote actions to counter the phenomenon of arbitrary absconding as well as of the recruitment in the illegal networks.

The project partnership has the following composition: Ministry of the Interior – Lead partner;

CNOP – National Council of the Psychologists' Associations, FNAS – National Foundation Social Workers and CIES Linguistic Mediators, as partners.

12. *What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?*

Items 7-8-9-10-11-12

Foreign minors who arrive in our country are not always provided with identification documents of their country of origin. When it is not possible to carry out the identification procedure in the ordinary way, also through the cooperation with the diplomatic representatives, and there is a reasonable doubt as to the statements of the alleged minor, the responsible authorities may, as a last resort, request for an age assessment examination.

In cases of doubt, the minor's best interest and presumption of minority should be always given due consideration by the officers responsible for the identification, also to prevent that a minor erroneously identified as a major and excluded from the protection system envisaged for minors, could be held in the Identification and Expulsion Centers or Reception Centers for adults.

With regard to the identification procedures in case of doubt regarding the minority of a child, the first ascertainments are based on a close in-depth check of the documents in possession of the alleged minor and of any accompanying person. When possible, as for adults, checks are carried out together with the Diplomatic Representations. The verifications are accurately conducted on a case-by case basis in order not to traumatise the minor. When it is not possible to define the exact age, but only the probable age bracket, the minor age is assumed. The Juvenile Judicial Authority is immediately informed about the minor's situation.

If there is still a reasonable doubt regarding a person's age, assessment of age can be arranged. In this case the minor shall be informed about the possibility that his/her age is determined through medical examinations, the type of check he will be subject to and its consequences. A minor must give his consent before being subject to the examination for age assessment and has the right to receive a copy of the medical report.

The minors' information and interviewing activities, preliminary to any medical examination, can be conducted by the law enforcement officers with the support of specialized personnel having linguistic and mediation expertise.

Useful references for the officers operating at disembarkation/arrival places are contained in the "Standard Operational Procedure (SOP) applicable to the Italian hotspots" disseminated by the



Department for Civil Liberties and Immigration of the Italian Ministry of the Interior. Unaccompanied minors are entitled to receive information about their legal status and its possible developments. They are hosted at dedicated first reception centers and need specific care. In cases of doubt regarding their minority and a further verification is not possible, the persons shall be however regarded as minors. When there are operators of non-governmental organizations within the hotspots they shall report the cases of unaccompanied foreign minors who could be asylum seekers and/or relocated in order to be informed about the international protection procedure and the European relocation program.

Effective age assessment procedures in the respect of the child's best interest have long been tested by means of understanding protocols.

Since the medical examinations used in the procedure arranged for age assessment cannot lead to precise, unambiguous results, it is necessary to always indicate the margin of error in the medical report. In fact, if doubts persist also after the expert's examination, minor age shall always be presumed and the minor shall be treated as such, receiving the necessary protection and care.

A new boost to the definition of the age assessment procedures was given by Section 4 of Legislative Decree No. 24 of 4 March 2014, implementing Directive 2011/36/UE on preventing and combating trafficking in human beings and protecting its victims. For unaccompanied minor victims of THB, it envisages "(...) mechanisms, by which, in cases of reasonable doubts about the minor age of a victim whose age cannot be ascertained by identification documents, the age of unaccompanied minor victims of THB is determined, in the respect of the best interest of the minor, also through an age assessment multidisciplinary procedure conducted by specialized personnel, according to appropriate procedures which take also account of the peculiarities of the minor's ethnic and cultural origin, and, if needed, the diplomatic authorities are involved in the minor's identification".

The Decree of the President of the Council of Ministers No. 234 of 10 November 2016 on the Regulation defining the mechanisms for the determination of the age of unaccompanied minor victims of THB, implementing section 4, subs, 2, of Legislative Decree No. 24 of 4 March 2014, has been in force since 6 January 2017. It provides for a multidisciplinary requiring the involvement of various experts.

Said provisions were integrated into Act No. 47 of 17 April 2017 containing "Provisions on protection measures for unaccompanied foreign minors", entered into force on 6 May 2017, which envisages, inter alia, identification procedures for unaccompanied foreign minors.

An ad hoc "mission staff" dedicated to unaccompanied foreign minors was set up at the Department for Civil Liberties and Immigration of the Ministry of the Interior.

## C. Questions related to specific articles

### Definitions (Article 4)

13. *Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.*

Analysis of contributions sent by Guardia di Finanza local units that carried out specific investigations on this subject revealed complexities/difficulties:

- in conducting technical investigations, due to the localization of objectives, outside of the national territory;
- in finding interpreters, especially for North or Middle Easter Africans;
- in identifying perpetrators, due to telephone users being fictitious and/or non-existent, or because they are not included in any town registry.

The Italian experience in fighting crime involving trafficking of human beings, highlights some limits, in bringing out the phenomenon and in the ability to identifying and pursuing the tops of the criminal organizations involved in trafficking; in fact, trafficking's victims are often completely subjected, from a material and psychological point of view, by the offenders and therefore do not cooperate with

investigators; on the other hand, in Italy, only the last rings of the exploitation chain operate. Only a serious collaboration with the countries from which this trafficking originates, could lead to complete and effective results.

Minors, women and handicapped are victims of criminal organizations from East-Europe, Romania, former Yugoslavia, that, exploiting victim's conditions of physical or psychological discomfort, arousing compassion, oblige their countrymen, often linked by blood to their fetters, to begging.

In this regard, was emblematic an investigation carried out by the DDA of Bari, concerning a criminal association of Romanians, that recruited people with severe disabilities in the country of origin, forcing them to begging and making them leave in a condition of slavery.

Other investigations concerned Romanians and Bulgarians citizens, some of Rom ethnicity, who used their countrymen, also minors, forcing them to commit crimes of micro-criminality.

14. *How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.*

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

One of the most important changes introduced with the above decree is the new formulation of Article 601 of the Criminal Code, whose text is now worded as follows:

#### Article 601

##### Trafficking in human beings

*Any person who recruits, introduces into the State's territory, transfers also outside it, transports, transfers authority over a human being, accommodates one or more persons who are in the conditions as per Article 600, or commits the same acts to the detriment of one or more persons under false pretences, with violence, threat, abuse of authority or by exploiting a state of vulnerability, inferior physical, psychical position or straitened circumstances, or by promising or giving money or other advantages to the person over whom he/she has authority in view of inducing or obliging him/her to carry out work, sexual activities, begging, or in any case to accomplish illicit activities involving the latter's exploitation or to submit themselves to removal of organs, shall be punished with a term of imprisonment from eight to twenty years.*

*The same penalty shall be applied to anyone who, also apart from the conducts under paragraph 1, commits the same acts to the detriment of persons under age.*

The in force definition of the offence of trafficking in human beings therefore explicitly provides for, among the specific modes to perpetrate THB, "*exploiting a state of vulnerability, inferior physical, psychical position or straitened circumstances*".

Article 5 of Law n. 96 of 6 August 2013 (Law authorizing the Government to transpose European legislation 2013), authorizing the Government to implement Directive 2011/36/EU, already established that the notion of "vulnerable persons" shall keep into account aspects such as age, gender, health conditions, disabilities, also mental disabilities, the state of being a victim of torture, rape or other forms of sexual violence and other forms of gender-related violence.

Article 1, paragraph 1 of Decree 24/2014 transposing European legislation, sets a general principle according to which when implementing the provisions on trafficking in human beings the specific situation of vulnerable persons, shall be kept into account and that the victims are to be considered individually. This same rule also enumerated, without any claim to be exhaustive, some categories considered as vulnerable: namely minors, unaccompanied minors, elderly persons, disabled persons, women, in particular pregnant women, single parents with minor children, the persons with psychical disorders, the victims of tortures, rapes or other serious forms of psychological, physical, sexual or gender-related violence.

Exploiting a condition of vulnerability is furthermore provided as one of the possible modes of perpetration of the offence of reducing someone to slavery or holding him/her in slavery under Article 600 of the Criminal Code whose text is worded as follows:

Article 600

*Reduction to, or holding in, slavery or servitude*

*Any person who exercises on another person powers corresponding to those of property right or any person who reduces to, or holds another person in, a continuous state of subjection, obliging him/her to carry out work, sexual activities, begging, or in any case performances involving his/her exploitation or submitting the victim to taking of organs, shall be punished with a term of imprisonment from eight to twenty years.*

*The reduction to, or holding in, a state of subjection occurs when the conduct is carried out with violence, threat, deceit, abuse of authority or taking advantage of a situation of physical or psychological inferiority or need, or by way of a promise or giving of sums of money or other benefits to whomever has authority over the person.*

Finally it must be pointed out that the new Article 90-quarter of the Code of Criminal Procedure, introduced by Legislative Decree 212 of 15 December 2015, implementing Directive 2012/29/EU on support and protection of victims of crime specifies the indicators of "condition of particular vulnerability" and expressly mentions age, mental infirmity or deficiency, the type of offence, the modes and circumstances of the prosecuted fact. This same article provides that to this end the following circumstances are to be established: if the fact has been committed with violence to the detriment of a person, with racial hatred, in connection with organized crime or terrorism, also at international level or trafficking in human beings, if was aimed at discrimination or if the victim was affectively, psychologically or financially dependent on the perpetrator of the offence.

15. *To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.*

As pointed out with regard to Question 14, the definition of the offence of trafficking in human beings contained in the in force Article 601 of the Criminal Code is particularly wide-ranged in that it refers to "the accomplishment of illicit activities" and therefore it can certainly include the case of THB for the purposes of forced marriage.

16. *Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?*

Yes, the purpose of inducing the victim to forced begging is expressly mentioned in Article 601 of the Criminal Code among the possible modes of perpetrating the offence of THB.

17. *Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.*

Yes, Article 601 of the Criminal Code expressly provides for, among the purposes of THB, inducing the victim to accomplish illicit activities involving his/her exploitation.

## Prevention of THB (Article 5)

18. *Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.*

19. *How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.*

20. *How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?*

The Ministry of Labour and Social Policies implements interventions to prevent illegal and undeclared work of foreign workers in Italy, either directly, or indirectly by promoting social and labour integration in favour of the migrant population.

Among the direct measures undertaken over the last two years, addressed specifically at preventing the phenomenon, this directorate published a book entitled "Offenses in the use of foreign labour: law enforcement strategies and victim protection" in June 2015. The publication is addressed to inspection and supervisory bodies, as well as to public and private actors operating in the labour market, in order to strengthen interventions aimed at preventing and tackling undeclared and irregular work, the phenomenon of Caporalato and foreign labour exploitation.

Within the indirect measures, the following initiatives were promoted by The Directorate General for Immigration and Integration policies:

Allocation of National Fund Migration Policies in 2014 to Regions for qualifying and improving integration services at local level in favor of migrants, with the involvement of key stakeholders and the enhancement of public-private networks (labor market operators, associations, social partners, etc.), in order to facilitate the access to them by migrants.

Launch of the project "Inside" in November 2015 to promote social and labor integration of beneficiaries of international protection accommodated in the reception system called SPRAR. The project led to the realization of 653 individual integration paths. Every path includes the attendance of an internship in the private sector.

Launch of the project "Percorsi" in October 2016 to promote social and labor integration of unaccompanied minors in transition to the adulthood and young minors entered in Italy as unaccompanied minors. The project led to the realization of about 1000 individual integration paths. Every path includes the attendance of an internship in the private sector. The project was extended to finance 850 additional internships.

Issuance of a public multi-action tender in 2016 addressed to Regions for integration plans to be financed by AMIF Fund Asylum, Migration for the integration of third-country nationals. Within the conditions required to Regions to apply, the integration plan had to deal with at least one of the following areas:

Qualification of the educational system in multicultural contexts, also through actions to tackle early school leaving

Promotion of the access to integration services

Enforcement of information services, through regional and local channels of communication

Promotion of the active participation of migrants in the economic, social and cultural development, also through the enhancement of their associations

Pre-departure orientation and training projects in the countries of origin addressed to migrants entering Italy for family reunification reasons, including information initiatives on health risk factors

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

- a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;
- b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;
- c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.

There are no cases of removal and trafficking in human organs, though the hypothesis is governed by the law sanctioning the offense of trafficking.

Measures to discourage the demand (Article 6)

22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:

- a. educational programmes;
- b. information campaigns and involvement of the media;
- c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);
- d. involvement of the private sector.

The Ministry of Labor and Social Policies, with the Ministry of Interiors, and the Ministry of Agricultural, Food and forestry polices has signed the Protocol against illegal recruitment and labor exploitation of agricultural workers (*Protocollo sperimentale contro il caporalato e lo sfruttamento lavorativo in agricoltura*) on the 27th of May 2016. According to the Protocol, the Ministry of Labor and Social Policies is in charge to ensure and facilitate comparisons among social and institutional parties by promoting information on health and safety in the workplace and realizing projects against the phenomenon of illegal recruitment and labor exploitation in the agricultural sector. The Protocol establishes that a Working Group, composed by representatives of the Ministries, the Regions and representatives of the signatory stakeholders, is in charge of coordinating the implementation of the Protocol and defining the work program and schedule. The activities under the Protocol are funded by ESF (*Pon Legalità*) and AMIF. The main actions of the Protocol are listed below:

- Organizing free transport in favor of agricultural workers covering the route home/work;
- Establishing health and medical device to ensure interventions of prevention and first aid;
- Creating social and health care centers, managed by the competent Institutions in collaboration with third sector organizations and social partners, by using real estate available or confiscated from criminal organizations
- Implementing pilot projects for the temporary use of state-owned properties for the reception of seasonal workers
- Promoting the hospitality for seasonal workers in decent and healthy conditions and tackling the phenomenon of living on ghettos
- Establishing information points for the supply of housing services, also enhancing the previous experiences promoted by the social partners
- Distributing water and food necessities to seasonal workers
- Activation of job orientation services to enable migrants to an easy access to services
- Activating information desks through mobile units composed by competent personnel (linguistic and cultural mediators, psychologists, etc.)
- Promoting Italian language courses and job training for agricultural workers

23. *Please describe the measures taken in your country to prevent trafficking for forced labour or services, inter alia, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.*

Labor inspectors, as judicial officers in matters of their own competence, in the event they find out a type of offence in the course of inspection audit, are always obliged to send timely the criminal offence report to the competent judicial authority. If they check the offence concerning the reduction or maintenance in slavery under Article 600, Article 601 and "caporalato" under Article 603 bis of the criminal code, where the other conditions are met, they forward the criminal offences report to the competent judicial authority. In addition, if they verify the employment of non-EU workers without regular residence permit, they denounce the employer pursuant to art. 22, 12 and 12 bis, of the Legislative Decree 286/1998 (Consolidated Law on Immigration), as well as a financial sanction - so-called "maxisanction for black labor"- (Article 3 of Law no. 12/2002, converted into Law no. 73/2002, as amended by Article 4 of Law no. 183/2010 and by Article 14 of Legislative Decree no. 145/2013, converted into Law no. 9/2014 and lastly by Article 22, paragraph 1, of the Legislative Decree no. 151/2015), the amounts of which - in the case of the employment of illegal workers- have increased by an amount of 20% and are not subject to the procedure pursuant to the Article 13 of the Legislative Decree 124/2004 (diffida) and the consequent payment of a minimum amount or equal to a quarter in the case of sanctions established at a fixed amount. It is also underlined that the activities of the inspection staff is in any case aimed at ensuring the necessary substantial protection (worker rights), for non-EU citizens as well as that it is guaranteed to Italian and foreign workers regularly residing in the country. In fact, the nullity of the contract in force, due to the non-observance of the procedure provided for the proper and legal establishment of the employment relationship, does not undermine the right of the worker without a residence permit to the application of the remuneration, contribution and insurance obligations and the provisions arising from the labor legislation: working hours, health and safety, as well as those concerning the principle of non-discrimination and protection of minors and working mothers. It should also be highlighted that the interministerial Decree (Ministry of the Interior, MLPS and MEF) has recently been issued with regard to the implementation of the provision in Art. 1, paragraph 3, of Legislative Decree no. 109/2012 "Implementing Directive 2009/52 / EC introducing minimum standards on sanctions and measures against employers of illegally staying third-country nationals ". This Decree has in particular adopted the model by which the foreign worker is informed to be entitled to the remuneration and to insurance and social security contributions and on the procedures for exercising these rights. Among the subjects responsible for notifying the model to the foreigner and the competent body, the decree under consideration also includes the labor inspectors, which consequently play an even more important role in order to the foreign workers rights protection. Lastly, It is pointed out that in the course of the year 2016, during the inspections audit carried out in agriculture - sector in which the phenomenon of the "caporalato" is particularly widespread - the inspected enterprises (farms) were 8,042 and the detected irregular workers were 5,512 irregular workers among these 3,997 workers were undeclared ("black") and 217 workers were non-EU citizens without a residence permit, with an irregularity rate of more than 51%. In addition, were taken 349 measures to suspend entrepreneurial activity and were referred 12 people to the judicial authority among these 9 people for the breach of Article. 603 bis criminal code and 3 people for the breach of Article 600 criminal code.

In a nutshell:

Law 199, "Provisions against the submerged labor, exploitation of labor in agriculture and reallocation of remuneration in the agricultural sector phenomena", of October 29<sup>th</sup>, 2016 foresees:

- a. red-handed arrest for those committing the crime of illegal brokering and exploitation of labor (Art. 603-bis of the Criminal Code) when committed with violence and threats;
- b. upon request of the parties (plea bargain), following conviction or penalty enforcement, the mandatory forfeiture of any unjustifiable money, good or other benefit held by the convicted person, even through any intermediary, including natural or legal persons, entitled to or having availability, in any way, to disproportionate amounts compared to their income or business, ex art. 12-sexies of Law decree 306 of June 8<sup>th</sup>, 1992, converted into law 356 on August 7<sup>th</sup>, 1992;

- c. administrative responsibility of any entity, as per Law Decree 231 of June 8<sup>th</sup>, 2001, no. 231;
- d. compulsory forfeiture, also "by equivalent", of any item intended for, or used to, commit the crime, that is, whether this is the price, product or profit.

That being said, the Guardia di Finanza activities in the fight against submerged, and irregular or black, labor, as well as its exploitation, even foreign, is based on a multidisciplinary approach aimed at striking all manifestations of illegality associated to this phenomenon, as well as THB as, for instance tax and revenue evasion, social security fraud, production and trade in counterfeited trademarked goods – dealing with all the intensive use of labor.

For this reason, the Corps' Action Plan, does not merely focus on recovery of taxes and duties eluded, but also attack great assets and wealth accumulated by those who exploit irregular labor.

This goal is pursued through multiple levels of intervention:

- e. during corporate and self-employment companies tax audits.  
Here, whenever business premises, agricultural or professional establishments are accessed, it is mandatory to identify staff present to corroborate mandatory preventive communications by employers to the Employment Center, whilst checking mandatory bookkeeping and registers;
- f. within the framework of routine territorial economic controls by diffused and capillary activities.  
These controls, coordinated at regional level and organized at the provincial one, are intelligence and risk based towards selected objectives, so as to deal in a more organic and systematic operational design at the most widespread individual areas of the national territory;
- g. through economic-financial, and judicial, police investigations in the most complex cases involving crimes that harness black labor in an organized manner, also by exploiting irregular foreign labor, for multiple violations;
- h. through implementation of well-designed controls prepared by Special Units which, starting with the dynamic study of the most commonly used criminal phenomena, of actors involved and territorial area in which they are manifested, taking the best operating practices by local units, collect data from IT systems, carrying out their collation and analysis, to trace evasion and "risk" subjects, to bring to the local Units attention to allow the start of investigation on common control methodologies.

The General Headquarters III Department – Operations - directives state that activities in the field are primarily aimed at fighting:

- i. employment of illegal workers, having regard to the multi-criminal conduct. In this context, investigation are focused on identifying illegal brokerage by unauthorized persons (so-called "bossing"), taking into account serious abuse and violence against any workers who characterize this type of employment - generally constituted by immigrants and illegals - underpaid and forced to work in precarious hygienic and sanitary conditions, in violation of safety rules;
- j. manual labor interposition and fictitious agricultural relations phenomena aimed at obtaining undue social benefits from the National Institute of Social Security (INPS);
- k. irregularities associated with the application of atypical or flexible contractual forms (e.g. coordinated and continuous collaborations, use of vouchers, part-time contracts, etc.) as well as the phenomenon of false VAT ID and occasional collaborations that often dissimulate subordinate work.

In order to further strengthen the structure created to fight any form of illegal work-related crime, the Corps' identified, among activities carried out under the 1<sup>st</sup> objective of the 2017 political priorities of the Ministry of Economy and Finance, a strategic action plan to counter evasion, elusion and tax fraud, a specific Operational Plan aimed at preventing and repressing

submerged and irregular labor and related crimes, such as contributory evasion and fraud through implementation of targeted activities (developed using traditional inspection modules such as audits and controls), calibrated in view of available resources and illicit phenomena, identified on intelligence, risk analysis and economic controls of the territory, as well as judicial police investigations.

In exercising the general judicial police function, the Corps' also prevents and represses serious labor exploitation, often associated with violence and threats, such as those that integrate the aforementioned crime, under art. 603-bis in the Criminal Code.

These behaviours not only harm the economic system and the legal market, but also seriously damage workers, especially if in economic and social distress.

The bossing phenomenon is often fuelled by clandestine labor, which is most prominent in the agricultural sector and during seasonal herding.

Confirming the Guardia di Finanza's sensibility for this particular form of crime, information exchanges with other entities and institutions has strengthened over time, including through specific memoranda of understanding, as in the case of the ones signed with the General Directorate for Investigation of the Ministry of Labor and Social Policies of October 2010, and the one signed with INAIL in March 2013, both aimed at improving context and risk analysis, promoting exchange of information intelligence and useful data for prevention and repression of these phenomena, thus facilitating coordination between operational units.

Following establishment of the National Labor Inspectorate (Single Agency for Labor Inspection), by Legislative Decree no. 149, to include INPS and INAIL inspection services, the Guardia di Finanza initiated close cooperation with it, also through implementation of targeted inspections, establishing a special memorandum of understanding to govern coordination with the institutions.

#### Border measures (Article 7)

24. *Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:*

- a. *identification of possible victims of THB in the context of border control;*
- b. *identification of possible perpetrators of THB offences;*
- c. *gathering of first-line information from victims and perpetrators;*
- d. *identification of vulnerable persons in need of international protection among possible victims of trafficking.*

25. *What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?*

26. *What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.*

#### Identification of the victims (Article 10)

27. *Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.*

The National Action Plan against Trafficking in and Serious Exploitation of Human Beings provides for the first National Referral Mechanism, which follows the following lines and is being fine-tuned within the framework of the activities of each thematic working group envisaged by the Plan.



The National Referral Mechanism is a system of cooperation through which state actors fulfil their obligations to protect and promote the human rights of trafficking victims, coordinating efforts in a strategic partnership with civil society. The primary objectives of a National Referral Mechanism (NRM) consist of guaranteeing respect for the human rights of trafficked individuals and providing an effective means to direct them towards the dedicated services. The National Referral Mechanism (NRM) can also contribute towards improving national policies and procedures on a broad range of issues regarding trafficking victims, such as rules relating to their stay in the country and return, victim compensation and witness protection.

If the trafficking victims are minors, each procedure relating to the National Referral Mechanism (NRM) must be developed and applied in close collaboration with the national minor protection services.

The function of the National Toll-Free Number, which represents an additional point of access for victim emergence, is fundamental. The strength of the Toll-Free Number lies in its potential mainstreaming and accessibility characteristics, as it also expands opportunities where there are no local circuits and networks or when the nature of the phenomena makes them impossible to reach (for example, domestic labour). An effective and functional National Referral Mechanism (NRM) is based on the principles and approaches laid out below, to be considered and applied during all phases of assistance and referral of trafficked people:

1. Approach based on human rights
2. Government responsibility
3. Participation of civil society
4. Multi-disciplinary and cross-sector approach
5. Best interests of the minor
6. Responsibility and transparency

#### Cross-cutting topics

The cross-cutting topics listed below are important during the entire national referral process and must be considered in their totality in the implementation of any National Referral Mechanism (NRM) measure:

- Security and Safety
- Participation
- Transmission of information
- Exchange of information
- Data protection
- Interpretation and cultural mediation
- Training and supervision
- Monitoring and assessment
- Human and financial resources

To effectively define and manage the National Referral Mechanism (NRM), there is a detailed series of Standard Operating Procedures (SOP) consisting of distinct measures aimed at guaranteeing adequate trafficking victim assistance through the phases of:

1. *Identification;*
2. *Initial assistance and protection;*
3. *Long-term assistance and social inclusion;*
4. *Return and social inclusion;*

5. *Criminal and civil proceedings.*

Each Standard Operating Procedure (SOP) is based on the following measures:

- what they are (WHAT)
- when they must be adopted (WHEN)
- who should adopt them (WHO)
- how they should be applied (HOW).

The measures indicated do not always follow a chronological order; in certain circumstances, they must be applied simultaneously, while in other cases they may need to follow a different order of implementation.

In the case of juvenile trafficking victims, all measures adopted must have as their primary objective the best interests of the minor, resulting from a careful and detailed assessment conducted by trained and qualified professionals. Any decision must be taken while taking into account the opinions of the minor, which should be proactively solicited in all of the different phases established, by the staff and by the decision-makers involved with the relative required authorities.

28. *Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?*

29. *What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.*

30. *What measures are taken in your country to encourage self-identification of victims of THB?*

31. *What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?*

(Items 28-31)

The topic of identifying victims of trafficking and exploitation has always represented a crucial point within mechanisms for responding to the phenomenon put into place at national level which, with the passing of time and due to continuous evolutions in the phenomenon, has become increasingly problematic. This is because victims are no longer necessarily subject to brutal violence and/or coercion and they do not always lack possibilities of movement, as actions based on different forms of intimidation are adopted instead. As regards sexual exploitation for example, forms of negotiated prostitution or apparently less stringent exploitation, in which victims are given greater advantages and apparent forms of freedom of self-determination, are becoming increasingly common. This is why it is fundamental for the initial approach with the presumed victim to be correct, accurate and not exclusively formal. Operators are ostensibly being faced by an illegal migrant, an "under-the-table" worker or a person working in prostitution. It is necessary to distinguish between victims and illegal migrants, between phenomena of trafficking or smuggling (maintaining the phenomena of trafficking and smuggling very distinct, although with the difficulties connected to the frequent overlapping of the two phenomena) or simple independent illegal immigration. Identification is required and it may require time. However, already in the initial phase of approach it is possible for duly trained operators to gather certain revealing facts, which may lead to the discovery of the person's status as a trafficking victim. The methods and practices adopted in the phase of victim emergence and identification are decisive for enabling the highest number of trafficked people to access social protection programmes, and also influence individualised educational projects as well as procedural outcomes.

Recently, the importance of the correct and early identification of trafficking victims as part of the international protection procedure has become evident, in that trafficking victims increasingly often

access that procedure for various reasons; in that context, identification can take place at many moments: just after arrival in Italy, during the phase of registering the international protection application in the police headquarters, during reception (also of foreign unaccompanied minors), during the hearing by the Territorial Commission for the recognition of international protection, or even subsequently.

Victim emergence and identification activities play a fundamental role due to the very nature of trafficking, which is characterised by its invisibility and capacity to be camouflaged within phenomena such as immigration, prostitution, begging, illegal labour and illegal economies, as well as due to the failure of many people involved in exploitation to recognise their true condition.

The identification of appropriate rapid victim identification mechanisms focusing on lists of indicators differentiated by type of exploitation is of great help in emergence and identification activities.

It should be highlighted that the "indicators", always considered overall, do not provide certainty that the person is a trafficking victim, but they do constitute helpful hints for those who first enter into contact with such people. Therefore, they should not be considered an infallible "check list", but rather a point of departure to be used to analyse the individual situation, in order to verify the status of continuous subjection and the condition of exploitation.

Indeed, the examination of the individual case must be supported by an analysis of the criminal and social context in which the victim has been found. Therefore, for the "indicators" to actually be useful, they must not only be adapted to the local reality, but they should also be continuously updated in parallel with the evolution of the phenomenon, taking into account the different factors linked to "demand" in the countries of destination and the issues underlying migration flows in the countries of origin.

More generally, it is necessary to favour interinstitutional collaboration initiatives and coordination between the Judicial Authority, Law Enforcement and the NGOs involved in the sector.

The process of "identifying" victims is of fundamental importance for the subsequent in-depth investigations, the proper application of the protection measures established by law and, in certain cases, the launch of investigation activities. In identification, particular attention must be devoted to the "position of vulnerability" of victims. Position of vulnerability refers, according to Directive 2011/36 (art. 2, par. 2), to "a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved".

Through a multi-agency approach, operating practices must be developed beginning from an overall assessment of all elements in the possession of operators when they enter into contact with the presumed victim, using the above-mentioned "indicators" for that purpose.

This preliminary activity should be followed by an initial interview preferably to be carried out in the presence of social workers and a linguistic/cultural mediator to enable investigators to conduct an initial assessment of the reliability of the interviewee and obtain the necessary proof of what has been declared, and to enable the presumed victim to receive initial reception, also for the purpose of possible subsequent involvement in the protection and integration programmes of art. 18 of Legislative Decree 286/98, for the activities involved in issuing the residence permit for social protection or assisted repatriation.

In this context, specific attention must be devoted to the topic of minors and their accurate and timely identification, for both minor trafficking victims and unaccompanied minors. Both of these aspects are crucial to guarantee their effective access to the protection measures provided by our legal system.

With regard to the identification of trafficking victims within the asylum procedure, operating practices must be developed to favour an effective referral system between the Commissions and the entities responsible for trafficking victim protection and assistance.

Within the framework of the implementation of the National Action Plan against Trafficking in and Serious Exploitation of Human Beings, a first paper representing the guidelines for a rapid identification of human trafficking victims has been elaborated.

The Ministry of the Interior funded the *Praesidium* Project, in the framework of which IOM contributed to the early identification of the potential victims of trafficking, also by working out a system of indicators as a useful instrument in the early identification of victims.

The *Praesidium* project was concluded in June 2015, while, immediately afterwards, the *Assistance* Project, funded by AMIF, was started; the latter continued, in a similar way, the actions undertaken with *Praesidium*. The activities accomplished with the *Assistance* project, concluded in December 2016, are continuing with the project ADITUS, funded with the AMIF Funds 2014-2020, whose conclusion is expected in the year 2019.

The national Commission for the Right to Asylum of the Ministry of the Interior has funded a project with UNHCR for the draft of the "Guidelines for the identification of the victims of trafficking among the international protection applicants", addressed to the Local Commissions for the recognition of the international protection, aiming at defining the measures for a correct and early identification of the victims of trafficking in the framework of the international protection application procedure.

The Guidelines have been drafted implementing Art. 10 of the Legislative Decree Nr. 24/2014, with the purpose of favouring the identification of the victims of trafficking and the accomplishment of a referral mechanism for the coordination with bodies specialized in the assistance to victims of trafficking, by means of the application, by the local Commissions, of Standard Operating Procedures during the international protection recognition procedure.

On this point, in the framework of the initiatives of the Italian Presidency Semester of the European Union Council (July-December 2014), the Central Operations Service of the National Police Anti-Crime Central Directorate, together with the Carabinieri Special Operations Group (ROS) and the Labour Protection Command, carried out a project within the EU Council Law Enforcement Working Party (LEWP) in order to realize a "Vademecum on THB indicators for law enforcement investigators", which was published at European level on 17 April 2015 and subsequently disseminated to the Questure.

In general, the "indicators" do not guarantee that a migrant is a THB victim but are useful information for those who first come in contact with him/her. Therefore, they are useful to start an analysis of the single case aimed at verifying the condition of continuous state of subjection and exploitation. The examination of the single case needs to be supported by the analysis of the criminal and social environments where the victim was detected. To guarantee the effectiveness of the "indicators" it is necessary to adapt them to the local circumstances and to continuously update them in parallel with the developments in the phenomenon, taking into account the various factors linked to the "demand" in the destination countries as well as the problems underlying the migration flows in the countries of origin.

In December 2016 the "Guidelines for the correct identification of and assistance to the victims and persons at risk of becoming victim of THB among persons seeking international protection", were issued to the Territorial Commissions for the recognition of the international protection. They are a tool to support the correct and early identification of victims or persons at risk of becoming THB victims in the framework of the procedure for the determination of the status of international protection, also in relation to minors.

The Guidelines establish standard operational procedures to be adopted in the course of the proceeding for granting international protection – carried out by the Territorial Commissions – to facilitate detection and identification of THB victims among seekers of international protection and to enable them to receive adequate assistance and protection measures.

Protection of private life (Article 11)

32. *What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?*

### Assistance to victims (Article 12)

33. *When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:*

- a. *funding;*
- b. *victim's safety and protection;*
- c. *standards of assistance and their implementation in practice;*
- d. *access to medical treatment, psychological assistance, counselling and information;*
- e. *translation and interpretation, where appropriate?*

34. *What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?*

35. *What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?*

36. *What measures are taken to ensure that services are provided to victims on a consensual and informed basis?*

37. *Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?*

### Recovery and reflection period (Article 13)

38. *Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.*

Please refer to the replies to items 2, 3, 4, and 5 specifically in the parts relating to the Single programme of emergence, assistance and social integration and SPRAR.

### Residence permit (Article 14)

39. *If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.*

The Italian legislative system provides for the issue of a special residence permit, in order "to enable aliens to escape violence as well as the influence of the criminal organizations and to take part in a programme of social assistance and integration" (Art. 18 of the Leg. Decree 286/1998).

The specific element of this measure lies in the fact that the issue of such a residence permit does not imply the obligation by the victim to file a report of the crime, allowing, in this way, the possibility of a social and psychological recovery, which may lead to a trust relationship for the eventual subsequent cooperation at judicial level.

The proposal to issue the residence permit can be submitted both by the Public Prosecutor, in the cases of a judicial proceeding, and by the social services of the local bodies or associations and other bodies - which are responsible for the implementation of the social protection projects. The competent local Head of Police issues the residence permit for reasons of social protection.

40. *When a residence permit is issued for the purpose of co-operation with the competent authorities, how is "co-operation" interpreted and what does it consist of in practice?*

41. *What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?*

"The residence permit for social protection" introduced by Section 18 of the Consolidated Immigration Act (Legislative Decree N. 286/1998), focussed on the respect of human rights, is a fundamental tool not only to approach the victim, but also for investigative purposes.

The aforesaid measure enables the Questore to issue a residence permit "for humanitarian reasons" also upon request or approval by the Public Prosecutor. It is issued for a period from 6 months to one year or can be longer for judicial reasons, or if in the course of police operations or investigations into crimes linked with prostitution exploitation or other serious crimes, or if during assistance interventions the social services of the local government bodies detect cases of violence or serious exploitation of foreigners, whose safety may be jeopardized if they try to escape from the influence of the syndicate perpetrating exploitation/inducement/facilitation of prostitution or other crimes punished with arrest flagrante delicto.

The aforesaid measure aims at enabling the foreign victim not only to escape from the conditioning of the criminal organization, but also to be included in "an assistance programme for social integration" (access to assistance services and education, registration with the employment centre and performance of contracted work, in compliance with the minimum age requirements). The programmes for the implementation of Section 18 require the joint intervention of different actors (Police Forces, the Judiciary, social Services, private Associations), who have often proven useful for investigative developments, too.

In this connection, mention is made of an operation carried out by the Crime Investigation Squad of the Pescara Questura in September 2011, during which six Nigerians were arrested for reduction to slavery, prostitution exploitation and facilitation of illegal migration to the detriment of their fellow-countrywomen. The latter, after being "bought" from Nigeria for a sum between 50,000 and 60,000 euros, were illegally brought to Italy and deprived of their passports in order to compel them to prostitution through violence, voodoo rites and menaces, even against their family members who had remained in Nigeria. Investigations were positively concluded also thanks to the statements delivered by three former prostitutes, who decided to cooperate with the police and were therefore included in a programme for protection and social rehabilitation.

Act N. 228 of 2003 not only provides for the setting up of a "Fund for anti-trafficking measures" (Section 12) but also envisages a further assistance and protection tool (Section 13) created only for victims of trafficking and slavery, irrespective of the cooperation offered by the victim to the competent Judicial Authorities: the "special assistance programme", guaranteeing temporarily (1 year) food and accommodation as well as health care to the victims, in order to give them the possibility to lead once again a normal life, after being deprived of freedom and rights because of criminal actions. This is how a period of recovery and reflection is ensured, as envisaged in EU Directive 2011/36.

Legislative Decree N. 24 of 4 March 2014 has provided for the setting up of a "Single Programme on regularisation, assistance and social integration, that temporarily provides for adequate living conditions like food and accommodation as well as health care". The new subsection 3-bis of Section 18 under the Consolidated Immigration Act envisages that aliens and nationals victims of trafficking or slavery, or who are eligible for residence permits for social protection reasons, can be included in the "National Action Plan against Trafficking and Serious Exploitation of Human Beings" (Section 13, Subsection 2-bis of Act 228 of 11 August 2003).

#### Compensation and legal redress (Article 15)

42. *Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:*

- a. *access to information on the relevant judicial and administrative proceedings in a language the victim can understand;*
- b. *access to free legal assistance and legal aid during investigations and court proceedings;*
- c. *compensation from the perpetrator;*
- d. *compensation from the state;*
- e. *compensation for unpaid wages to victims of trafficking.*

*Please provide examples of compensation awarded and effectively provided to victims of THB.*

The judicial protection of the rights of foreign workers victims of discriminatory behaviour by the employers is governed by Article 4 and following of the Legislative Decree no. 215/2003, enacted to implement the EU Directive 2000/43 /EC. Moreover, if in the course of surveillance the labour inspector verifies the non-compliance with the contractual discipline and relative claims arising out of employment towards the workers, even if they are foreigners without a regular residence permit, he/she shall ensure that the amounts resulting from the inspection audit are paid by the employer (diffida accertativa/payment injunction). Following the validation by the Director of the Territorial Inspectorate in which the inspector serves, the aforementioned measure (payment injunction) shall also acquire the value of an enforceable order.

43. *What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?*

44. *Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.*

Repatriation and return of victims (Article 16)

45. *What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (non-refoulement principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?*

Nr. 6 projects in the Assisted Voluntary Return (AVR) sector are currently active in Italy: 5 are funded with AMIF Funds 2014-2020 and 1 with national funds which, even if they are not devoted to the victims of trafficking, enable them to get access as vulnerable persons.

These projects provide for a Euro 400 pre-departure contribution in cash as well as a contribution in kind amounting to Euro 1.500-2000 for the reintegration activities in the country of destination, in favour of the beneficiaries of the AVR measure.

46. *Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?*

Corporate liability (Article 22)

47. *Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.*

Aggravating circumstances (Article 24)

48. *Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.*

Non-punishment provision (Article 26)

49. *Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.*

Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)

50. *Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.*

51. *Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:*

- a. *setting up specialised investigation units and the number of staff involved;*
- b. *exchange of information with, and obtaining evidence from, other parties;*
- c. *use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;*
- d. *investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;*
- e. *financial investigations to disrupt criminal money flows and ensure asset recovery;*
- f. *use of joint investigation teams (JITs).*

52. *Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?*

On 12 January 2001, by a decree issued by the Chief of Police, Director General of Public Security, the National Police carried out a reorganization of Aliens Registration Offices (now called Immigration Offices) and of Criminal Investigation Divisions within the Questure (Police Headquarters). More specifically, Sections responsible for "countering non-EU crime and prostitution" were set up within the aforesaid Criminal Investigation Divisions and entrusted with the task of conducting investigations also into trafficking, whereas Immigration Offices were tasked with performing, in an exclusive way, all the administrative duties instrumental in - or connected with - the exercise of power by Public Security Authorities at central and local levels concerning issues such as entry into the country, stay, denial of entry, expulsion, recognition of refugee status, grant of citizenship and the relevant litigation procedure.

In parallel to this, at central level, Offices directly involved have been given further powers in terms of coordination and functions both in an investigative context (Central Directorate of Anti-Crime Police) and in an administrative context (Central Directorate for Immigration and Border Police). In particular, within the Central Directorate of Anti-Crime Police, the Central Operations Service is entrusted with the task of monitoring all relevant criminal events in order to coordinate and stimulate the investigative activity conducted by local offices, Criminal Investigation Divisions and police stations engaged in the fight against these criminal phenomena. This structure allows to centrally manage the amount of available information and analytical data and to ensure that a concerted and coordinated response is given to such a complex and widespread phenomenon that is often influenced by the socio-political situation occurring in the countries of origin.

As to trafficking-related offenses, Law No. 228/2003 provides for the same tools as those employed against Mafia-type criminal conspiracy and other organised crime activity presenting a serious public danger. Consequently, the Direzione Distrettuale Antimafia (District Anti-Mafia Directorate) performs the Prosecution functions, the duration of preliminary investigations is extended (2 years) and more effective investigative tools may be used (undercover operations, wiretapping, electronic surveillance, delayed execution of orders and warrants).

On the front of the fight against the various forms of child sexual exploitation, following the introduction of Law No. 269 of 3 August 1998 containing "Rules against the exploitation of children, notably prostitution, pornography and sexual tourism as new forms of reduction to slavery", Sections "specialised in investigations into child exploitation, in particular prostitution, pornography and sexual tourism" were set up within Criminal Investigation Divisions at the various Questure (by Circular Letter no. 123/A1/183/B/15/1 of 27 November 1998).

The Central Directorate of Traffic, Railway and Communications Police and Police Specialist Units has engaged in intense investigative activity concerning online paedophilia, especially through its territorial



offices and the "National Centre for the fight against Internet child pornography". Set up by Law No. 38 of 6 February 2006, it plays a key role in countering child sexual exploitation online.

Currently, the Centre is the national coordination point for activities connected to the prevention and suppression of this criminal phenomenon and collects information provided by:

- non-governmental associations and bodies, both national and international, playing an active role in the protection of minors and in the promotion of effective practices with a view to the legal and safe use of new technologies;
- Internet providers and network operators;
- Interpol and Europol channels;
- information on financial transactions supplied by the Bank of Italy.

International cooperation tools have also been strengthened, as well as information exchanges with police agencies of the countries of origin and destination of victims through the Interpol and Europol channels and specific working groups (Analytical Working Files) and Si.Re.NE.

Thanks to the cooperation with foreign investigative agencies, complex investigations have often achieved successful results.

No cases of trafficking in human beings with a view to the removal of organs have been reported in our country.

With reference to the main operations of the Special Operations Group of the Carabinieri Corps aimed in particular at combating the phenomenon of trafficking in human beings, both for sexual and labour exploitation, completed in the last years (2014-2017) by grouping the country, also characterized by the use of activities info-investigative

exchange through international cooperation channels, we can mention:

- the "CULTS" operation, conducted by the ROS and concluded in May 2014, with the execution, in the provinces of Rome, Turin, Parma, Florence, and Imperia, of an arrest warrant, issued by the GIP of Rome, at the request of the local Antimafia District Prosecutor, against 34 suspects for criminal association and association aimed at international drug trafficking, both with the aggravating circumstances of the transnational nature of the crime, and human trafficking, slavery, illegal immigration, aiding and exploitation prostitution, money laundering, illegal asset gathering activities, carry firearms or objects apt to offend, fights, injuries and threats. At the same time a seizure of real estate, business, financial and cars available for a total value of 2 million euro was put into effect.

The investigations, which began in 2010, hit a transnational criminal group of Nigerian matrix, active in the capital and in other areas of the country, dedicated to international drug trafficking and the trafficking of young African women for sexual exploitation.

With reference to trafficking in human beings, it was possible to ascertain:

- o the entire chain of trafficking of young African women and their enslavement, including through the systematic use of esoteric practices aimed to obtain a psychological subjugation of the victims<sup>3</sup>;

<sup>3</sup> Following the request made by madames, the components of the Togolese cell proceeded, through the intermediary of local characters, to the selection of the women in the villages of Nigeria, on the basis of physical features required by clients accordingly to the exercise of prostitution. Women were hired to debt, or paying a sum of money to the origin families, after which they proceeded to their psychological subjection, accomplished through the submission to voodoo oaths made by local holy men. Subsequently, the women were transferred in Togo, where they remained for a period necessary for their preparation (had to submit to repeated rapes in order to verify the adaptability to their final use) and to prepare the necessary false documentation. The illegal entry into Italy were principally from Libya, by means of boats. Expenditure by madames for each woman involved in it (including the amount paid to the family of origin, the one for the preparation of the documentation and the one for the travel) was 12,000 euro. Arrived in Italy, the girls passed under the control of madames, female members of the association, that enslaving and subjecting the victims to a debt bond, the so-called engagement-by-debt, for a global amount of 70,000 euro, to be repaid with the proceeds of prostitution; otherwise the victims would have been submitted to forms of physical and psychological coercion, such as the threat of retaliation against family remained in Nigeria and the submission to voodoo rites. Extinct debt, the busy woman regained freedom, but the connection established with the madame -

- transnationality and partitioning in cells of the investigated association, called "EYE", such a projection of a broader criminal organization of ethnic worship (Cults), rooted in Nigeria and widespread in several European and non-European countries;
- the existence of a structured basis, operating in Togo and Member of the recruitment of young women for sexual exploitation;
- the adoption of typically mafia mode, with inter-ethnic violence and threats, functional to maintain the control of the territory and of illegal activities;
- the violent clashes which occurred in some districts of the capital, for the control of pimping, between the investigated group, called "EYE", and the opposed and emerging of "AYE", formed by the scission from the first group;

- the "PIANA" operation, conducted by the ROS and ended in March 2015 with the execution, in the province of Salerno, of an arrest warrant both in prison and under house arrest, issued by the GIP of Salerno at the request of the local District Anti-Mafia Prosecutor, against eight suspects (Italian and Romanian) for criminal association aimed trafficking in human beings, illegal immigration, or reducing them to slavery, illicit brokering and labor exploitation, receiving stolen goods, bribery, extortion and more. Another investigated has been subjected to compulsory measure of abode.

The survey was launched in March 2013, when the Court of Salerno sent the grouping, for performing investigations, advanced international "rogatory" requested by the Investigative Directorate of Organized Crimes and Terrorism of the Republic of Romania, concerning a case of trafficking in human beings for labor exploitation, run by a criminal organization operating between Romania and the province of Salerno, born by investigating the complaints of some Romanian workers, escaped from the association to return to their country. The investigations, conducted in close collaboration with legal assistance, the Romanian authorities, allowed, indeed, to document the operations of transnational multi-ethnic organization, made up of Italian and Romanian nationals, dedicated to trafficking in human beings (mostly female) between Romania and Italy, for the labor exploitation inside some farms in the Piana del Sele, Salerno. By promising false employment opportunities in Italy under particularly advantageous economic conditions, the victims were induced to move to Italy. Seamless in Campania, they were taken over by an Italian citizen and the Romanian partner, which provided to house them inside a camping located on the Eboli coast result totally devoid of the minimum habitability requirements and in poor sanitary conditions. The victims were then reduced to a state of total awe from the fellowship and forced to carry out work in some local farms, underpaid and oppressed by constant threats and violence by the suspects, who also occupied the illegal mediation with employers. In particular has been documented the theft of victims' identity documents, which aims to prevent their escape, and to limit their freedom of movement, the imposition of the payment of rental fees and transportation in the workplace at exorbitant prices, the extortion of sums of money for issuing residence permits, the collection of the fees paid to the workers by the suspects, also holding back a part of the total amount;

- the "NIGERIA" operation, conducted in conjunction with the Carabinieri and ended in June 20 17 with the execution, in the provinces of Rome, Verona and Sassari, an order of custody in prison, issued by the examining magistrate of the Court of Lecce at the request of the local District Attorney Anti-mafia, against 5 Nigerian citizens under investigation for conspiracy to slavery for sexual exploitation, trafficking in persons, illegal entry of migrants into the national territory, prostitution and other minor crimes, all aggravated by the transnationality.

The measures have resulted from investigative activity conducted by the ROS and the Operations Department of the Provincial Command of Lecce against a transnational criminal group of Nigerian matrix, active in different areas of the country, dedicated to trafficking of young Nigerian women destined to the prostitution.

The investigations were initiated in March 2016 following a complaint filed by a Nigerian woman reporting the kidnapping - in Nigeria - of the minor daughter by a criminal group that threatened to

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which represents, in addition to the role of executioner, also the point of reference and source of survival for the victim - was a way to determine the subsequent voluntary membership to the associative program by the latter. which was transformed first in a "controller". Figure subordinate and deputy to the control of the newly arrived girls road, and then in a "Madame" itself.

transfer it to Italy and start it to prostitution under the payment of a ransom of 30,000 euro. Subsequent investigations, corroborated by statements of three Nigerian women who, during the investigation, confirmed and further enriched the overall evidentiary framework, have made it possible to document:

- transnationality and partitioning in the criminal organization cells investigated, rooted in Nigeria but spread to several countries in North Africa (and particularly in the Libyan city of Sebha, Sabratha and Tripoli, where it was operating in accordance with criminal gangs who run illegal migration ), and in many areas of the Italian territory;
- the high level of internal criminal organization structuring, articulated on a precise distribution of roles of the various associates;
- the whole "chain" of trafficking of young Nigerian women who were:
  - identified and recruited by the organization in the country of origin;
  - enslaved through physical violence and through the systematic recourse to esoteric practices for psychological subjugation;
  - transported, together with other illegal immigrants who use the same routes, through Niger up to the coast of Libya then kept in inhuman and degrading conditions in warehouses, waiting to sail at a time of the Italian coasts on barges devoid of any system safety;
  - retrieved by the organization in the various shelters where they were sorted out after landing on the Italian territory and, immediately after the regularization of their legal status (obtaining a residence permit as asylum seekers), into prostitution under the control of "madame ", to which they were required to pay the proceeds of prostitution in order to pay off the debt with the criminal organization to reach the
    - Italian coast(€ 30,000) and regain freedom;
- the use by the organization of migratory flows from Libya to Italy to introduce women in the country. In particular, the investigation has found that the association has made traveling at different times at least 16 young victims from the Libyan coast to the Italian ones of Pozzallo (RG);
- the existence of segregation places in Libya where migrants from various parts of the African continent are crowded together, subjected to inhuman treatment by the jailers and the organization where women were forced to continuous sexual violence;
- the arrangements for payment, by the "Madame", of the expenses to be paid to smugglers to transport the victims. In particular, the inquiry found that the transactions were made in cash, or fractionated into smaller sums through money transfer agencies by facilitators subjects.

All the investigative instruments listed in this point of the questionnaire, are used in the investigations regarding trafficking's crimes. This kind of crime is among the others, whose competence to investigate is of the Anti-mafia District Directions (DDA). Therefore all the substantial and procedural rules of mafia crimes apply to these investigations, including the possibility of applying the same rules provided for the protection of collaborators and witnesses of justice.

Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)

*53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.*

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

It also prescribed that over eighteen years old victims might also have the same safeguards as those envisaged for minors in case of *incidente probatorio*<sup>4</sup> extended to them.

54. *What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?*

Law No. 45 of 13 February 2001 containing "Amendments to the protection of and sanctions for those who cooperate with the Judicial Authorities, as well as rules in favour of cooperating witnesses" provides guidelines and general indications as to the treatment of cooperating persons and witnesses – a system that, in fact, has been in existence since 1991. Among the rules that have been adopted figures the one establishing that the criminal events for which cooperation is sought and facilitated are not only those intended to subvert the democratic order, but also those referred to under Article 51, paragraph 3bis of the code of criminal procedure – that include the crimes referred to under Articles 600 (reduction to slavery), 601 (trafficking in and trade of slaves) and 602 (transfer of ownership and purchase of slaves) of the criminal code. In this context, the analysis and assessment of the risks concerning cooperating witnesses are conducted by a specific advisory Commission and regularly updated, in synergy with similar assessments made at local level during technical coordination meetings held at Prefecture. These are responsible for implementing, through police agencies, the most appropriate protective measures.

Moreover, on 9 September 2005 a Regulation was adopted containing provisions to set up special assistance programmes for the victims of trafficking and reduction to slavery (Articles 600 and 601 of the criminal code) under Section 13 of Law No. 228 of 11 August 2003. These programmes are designed to provide victims with initial support in terms of food, adequate accommodation in a "safe" environment and medical assistance in order to ensure their physical and psychological recovery. They are implemented by regional authorities and local bodies and duly authorized private persons appearing on the register of associations engaged in activities in favour of migrants. The various projects and proposal for intervention are then submitted to an ad hoc Commission set up at the Ministry of Equal Opportunities "taking into consideration the victim's conditions and the type of exploitation".

Law No. 45 of 2001 lays down that protective measures may only apply to cooperating witnesses faced with a dangerous situation. According to general rules which also apply to subjects cooperating with the Judicial Authorities, this situation must be accurately assessed taking into account the quality and relevance of the statements made, as well as the capability to react or intimidate attributed to the criminal group to which the person/s accused by the witness belong. Therefore, special measures may be implemented to protect cooperating witnesses only in case ordinary ones have proven inadequate.

Jurisdiction (Article 31)

55. *Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).*

International co-operation (Article 32)

56. *Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.*

The Italian Agency for Cooperation and Development is running the following initiatives aimed at preventing and combating THB:

- PAPEV, an on-going three year (2017-2019) Project of support to the Protection of minors victims of human rights violation, conducted in Senegal, Guinea, Guinea Bissau, Gambia, Mali and Niger, by the Office of the United Nations High Commissioner for Human Rights

<sup>4</sup> (N. of T.) *Incidente probatorio* : interlocutory witness examination/the taking of evidence during the pre-trial phase.

(OHCHR) with a contribution from AICS of €3.500.000. The PAPEV aims to support the Countries of intervention in respect of children's rights through the development of an integrated system for the protection and promotion of children's rights at a national and local level. In particular, the integrated strategy is based on the development of three main components: (i) the creation of a system for the protection of children's rights in the ECOWAS area; (ii) the creation of a system for the protection of children's rights at a national level; (iii) the development of an integrated system for the protection of children who are victims of abuse and exploitation.

- "Creating a protective environment for vulnerable adolescent in governorate with risk of irregular migration and child traffic", on-going project funded by the AICS with €2.000.000,00 and realized in Egypt by UNICEF. General objective of the initiative is to develop protective and supporting interventions for children and adolescents, both Egyptians and migrants, at risk for social exclusion. Specific objectives are: strengthening Child Protection Committees and/or skills development; guarantee safeguarding mechanism in schools in high risk areas; improve community knowledge and skills on positive parenting and provide information about risk and alternatives to irregular migration in high risk areas; guarantee access of vulnerable adolescents to case management and alternative care arrangements; realize a coordinated structure for referral of migrant children.
- "Improving civil registration system for the right of minors to identity" in Ethiopia, aimed to guarantee right of minors to identity through improvement and standardization of civil registration system, giving priority to births registration. The AICS provides a contribution of € 500.000,00 to UNICEF for the realization of the initiative.
- "Addressing Migrant Vulnerabilities to Prevent Human Trafficking and Protect Victims, Particularly Children, in Targeted Special Economic Zones and Economic Corridors in Cambodia, Lao PDR and Viet Nam", which finished in March 2017, was funded by AICS with € 600.000,00 and realized by the International Organization for Migration (IOM). The overall objective of the project was to reduce vulnerabilities to human trafficking and to protect victims, especially vulnerable migrant children. Specific objectives of the project were: (i) to prevent human trafficking in the vulnerable migrant source communities along the borders and (ii) to enhance protection of vulnerable migrants, particularly children that are victims of trafficking.

Moreover, several Italian NGOs realize initiatives for preventing and combating THB. In particular, such projects aim on preventing risk for THB in the country of origin, through education and sensitization campaign and strengthening employment opportunities, and on developing protection and integration initiatives in the host country.

Moreover, under Europol's AWF SOC/FP Phoenix, a Central Organized Crime Investigation Service Officer of Guardia di Finanza, participated, on December 7<sup>th</sup> and 8<sup>th</sup>, 2016 to the international "Financial Investigation and Asset Recovery related to THB Expert Meeting" in Noordwijk (NL), during which, among other things, the following topics emerged:

- a. need for a multidisciplinary approach to THB OC, with particular reference to financial and capital investigation and consequent application of settlement measures;
- b. commitment to overcome, through constant confrontation between various bodies responsible for the contrast of these criminal phenomena, difficulties arising from coexistence individual Member States different laws. As well known, the uneven transposition of Community directives creates inevitable critical points during transnational investigations;
- c. need to initiate an "investigative" information exchange with leaner and faster procedures, also exploiting common investigative teams (JITs);
- d. need to address linguistic problems. The drafting of documents (judicial police records, documents obtained, etc.) in the language of each state that produces them inevitably creates the critical points, especially during the exchange phase, where the need for documents translation in the language of the receiving country arises;

- e. importance of using Europol and Eurojust support;
- f. promptly undertake international cooperation, as soon as the need arises and already in the initial stages of investigation. In this regard, the ALEFA network ([www.alefa.eu](http://www.alefa.eu)) has been described in detail as a valid international cooperation tool for:
  - (1) improving financial analysis;
  - (2) Implementing fruitful exchanges of information;
  - (3) enhance comparison of various investigative techniques adopted;
  - (4) promote regulatory initiatives to be submitted to the Council of the European Community;
- g. importance of exploiting the so-called "UBO Register", adopted by the European Parliament under the IV AML Directive, as a structured information data base on so-called offshore companies and financial transactions.

Moreover, the project Addressing the Negative Effects of Migration on Minors and Families Left behind was promoted by the Ministry of Labor and Social Policies of Italy – Directorate General for Immigration and Integration Policies, with the support of the International Organization for Migration Moldova. The project started on the 1st of January 2011 and terminated on the 30th of September 2013. The overall objective was to provide protection to migrant workers and their families and to identify and implement actions to support and protect children, left behind by their families who emigrated abroad, with direct assistance measures.

Based on international experience it would be appropriate and useful to strength international cooperation and coordination between relevant and international Agencies such as Interpol Offices (mostly with the countries of origin of the victims) in the field of trafficking in human beings in order to increase and intensify the information exchange and to improve the international police cooperation in the part of conducting investigations.

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

The National Anti-mafia and Anti-terrorism Directorate has played a role of coordination and impulse of investigations on Trafficking, since the Law No. 228/2005 established that they lie within the jurisdiction of the District Anti-mafia Directorates. The DNA tried to develop Protocols to facilitate strategic contacts for international cooperation by encouraging Italian District Prosecuting Offices to make great use of the instrument provided for in Article 34 of the Convention of the Council of Europe. This means some direct information exchanges to allow a direct and dynamic approach to investigations, when compared with the traditional approach of judicial assistance.

It simultaneously signed Memoranda and Protocols of Understanding with a number of Countries which are interested in the phenomenon of Trafficking . It has sometimes been successful in activating parallel investigations, through relations of bilateral cooperation with foreign counterparts.

Recently, MoUs have been signed with countries that are particularly involved in this kind of offence, such as Libya and Egypt.

Measures related to endangered or missing persons (Article 33)

57. *What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.*

58. *Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?*

Law No. 203 of 14 November 2012 containing "Provisions for the search for missing persons" sets out the tasks to perform in case a person has been reported missing (also applying to unaccompanied minors). Basically, they include the following: the search immediately starts and the name of the person concerned is entered into the Police Database; at the same time, the Prefect is informed with a view to setting in motion the provincial plan for missing persons.

Among the various initiatives undertaken over the last few years to counter the phenomenon of the disappearance of unaccompanied minors, a Memorandum of Understanding was signed in October 2015 by the Under Secretary of State at the Ministry of the Interior with responsibility for the Missing Persons Office, the Government Commissioner for Missing Persons, the Rome Prefect, the Councillor for Health and Social Care - Metropolitan City of Rome, the Rector of La Sapienza Rome University, the Public Prosecutor at the Rome Juvenile Court, the President of the Section dealing with guardianship-related issues at the Rome Court and the vice- President of ANCI Lazio. The Memorandum intends to analyse the reasons why minors disappear and to develop adequate measures to prevent their employment in illegal activities and illegal labour market. The institutions involved, through a control centre set up at the Prefecture, are entrusted with the task of facilitating information exchanges, streamlining the procedure for reporting a missing person to the competent authorities, implementing plans to monitor the sectors where minors are most frequently illegally employed.

This agreement is of two years' duration and the results obtained are regularly monitored. It also provides for the setting up of a "Reception Centre offering initial accommodation to minors in a difficult situation and abandoned minors" and the adoption of procedures to facilitate information flows – summarized in an Annex to the Memorandum.

Moreover, the Central Operations Service has taken part in the European project named "Vigila et Protege: to search and protect unaccompanied minors with SIS II. Fight against invisibility", coordinated by the Central Directorate of Criminal Police – International Police Cooperation Service - S.I.Re.N.E. Launched in 2014, it ended in 2015 with a study containing proposals to disseminate identification procedures/shared information among Member States.

Information concerning persons, including minors, faced with a dangerous situation or missing persons is in fact sent to the police through the usual international cooperation channels.

"116000", the European Hot Line to report missing minors or the victims of sexual exploitation, that has been assigned to the Interior Ministry and is managed by the non-profit organization "SOS – Il Telefono Azzurro ONLUS", - under a Memorandum of Understanding with the Interior Ministry (renewed on 12 January 2016) - allows to report cases of missing children, or children in a difficult situation requiring assistance and help to a multilingual switchboard operator. When necessary, it is also possible to involve local police offices.

Furthermore, the European "Alert system for missing children", mostly dealing with emergency situations, has been operative since 2013 at the International Police Cooperation Service of the Central Directorate of Criminal Police.

Finally, it is worth recalling that the National Police participate in [globalmissingkids.org](http://globalmissingkids.org), an international network dedicated to missing minors and sexually exploited children. The Central Operations Service, in particular, deals with this issue and actively cooperates with the International Centre for Missing and Exploited Children, the US organisation managing the Global Missing Children Network.

## Co-operation with civil society (Article 35)

59. *What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.*

The former Directorate General for Inspection activity of Ministry of Labor and Social Policy ( currently National Labor Inspectorate), established by the Legislative Decree no. 149/2015, implementing the Law on Reform of the labour market No. 183 of December 10, 2014), since 2007 it has collaborated with the Presidency of the Council of Ministers - Department for Equal Opportunities, as the lead partner of the project "Transnational and Intersectoral Action for the Contracts of Trafficking in Human beings Labor exploitation" in response to the European Commission's call for proposal " Prevention and Fight against Crime (2007) ", adopted by Decision 2007/125 /JHA of the Council of the European Union. The project was aimed at creating networks of coordination with the involvement of relevant territorial offices in the field of labor inspection, police forces (in particular, the Carabinieri of the Command for the Protection of Labor and the Carabinieri Unit at the Territorial Offices) Trade unions, non-governmental organizations (NGOs) active in the sector and local authorities in order to strengthen the capacity for intervention, detection and tackle of the phenomenon of akin to slavery labor and the protection of the victims. Besides, the National Labor Inspectorate of Poland, the Labor Inspectorate of Portugal and the Anti-trafficking National Agency of Romania participated in the same project, as international partners. In the implementation of the project's activities, in close cooperation with the International Labor Organization (OIL), training seminars were organized and exchange of experiences were carried out among the stakeholders involved, also in order to develop shared criteria for identification of the victims and more targeted protection and social reintegration measures and also the guidelines for the operators were drawn up.

The Italian Agency for International Cooperation (AICS) - together with the Ministry of Foreign Affairs and International Cooperation (DGAP) – is coordinating the thematic Group on International Cooperation, set up under the "National Action Plan against Trafficking and the Severe exploitation of human beings for the years 2016-2018 "adopted by the Council of Ministers on 26 February 2016. In the light of the numerous manifestations of interest received, the NGOs were asked to evaluate their participation on the basis of the specific international experience, especially through projects implemented in the countries of origin and transit.

The description of recently implemented projects is allowing to highlight good practices, to have greater knowledge of the needs and to activate synergies. Starting from the analysis and also taking into account the results of the other Working Groups active under the same "National Action Plan", the AICS will be able to pinpoint the priorities of intervention.

## Relationship with other international instruments (Article 40)

60. *Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.*

61. *Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.*

In relation to the granting of the refugee status or of the subsidiary protection in favour of the victims of trafficking, this is to point out the following:

When assessing whether to grant the refugee status or subsidiary protection, a number of factors are taken into account: the story told, its credibility, if the criteria established by the current legislation are met as well as the risks that there can be if the asylum seeker returns to his/her country of origin - on the basis of COI report available.

Asylum claims lodged by (potential) victims of trafficking show common and uniform characteristics at a national level: women from Nigeria mainly declare they escaped the Country of origin due to



inheritance disputes, Sexual and Gender Based Violence (the most common being forced marriage with elderly men imposed by the family, but also domestic violence, Female Genital Mutilation, rape), cult-related violence, inter-religious conflicts, fear of persecution on the basis of their sexual orientation and gender identity, fear of Boko Haram in the Northern areas.

Women from Ivory Coast and Cameroon claim they escaped forced marriage, Female Genital Mutilation, persecution on the basis of their sexual orientation, Sexual and Gender Based Violence within the family.

After the informative session on trafficking conducted during the Refugee Status Determination interview, some asylum seekers accept to disclose the entirety of the trafficking experience, admitting they are subject to threats and exploitation by the criminal network also in Italy. Only in very few cases the applicant reveals the current situation of exploitation before the informative session: this happened when the woman was afraid to be soon "transferred" by the criminal network to another venue.

Ivorian nationals appear more reluctant in disclosing the trafficking experience after the informative session, declaring the exploitation ended in Mali/Libya.

In case of return, women victims of trafficking fear retaliation (in the forms of physical violence or voodoo against themselves or family members) from the trafficking network because of the unsolved debt or because they cooperated with the Italian Authorities against their traffickers.

Men (potential) victims of trafficking from Bangladesh claim they left the Country of origin fearing persecution on the grounds of their political opinion or family disputes. Others declare they escaped poverty in search of better job opportunities.

Finally, this is to point out, that the person responsible for trafficking in human beings within this Central Direction is the Vice-Prefect Maria Vittoria Pontieri.

## D. Final questions

62. Which bodies and organisations contributed to responding to this questionnaire?

The bodies and organizations that have contributed to responding to this questionnaire are the following:

Department for Equal Opportunities – Italian Presidency of the Council of Ministers

Ministry of the Interior

- Department of Public Security
- Department of Civil Liberties and Immigration

Ministry of Defence

Ministry of Justice

Ministry of Foreign Affairs and International Cooperation

AICS - Italian Agency for Development Cooperation

Ministry of Labour and Social Policies

National Anti-Mafia Directorate - DNA

Guardia di Finanza

Raggruppamento Operativo Speciale Carabinieri (Special Operations Group of the Carabinieri Corps)

National Statistics Institute - ISTAT

Anci – National Association of Italian Municipalities

Trade Unions

CGIL

CISL

UIL

Civil Society Organizations

CNCA (Coordinamento Nazionale Comunità di Accoglienza)

Associazione On the Road

Associazione Penelope

Cooperativa Proxima

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

The Department for Equal Opportunities of the Italian Presidency of the Council of Ministers

## E. Statistics on THB (per year, starting with 2010)

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

Number of presumed victims whom the competent authorities had "reasonable grounds" to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

Number of victims given refugee status and subsidiary/complementary protection.

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

Number of investigations into THB cases.

Number of prosecutions of THB cases.

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

Number of judgments resulting in the confiscation of assets.

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

Number of convictions for the use of services of a victim of THB.

RILEVAZIONE SUL FENOMENO DELLA TRATTA DI PERSONE - ANNI 2011 - 2016													
Reati	Sezione Tribunale	TRIBUNALE - REGISTRO NOTI											
		procedimenti iscritti						procedimenti definiti					
		anno 2011	anno 2012	anno 2013	anno 2014	anno 2015	anno 2016	anno 2011	anno 2012	anno 2013	anno 2014	anno 2015	anno 2016
Riduzione in schiavitù (art. 600 cp)	Tribunale GIP/GUP	167	139	125	91	96	94	158	102	103	66	71	75
	Tribunale dibattimento assise	31	25	18	38	26	14	20	13	15	22	9	8
Tratta di persone (art.601 c.p.)	Tribunale GIP/GUP	52	40	46	24	26	28	45	37	41	19	9	17
	Tribunale dibattimento assise	12	7	2	7	9	3	8	4	2	3	5	5
Alienazione e acquisto di schiavi (art. 602 cp)	Tribunale GIP/GUP	7	2	13	2	9	5	8	2	8	5	6	2
	Tribunale dibattimento assise	1	2	0	2	3	5	1	0	0	1	2	1
Reati	Sezione Tribunale	TRIBUNALE - REGISTRO NOTI											
		sentenze di condanna in 1° grado						persone condannate in 1° grado					
		anno 2011	anno 2012	anno 2013	anno 2014	anno 2015	anno 2016	anno 2011	anno 2012	anno 2013	anno 2014	anno 2015	anno 2016
Riduzione in schiavitù (art. 600 cp)	Tribunale GIP/GUP	41	17	16	6	3	14	96	59	60	49	45	69
	Tribunale dibattimento assise	8	6	10	10	7	2	50	9	17	21	8	3
Tratta di persone (art.601 c.p.)	Tribunale GIP/GUP	4	12	12	1	0	8	29	20	60	19	22	17
	Tribunale dibattimento assise	2	2	0	2	1	2	21	3	2	9	1	2
Alienazione e acquisto di schiavi (art. 602 cp)	Tribunale GIP/GUP	1	1	2	0	4	2	0	0	3	0	1	0
	Tribunale dibattimento assise	0	0	0	1	1	0	1	0	0	2	1	0

I dati degli uffici non rispondenti sono stati stimati

Fonte: Ministero della Giustizia - Direzione Generale di Statistica e Analisi Organizzativa

In Italy, human trafficking is covered by Articles 600, 601 and 602 of the Criminal Code.

According to a survey conducted by the department of statistics and organizational analysis on first instance human trafficking proceedings in 2009-2013, victims are 25 years old on average.

Data shows that 75.2% of victims are females and 96.9% are not Italians. In terms of nationality, about 51.6% of victims are Romanian, followed by Nigerians (19%), Albanian (8.6%) and Bulgarian (7.7%).

In most cases, victims of human trafficking decide to leave their country on a voluntary basis (e.g. for work seeking 84.5% of cases). On the contrary, they are forced to leave their country in just 4.4% of cases.

In general, when they arrive in Italy, they get in contact with a fellow countryman who already lives in the country, who then in 56.9% of cases executes fraudulent exploitation while promising a job, money or other benefits. In some cases victims experience violence (39.8%) and threats (31.4%).

In three cases out of four, women are forced into prostitution (under threat, sexual violence and harassment). On the opposite, men are mainly subjected to slavery (48.3%), forced to commit theft (36.2%) and beg for money on the street (29.3%).

Human trafficking also involves minor victims: forced prostitution accounts for 68% of teenage girls, while 46.1% of male children are forced to commit theft.

The average punishment for human trafficking (and other related offenses) is 9-year imprisonment; in one third of cases, the punishment is between 6 and 9-year imprisonment.

#### Data and financial resources

As a general context, it useful to bear in mind that only in 2016, about 176,554 migrants have been welcomed by Italy.

Through Decree of the President of the Council of Ministers of 16 May 2016, a single Programme for the emergence, assistance and social integration of victims was set up with a view to guaranteeing temporary adequate board and lodging conditions and healthcare and, subsequently, the continuation of assistance provision and social integration for victims of human trafficking and exploitation.

With the aim of implementing the Programme and in line with the abovementioned Plan, on 10 June 2016, the Department for Equal Opportunities of the Italian Presidency of the Council of Ministers published a public Call for proposals to fund assistance projects for victims of trafficking in human beings, including women and children, for a total amount of about 14 million euros. The 18 funded projects started their activities on 1 September 2016 and will be closed in November 2017.

Within the framework of the National Action Plan against Trafficking in and Serious Exploitation of Human Beings, on 3 July 2017, the Italian Government issued a new Call for Proposals whose total envisaged budget is equal to about 23 million euros. The Call will fund, inter alia, projects starting from 1 December 2017 and lasting 15 months and specifically dedicated to the protection and assistance of human trafficking victims, including child victims.

Further 200,000 euros have been allocated for 2017 for the starting of the activities related to the development of the new National Database against Human Trafficking.

As Italy's equivalent mechanism, the Department for Equal Opportunities of the Italian Presidency of the Council of Ministers uses a special database (the so-called SIRIT – *Sistema Informatizzato di Raccolta Informazioni sulla Tratta* – Computerized system for the collection of information on trafficking in human beings) to monitor the phenomenon.

The Italian Government receives data on victims of human trafficking who are protected under the specific funded protection projects. According to this data, as of May 2017, the victims of human trafficking protected within the framework of the abovementioned projects are 1,382 totally, about 90% of whom are women.

Please find below some details extracted from the Computerized system for the collection of information on trafficking in human beings (SIRIT). Data refers to the total number of victims assisted under the protection programme from 1 January 2016 to 31 December 2016

GENDER	VICTIMS ASSISTED	
	NUMBER	%
FEMALE	954	81,4
MALE	206	17,6
TRANSEXUAL	12	1,0
TOTAL	1172	100

AGE	VICTIMS ASSISTED	
	NUMBER	%
Adult	1061	90,5
Minor	111	9,5
TOTAL	1172	100

TOTAL NUMBER OF ASSISTED VICTIMS		
NATIONALITY	NUMBER	%
Nigeria	696	59,4
Romania	82	7,0
Morocco	62	5,3
Albania	42	3,6
Senegal	23	2,0
Ghana	21	1,8
Pakistan	20	1,7
China	17	1,5
El Salvador	14	1,2
Cameroon	13	1,1
Gambia	13	1,1
Bangladesh	11	0,9
Moldavia	11	0,9
Tunisia	11	0,9
Brazil	9	0,8
Bulgaria	9	0,8
Hungary	9	0,8
Côte d'Ivoire	8	0,7
Egypt	8	0,7
Guinea-Bissau	8	0,7
Bosnia-Herzegovina	6	0,5
Serbia	6	0,5
Sierra Leone	6	0,5
India	5	0,4
Mali	4	0,3
Ukraine	4	0,3
Algeria	3	0,3
Benin	3	0,3
Philippines	3	0,3
Italia	3	0,3
Kenya	3	0,3
Dominican Republic	3	0,3
Burkina Faso	2	0,2
Croatia	2	0,2

Cuba	2	0,2
Montenegro	2	0,2
Poland	2	0,2
Republic of Macedonia	2	0,2
Somalia	2	0,2
Thailand	2	0,2
Venezuela	2	0,2
Belarus	1	0,1
Colombia	1	0,1
Comoros	1	0,1
Dominica	1	0,1
Ecuador	1	0,1
Guinea	1	0,1
Iran	1	0,1
Liberia	1	0,1
Libya	1	0,1
Paraguay	1	0,1
Peru	1	0,1
Czech Republic	1	0,1
Russia	1	0,1
Seychelles	1	0,1
South Africa	1	0,1
Tanzania	1	0,1
Uganda	1	0,1
Zimbabwe	1	0,1
<b>TOTAL</b>	<b>1172</b>	<b>100</b>

SECTOR OF EXPLOITATION	ASSISTED VICTIMS	
	NUMBER	%
Begging	15	1,3
Other	101	8,6
Illegal economies for third parties	37	3,2
Labour exploitation	92	7,8
Forced marriage	1	0,1
Multiple exploitation	72	6,1
Other	119	10,2
Sexual exploitation	674	57,5
Smuggling	61	5,2
<b>TOTAL</b>	<b>1172</b>	<b>100</b>

In 2016, out of a total number of 34,039 people welcomed within the System for the protection of asylum seekers and refugees (SPRAR), 4,554 women have benefited from the system (13.38%). Such percentage has increased compared to the previous year, when the total percentage of women beneficiaries was equal to 12% (2015).

If we analyse the data concerning women assisted under SPRAR, it can be noted that the main countries of origin are Nigeria with 1,821 women beneficiaries (40%), Somalia (6.7%), Syria (5.6%), Eritrea (4.1%), Pakistan (3.7%) and Cote d'Ivoire (3.5%).

Women beneficiaries of SPRAR 2016, Nationality		
Country of origin	women	%
NIGERIA	1.821	39,99%
SOMALIA	307	6,74%
SYRIA *	257	5,64%
ERITREA	189	4,15%
PAKISTAN	168	3,69%
COTE D'IVOIRE	158	3,47%
AFGHANISTAN	150	3,29%
CAMEROON	146	3,21%
UKRAINE	114	2,50%
IRAQ	101	2,22%
OTHER NATIONALITIES	1.143	25,10%
TOTAL	4.554	100,00%

\* 194 Syrian women beneficiaries entered Italy and were assisted within SPRAR through a resettlement programme of the Ministry of the Interior.

Furthermore, it should be noted that women beneficiaries coming from Nigeria represent 32.5% of the total percentage of SPRAR beneficiaries of the same nationality, with a significant increase in the percentage of women beneficiaries by 20% compared to the whole population assisted under SPRAR.

The percentage grows further if we consider unaccompanied foreign girls. Indeed girl minors benefiting from SPRAR and coming from Nigeria are equal to almost 81%.

Beneficiaries of SPRAR MSNA 2016, by nationality and gender (women)			
Nationality	Women	%	
NIGERIA	67	80,72	95,18%
COTE D'IVOIRE	7	8,43	
GAMBIA	5	6,02	
PAKISTAN	1	1,20	
ERITREA	1	1,20	
DEM. REP. OF CONGO	1	1,20	
INDIA	1	1,20	
TOTAL	83*	100,00%	

\* The number of unaccompanied foreign minors assisted in 2016 by SPRAR were 2,898, 2,815 of them were boys and 83 girls.

As for the age, the highest number is represented by young women between 18 and 25 years of age, followed by the 26-30 age group. Such data reveals the presence of very young adults. Indeed, the sum of the 2 above mentioned age groups makes up for 52.4%.

Beneficiaries of SPRAR 2016, Age groups						
Age group	Total number of beneficiaries	%	Total number of male beneficiaries	%	Total number of female beneficiaries	%
0-5	1.482	4,40%	785	2,70%	697	15,30%
6-10	536	1,60%	279	0,90%	257	5,60%
11-17	1.718	5,00%	1.525	5,20%	193	4,20%
18-25	15.815	46,50%	14.369	48,70%	1.446	31,80%
26-30	7.539	22,10%	6.600	22,40%	939	20,60%
31-35	3.749	11,00%	3.278	11,10%	471	10,30%
36-40	1.705	5,00%	1.446	4,90%	259	5,70%

41-50	1.139	3,30%	940	3,20%	199	4,40%
51-60	256	0,80%	197	0,70%	59	1,30%
61-90	100	0,30%	67	0,20%	33	0,70%
TOTAL	34.039	100,00%	29.486	100,00%	4.554	100,00%

The following table summarizes overall results, achieved by the Guardia di Finanza in 2016 and the first 8 months of 2017, against THB (art. 601 Penal code), forcing or maintenance of slavery (art 600 Penal code) and purchase and sale of slaves (Article 602 Penal code).

2016 - (Jan-Jug) 2017	Art. 600	Art. 601	Art. 602
No. of actions	10	10	2
No. of violations	3	3	2
No of persons reported	7	7	1
- of which arrested	6	7	1