

---

# LEGAL FRAMEWORK & MEASURES REGARDING TRAFFICKING IN HUMAN BEINGS IN ITALY

---



AGAINST TRAFFICKING - TRANSNATIONAL COOPERATION  
AND NEW TECHNOLOGIES TO TRAIN SOCIAL WORKERS



# GUIDE FOR TRAININGS IN ITALY

## ITALIAN LEGISLATION ABOUT ANTI-TRAFFICKING

Creating by Cooperativa sociale Proxima



1. Italian anti-trafficking system
2. D.lgs 286/98 Unique test about immigration, art. 18
3. Law 228/2003 "Measures against trafficking"
4. European directive 36/2011 and the D.lgs 24/2014
5. National Anti-trafficking Plan 2016-2018
6. Penal Code articles
7. Children victims of trafficking

## 1. Italian anti-trafficking system

The Italian system of protection for trafficking and labor exploitation victims is operating since 2000, is managed and is funded by the Department of Equal Opportunities (Dipartimento per le Pari Opportunità – DPO) at the Chairmanship of the Council of Ministers.



<http://www.pariopportunita.gov.it/>

It provides an assistance for the victims based on 2 tools:

- *Unique Program of emersion, assistance and social integration*: each anti-trafficking company funded by the DPO provide for victims of trafficking:

- emersion actions focused on creating a trust relationship to raise the awareness about the exploitation, deciding to come out
- assistance and welcoming actions focused on priors needs, on security and socio-psychological assistance giving a recovery and a reflection period to take a responsible decision to start the program
- social integration actions focused on the empowerment and on living autonomy.

The whole nation is covered by an anti-trafficking program, as you can see in the image. It's like a web. The program is always the same, but the subjects (private associations/Regions) that manage it change, as well changes the phenomena because in each place is different and has specific peculiarity.



- Green number 800-290-290:

H24 free number, anyone (victims/citizens/operators) can call to give aid to a victim; the switchboard keep in contact the victim and the nearest anti-trafficking company.

It manages also the MIR – Messa in rete, a tool that allow to move the victims across different anti-trafficking programs in the nation, first of all for safety reasons.

<https://www.osservatoriointerventitratta.it>

## 2. D.lgs (legislative decree) 286/98 - Unique text about immigration, art. 18

In situation of violence or grave exploitation against a foreign and serious danger for his safety, to allow him to escape from the exploitation, he can

- receive a **special permit for social/humanitarian protection reasons (PdS - permesso di soggiorno per motivi umanitari art.18)**
  - Validity of 6 months, renewable for 1 year, convertible in pds for study/work reasons
  - Allow the access to the healthcare and studying services, the subscription to the job seekers' list
  - Social course VS Legal course for the victims that decide to report (evaluation of the **seriousness** of the exploitation and the **newness** of danger for the victim or for her family in their country)
  - Can be revoked in case of interruption of the program of assistance and integration
- start a **program of assistance and social integration**
  - **the beneficiary are foreign citizens extra European Community and European Community citizen's** victims of the crimes art. 600 and 601 penal code or that can have the permit for social reasons
  - It guarantees **welcome, food and healthcare** and **social integration**
  - **Can provide for it just the certified subjects registered in the specific register** (art. 52 c. 1 lett b) DPR 394/1999)
  - People that already have a permit can also have this program of assistance

This D.lgs became operating with the Implementing Regulation content in D.P.R. 31/08/1999, n. 394. In particular:

Art. 27 concerns the special permit for social reasons and the program of assistance and social integration required by art.18 D.lgs 286/1998.

Art. 52 defines the organizations that can realize this type of program: the organizations need to be registered in second section of the register of associations, institutions and other private organism that carry out activities in favor of immigrant foreigners, as set out in the art.18 D.lgs 286/1998.

**"Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero"**

pubblicato nella *Gazzetta Ufficiale* n. 191 del 18 agosto 1998 - Supplemento Ordinario n. 139

---

CAPO III  
DISPOSIZIONI DI CARATTERE UMANITARIO

Art. 18

(Soggiorno per motivi di protezione sociale)

(Legge 6 marzo 1998, n. 40, art. 16)

1. Quando, nel corso di operazioni di polizia, di indagini o di un procedimento per taluno dei delitti di cui all'articolo 3 della legge 20 febbraio 1958, n. 75, o di quelli previsti dall'articolo 380 del codice di procedura penale, ovvero nel corso di interventi assistenziali dei servizi sociali degli enti locali, siano accertate situazioni di violenza o di grave sfruttamento nei confronti di uno straniero ed emergano concreti pericoli per la sua incolumita', per effetto dei tentativi di sottrarsi ai condizionamenti di un'associazione dedita ad uno dei predetti delitti o delle dichiarazioni rese nel corso delle indagini preliminari o del giudizio, il questore, anche su proposta del Procuratore della Repubblica, o con il parere favorevole della stessa autorità, rilascia uno speciale permesso di soggiorno per consentire allo straniero di sottrarsi alla violenza e ai condizionamenti dell'organizzazione criminale e di partecipare ad un programma di assistenza ed integrazione sociale.
2. Con la proposta o il parere di cui al comma 1, sono comunicati al questore gli elementi da cui risulti la sussistenza delle condizioni ivi indicate, con particolare riferimento alla gravita' ed attualita' del pericolo ed alla rilevanza del contributo offerto dallo straniero per l'efficace contrasto dell'organizzazione criminale, ovvero per la individuazione o cattura dei responsabili dei delitti indicati nello stesso comma. Le modalita' di partecipazione al programma di assistenza ed integrazione sociale sono comunicate al Sindaco.
3. Con il regolamento di attuazione sono stabilite le disposizioni occorrenti per l'affidamento della realizzazione del programma a soggetti diversi da quelli istituzionalmente preposti ai servizi sociali dell'ente locale, e per l'espletamento dei relativi controlli. Con lo stesso regolamento sono individuati i requisiti idonei a garantire la competenza e la capacita' di favorire l'assistenza e l'integrazione sociale, nonche' la disponibilita' di adeguate strutture organizzative dei soggetti predetti.
4. Il permesso di soggiorno rilasciato a norma del presente articolo ha la durata di sei mesi e puo' essere rinnovato per un anno, o per il maggior periodo occorrente per motivi di giustizia. Esso e' revocato in caso di interruzione del programma o di condotta incompatibile con le finalita' dello stesso, segnalate dal procuratore della Repubblica o, per quanto di competenza, dal servizio sociale dell'ente locale, o comunque accertate dal questore, ovvero quando vengono meno le altre condizioni che ne hanno giustificato il rilascio.
5. Il permesso di soggiorno previsto dal presente articolo consente l'accesso ai servizi assistenziali e allo studio, nonche' l'iscrizione nelle liste di collocamento e lo svolgimento di lavoro subordinato, fatti salvi i requisiti minimi di eta'. Qualora, alla scadenza del permesso di soggiorno, l'interessato risulti avere in corso un rapporto di lavoro, il permesso puo' essere ulteriormente prorogato o rinnovato per la durata del rapporto medesimo o, se questo e' a tempo indeterminato, con le modalita' stabilite per tale motivo di soggiorno. Il permesso di soggiorno previsto dal presente articolo puo' essere altresì convertito in permesso di soggiorno per motivi di studio qualora il titolare sia iscritto ad un corso regolare di studi.
6. Il permesso di soggiorno previsto dal presente articolo puo' essere altresì rilasciato, all'atto delle dimissioni dall'istituto di pena, anche su proposta del procuratore della Repubblica o del giudice di sorveglianza presso il tribunale per i minorenni, allo straniero che ha terminato l'espiazione di una pena detentiva, inflitta per reati commessi durante la minore eta', e ha dato prova concreta di partecipazione a un programma di assistenza e integrazione sociale.
7. L'onere derivante dal presente articolo e' valutato in lire 5 miliardi per l'anno 1997 e in lire 10 miliardi annui a decorrere dall'anno 1998.

### 3. Law 228/2003 “Measures against trafficking”

This is the law on which is founded the protection of victims. The law changes art 600 “Reduction or maintenance in slavery or servitude”, 601 “Trafficking human beings” and 602 “Purchase or alienation of slaves” of the Penal Code bringing an exacerbation of the penalties.

Art. 12 provided the Anti-Trafficking Measures Fund to the Chairmanship of the Council of Ministers. The Fund is intended for the financing of assistance and social integration programs in favor of the victims, as well as other social protection objectives provided by Art. 18 of D.lgs 286/1998.

Art. 13 defines a special assistance program that guarantees, on a transitional basis, adequate accommodation, food and health care conditions for victims of art. 600 and 601 (this program is chronologically antecedent to the one provided by art. 18 D.lgs 286/1998).

Art. 14, in order to strengthen the effectiveness of the prevention action against these types of crimes requests cooperation policies towards the countries interested by these crimes and the countries of prevalent origin of the victims. This cooperation need the work of the Ministers of Foreign Affairs, of the Interior, of Equal opportunities, of Justice and of Labor and Social Policies.

<http://www.camera.it/parlam/leggi/03228l.htm>

### 4. European directive 36/2011 and the D.lgs (legislative decree) 24/2014

OFFICIAL JOURNAL OF EUROPEAN UNION - EUROPEAN DIRECTIVE 36/2011

<https://eur-lex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:32011L0036&qid=1546261516997&from=EN>

---

D.Lgs 24/2014

<http://www.gazzettaufficiale.it/eli/id/2014/03/13/14G00035/sg>

This is the legislative decree, D.lgs 24/2014, that carry out the European Directive 36/2011 into the italian legislation.

The italian government adds just some changes into pre-existing rules of law (art. 600 and 601 of penal code) or create some new one, but it doesn't create an organic regulation to adopt as a whole the dispositions of the European directive, oriented to create a complete and integrated system to prevent, prosecute and protect victims

The main points are:

- It doesn't introduce the definition about the position of vulnerability that (art. 2, paragraph, ED)
- It doesn't introduce the disposition about the irrelevance of the consent (art. 2, paragraph 4, ED)
- It doesn't introduce any law to not prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to commit (art. 8, ED)
- It doesn't introduce any law to ensure assistance and support to the victims of trafficking in human beings. Especially about: when the authorities have a reasonable-grounds indication for believing that the person might have been victim of trafficking; assistance and support are not made conditional on the victim's willingness to cooperate in the criminal investigation; establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organizations; to inform giving to the victim a reflection and recovery period. (art. 11, paragraph 1, 2, 3, 4, 6, ED)
- It doesn't introduce any law to ensure that victims of trafficking in human beings have access without delay to legal counselling, and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation and to ensure that victims of trafficking in human beings receive specific treatment aimed at preventing secondary victimisation. (art. 12, paragraph 2 and 4, EU)
- It doesn't introduce any law to ensure that victims of trafficking in human beings have access to existing schemes of compensation to victims of violent crimes of intent (art. 17, EU). The D.lgs introduces just a derisory compensation of € 1500 per victim on the Fund for anti-trafficking measurements. Moreover, the Italian Government in the past has partially adopt a law for the victims' compensation, so the actual system is insufficient at all to guarantee the real compensation.
- To establish national rapporteurs or equivalent mechanisms (art. 19, EU) It gives this role to the Department of Equal Opportunities at the Chairmanship of the Council of Ministers. Considering this role, the Department should be independent.

Others important points of D.lgs 24/2014 are:

Art.1 The decree does not affect the rights, obligations and responsibilities of the State and the individuals, under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the Convention on the Status of Refugees, pursuant to the law of 24 July 1954, n. 722, and the Protocol relating to the status of refugees under the law of 14 February 1970, n. 95, relating to the status of refugees and the principle of non-refoulement.

Art. 4 and 10 The children and the foreings recognized victims of trafficking must have information on the possibility of obtaining international protection.



## 5. National Anti-Trafficking Plan 2016-2018

At February 2016, with an important delay, the Cabinet approved the text of the National Anti-Trafficking Plan. The creation of a National Plan was requested by the D.lgs 24/2014 as a transposition of the European Directive 36/2011. At the moment the Plan is expired and we know that the Cabinet is working to renew it.

The National Plan represents an important step forward for the definition of the Government strategy in the fight against and prevention of the crime of trafficking, but also in the protection of victims. It also was preparatory to the unification of the two typologies of program (one art. 18 D.lgs 286/1998 and the other one art.13 law 28/2003) in a unique program of emersion, assistance and social integration.

Among the contents of the National Plan we can point out some particularly relevant goals:

- the multidisciplinary training of all the subjects that potentially meet the victims of trafficking and therefore law enforcement agencies, border police, operators of the various welcome centers, magistrates, legal operators.
- the definition of guidelines aimed at the correct identification of potential victims of trafficking (attachment n. 2 of NPA) in the different contexts in which this may occur, including the procedure for the recognition of international protection
- the introduction of a National Referral Mechanism (attachment n. 1 of NPA), of which Italy is not yet equipped, aimed at creating a system of cooperation through which state actors fulfill their obligations to protect and promote the human rights of victims of trafficking, in coordination with civil society; in particular, the adoption of coordination measures between the activities of the organizations involved in the protection and assistance to victims of trafficking and the activities of the competent authorities in the field of asylum;
- the updating of reception measures to respond to the changed phenomena and characteristics of the victims;
- the implementation of specific protection measures for child victims of trafficking (attachment n. 4, 5, 6 of NPA) putting first of all the best interest of the minor.

The National Plan has 4 main directions: Prevention, Protection, Persecution, Partnership to achieve policy action of multilevel governance.

## 6. Penal Code articles

Carrying out the European Directive 36/2011 into the Italian legislation, were changed the articles 600 and 601 of the Penal Code (Codice Penale – C.P.).

### ART. 600 C.P. - REDUCTION OR MAINTENANCE IN SLAVERY OR SERVITUDE

Anyone who exercises on a person powers corresponding to those of the right of property or anyone who reduces or maintains a person in a state of continuous subjection, forcing it to work or sexual services or begging or otherwise carrying out illegal activities that entail exploitation or to undergo the removal of organs, is punished with imprisonment from eight to twenty years.

Reduction or maintenance in a state of subjection occurs when the conduct is implemented through violence, threat, deceit, abuse of authority or taking advantage of a situation of vulnerability, physical or psychological inferiority or a situation of necessity, or by promising or giving sums of money or other benefits to those who have authority over the person.

#### ART. 601 C.P. – TRAFFICKING HUMAN BEINGS

It is punished with imprisonment from eight to twenty years anyone who recruits, introduces into the territory of the state, also transfers outside of it, carries, gives authority over the person, houses one or more people who are in the conditions referred to Article 600, or carries out the same conducts on one or more persons, through deception, violence, threat, abuse of authority or taking advantage of a situation of vulnerability, of physical, psychological or necessity inferiority, or by promising or giving money or other advantages to the person who has authority over it, in order to induce or force to work, sexual exploitation or begging or in any case to the accomplishment of illegal activities that entail the exploitation or undergo to the removal of organs.

The same sentence is applied to anyone who, even without the modality of the first paragraph, carries out the conduct against a child.

In the 2011 was introduced the Penal Code the Art. 603 and in the 2016 it was changed again:

#### ART. 603 C.P. - LABOR EXPLOITATION

The act constitutes a more serious offense and anyone is punished with imprisonment from one to six years and with a fine between 500 and 1,000 € for each recruited worker:

- 1) recruits manpower for the purpose of allocating it to work for third party under exploitation conditions, taking advantage by the workers' state of need;
- 2) uses, hires or employs manpower, including through the intermediation activity referred into paragraph 1), undergoing workers to exploitation conditions and taking advantage of their state of need.

If the facts are committed through violence or threats, the punishment of imprisonment from five to eight years is applied and the fine from 1,000 to 2,000 euros for each recruited worker.

The existence of one or more of the following conditions constitutes an exploitation index:

- 1) the repeated payment of remuneration in a way that is clearly different from the national or territorial collective agreements stipulated by the most representative trade union organizations at national level, or in any case disproportionate to the quantity and quality of the work performed;
- 2) the repeated violation of the regulations concerning working hours, rest periods, weekly rest, mandatory expectation, and holidays;
- 3) the existence of violations of the rules on safety and hygiene in the workplace;
- 4) the undergoing the worker to working conditions, methods of surveillance or degrading housing situations.

They constitute a specific aggravating factor and lead to an increase in the penalty from one third to one half:

- 1) the fact that the number of recruited workers is more than three;
- 2) the fact that one or more of the subjects recruited are minors of non-working age;
- 3) having committed the crime by exposing the exploited workers to situations of serious danger, having regard to the characteristics of the services to be performed and the working conditions

## **7. Children victims of trafficking**

The D.lgs 286/1998, art. 18 and the DPR 228/2003 are valid also for the children.

The European Directive 36/2011 establishes that the Member States must:

- Consider the best interest of the minor
- Consider the victim as a child when there are some doubts
- Consider the opinions, needs and fears of the child
- Appoint a tutor or a legal representative of the victim and to insure help also to his family if lives in a Member States
- Insure the access without delay to the free legal aid
- Insure particular attention during the proceedings
- Evaluate for each case the situation of the unaccompanied minors giving to them different solutions like the repatriation, the integration in the society the welcome them or the international protection.

The D.lgs 24/2014 about the concept of “vulnerability of the victim” considers vulnerable, between the others, the children and the unaccompanied minors.

In the law 199/2016 the fact that one or more of the subjects recruited are minors of non-working age constitutes a specific aggravating factor and lead to an increase in the penalty from one third to one half.

The law 47/2017 "Provisions on measures to protect unaccompanied foreign minors", has a specific article, the art. 17 “Children victims of trafficking” that changes art. 13, co. 2 of Law 228/2003 (which establishes a special assistance program for victims of trafficking), establishes special protection for minors through the establishment of a specific assistance program that ensures adequate reception conditions and psycho-social assistance, health and legal, providing long-term solutions, even beyond the completion of the age (paragraph 1); establishes to guarantee the child adequate assistance for the compensation of the damage (paragraph 2) and say more about it in the art. 15 and 16.

In the art. 15 is insured emotional and psychological assistance during the proceeding, by the presence of suitable persons; he has the right to participate by its legal representatives to all judicial and administrative proceedings concerning him. He has also the right to be heard and for this purpose, it is insured the presence of a cultural mediator.

In the art. 16 is establishes the right to appoint a trusted legal and to have free legal aid.

## 8. Connections between Italian Anti-trafficking and Asylum Systems

The Italian System of Assistance of victims of human trafficking is in place since 1998, when the article 18 of the Legislative Decree no. 286/1998 Testo Unico sull'Immigrazione, introduced a Residence permit dedicated to the trafficked persons who decide to join the Programme of Protection, Assistance and Social Integration. These Programs are organised and managed by both public and private authorities (enrolled in the dedicated register) under the supervision of the Department for Rights and Equal Opportunities.

The Italian International Protection System Procedure starts when the victim applies for International Protection at the Police Headquarters (Border Guard or the pertinent Questura).

Later Questura notifies the request at the pertinent Commission.

After the application the person is considered regularly resident and receives the six months residence permit (which is renewable) while waiting for his/her request to be evaluated.

The competent body for the examination of the Asylum Applications is the Territorial Commission for the Recognition of International Protection (CTRPI) and it is located in some of the biggest Italian Regions and Cities. In 2017, LD 220 improved the system by providing Commissions with administrative officials in charge of personally meeting the asylum seekers with the help of a linguistic mediator in order to evaluate their requests.

The Territorial Commissions are established under the Prefectures and located in some of the biggest Italian Regions and Cities. In 2017 LD 220 improved the system by adding administrative officials responding to Internal Ministry who should evaluate the requests by individually meeting the asylum seekers helped by linguistic mediators.

With the increasing of applications for International Protection (caused by the increasing of immigration flows), the whole procedure to get Protection (from application to result) has become so longer that it now takes more than two years to be completed.

In addition, the recruitment of Victims of Traffickings (from now on VOTs) has become even easier

for criminal networks because of the long and static residence in the shelter of VOTs. Infact, immigrants that need job and money can easily fall into the criminal trap of the fast gains.

What we have noticed around 2014 was the simultaneous presence in the streets of recent and old immigrants, both seeking for Asylum.

What was happening was that even immigrants that were in Italy since years used this path to become regularly resident.

UNHCR is playing a main role inside the Territorial Commissions in monitoring and guarantying the respect of Human Rights by collaborating with the administrative officials. This collaboration and connection between the two phenomenons, Human Trafficking and Asylum Seekers, led to the creation of the UNHCR document Guidelines for Territorial Commissions to identify VOTs among Asylum Seekers.

UNHCR Guidelines encouraged Territorial Commissions and anti-trafficking organisations to cooperate together in order to achieve the common goal of identifying and protecting VOTs through all the available

tools (International Protection and/or specialised protection services). Many Commissions and Anti-Trafficking organisations working in the same district started formalising Protocols between them to promote the Referral System.\*

These Protocols are useful for both sides since:

- Commissions can receive feedback from the organisation, specialised and rooted in the area, to support their decision about the recognition of International Protection of the VOTs;
- Organisations can benefit from the proper Referral System by receiving notices about potential VOTs in their area in order to identify and eventually protect them.

From 2011 the Italian government decided to adopt an emergency measure to handle the increasing immigrant flows and support the already existing SPRAR system (From Oct. 2018 SIPROIMI). This emergency measure, managed by the Prefetturas (Government Territorial Offices), guarantees a quick and first stage of hospitality to the refugees and provides services to speed up the fingerprints and data registrations, formalisation of Asylum Request and to check the Health conditions of immigrants. Yet, the lack of structure and organization of this emergency measure causes multiple problems.

Prefetturas have the task of assigning and sorting immigrants all around the national area; the problem is that the receiving structures usually outsource the assistance management of immigrants to private bodies that have no experience or social competences in assistance services.

This way, the untrained educators do not have the tools to identify vulnerable situations and bring them out. VOTs are indeed often considered and treated as general immigrants even if already identified as Victims of Trafficking during the disembarkation by organisations such as Save The Children and OIM. This way, unfortunately, VOTs help requests remain unanswered.

The capacity of Anti-Trafficking shelter system is still inappropriate for the VOTs flows.

Another side of the problem is the communication between the two Systems (Asylum and Antitrafficking).

The reasons being that the two Systems refer to two different Ministries (Equal Opportunities Ministry - DPO- for Antitrafficking System and Internal Ministry for Asylum System); this means two different financing channels, hierarchical structure and different decisional mechanisms.

So far, we still need to find a compromise that can at the same time guarantees the protection of VOTs needs, bring them out from exploitation and ensure the possibility for identified VOTs to continue the Asylum Request Procedure.

The possible compromises seem to be:

- collocation of VOTs inside asylum shelters (ideally with specific and addressed programmes);
- specific shelter for VOTs, both asylum seekers or recognised as refugees;
- double path: the possibility to enrol in the Protection, Assistance and Social Inclusion Programme provided by art.18 D.L. 286/98 while also waiting for the Territorial Commission results to be processed, leaving the decision of which document is more appropriate in a second moment.

Also, the new Italian immigration laws (DL 13/2017 and L 132/2018) deeply changed the Asylum Right and the whole administrative procedure to enter and stay in the Shelter System. At the same time, deep changes are consequentially affecting the Protection System of Victims of Trafficking.

## THE CHALLENGES FACED BY THE ITALIAN ANTI-TRAFFICKING SYSTEM

### *Unresolved recommendations on ITALY by:*

### *GRETA Group of Experts on Action against Trafficking in Human Beings*

#### CISS-Cooperazione Internazionale Sud Sud

At the beginning of 2017, the Group of Experts on Action against Trafficking in Human Beings (**GRETA**) published a report on Italy in order to evaluate the implementation of the Council of Europe Anti-trafficking Convention.

The report recognized the efforts done by the Italian Government to improve the quality and efficacy of the Italian anti-trafficking system, which finally led to the adoption of the *First National Action Plan against Trafficking and Severe Exploitation* (2016-2018) on February 2016.

The plan envisages the establishment of a National Referral Mechanism which, nevertheless, still need to be properly implemented and strengthened, especially by enhancing the multi-stakeholder dialogue.

Notwithstanding the positive steps undertaken by Italian Authorities at legislative and policy level, some of the recommendations reported by GRETA are still necessary and present:

GRETA stresses that:

1. "... the policies and procedures applied by the State in the context of increased immigration must be in conformity with Italy's **human rights obligations** and must not prejudice the application of the protection and assistance measures provided by the by putting at risk the lives and safety of trafficked people."

The anti-immigration policies and legislations recently adopted by the Government in November 2018 – the "Decreto Sicurezza" - may significantly affect the fundamental rights of migrants Third-Country Nationals, including the victims of trafficking.

2. "The fact that **victims of trafficking arriving in Europe are increasingly young** is particularly disturbing and calls for urgent action .... to ensure effective protection of the rights of migrant and asylum seeking children and young people..."

Taking in consideration that the risk to be recruited by the traffickers' organization for minors could be more consistent due to the higher level of vulnerability of the victims, there is still a need for specific interventions to challenge the issue (e.g. a national awareness campaign on child trafficking).

Furthermore GRETA recommends:

- “To improve the **identification of victims of trafficking among migrants and asylum seekers**, including by setting up clear, binding procedures to be followed and providing systematic training of immigration police officers and staff working in first aid and reception centres, (CPSA or “hotspots”), accommodation centres (CDA), identification and expulsion centres (CIE) and centres for accommodation of asylum seekers (CARA)”;

This is a priority taking in consideration the fact that, again, according the policy and legislative measures, the emergency structures (CAS) will continue to operate and it is very important to set all measures to allow the staff operating in this emergency structures to properly identify the victims of trafficking.

- “Further **involving NGOs and international organisations in the identification of victims of trafficking**, including by giving them expanded access to hotspots, reception centres and CIE”.

Also this recommendation by GRETA needs further government’s intervention.

- “Whenever there are reasonable grounds to believe that a person is a victim of trafficking, he/she is granted a recovery and reflection period of at least 30 days during which **expulsion orders** cannot be enforced, and can benefit from the right to obtain a renewable residence permit under Article 18 of the Consolidated Immigration Act.”
- “...The victims are provided with support and assistance, in accordance with Article 12 of the Convention. The **capacity of victim support programmes**, both for adult and for children, needs to be increased and strengthened as a matter of priority.”

Regarding the procedure provided under Art.18, which establishes that victims of trafficking can choose between two different paths for the issue of the residence permit- the social and the judicial path-, there is still a tendency of the authorities to prefer the judiciary path. In fact, the police often doesn’t receive requests for residence permit unless there is a formal complaint by victims against the perpetrators. Therefore, it is necessary to better formulate article 18 under the above consideration and in accordance with the Directive 2011/36.

Even though the funds allocated by the Italian Government in the framework of the “*Programma unico di emersione, assistenza e integrazione sociale*” increased over the past years, we should notice that in the future the system will probably suffer the long-term effects of the new legislative and policy migration framework. In fact, the elimination of the **humanitarian protection**, could eventually lead to an increased number of third country nationals demanding the special humanitarian protection for the victims of human trafficking which still the Italian law recognizes.

However, over the past years, the large part of the victims opted for requesting the humanitarian protection as asylum seekers because the type of permit they could achieve was more convenient. The impact of these consistent changes on the capacity of the Italian protection system for the victims of THB still need to be evaluated.

In addition, the following relevant GRETA recommendations need to be addressed.

- “As noted in paragraph 69, GRETA is seriously concerned about the manner in which the forced removals of possible victims of human trafficking are conducted, the lack of transparency, the lack of information given to the persons concerned, their lawyers and interested NGOs, and the methods of **forced repatriation** used.”
- “GRETA refers to Article 16 of the Convention, which states that the return of victims of trafficking shall preferably be voluntary, must take due regard of the rights, safety and dignity of the victim, and must also take account of the status of any legal proceedings related to the fact that the

person is a victim. Article 16 of the Convention should be read along with Article 40, paragraph 4, which specifically mentions the principle of **non-refoulement** and provides that its applicability is in no way affected by the Convention.”

- “Recalling the recommendations made in its first evaluation report, GRETA urges the Italian authorities to conduct individual risk assessments prior to the return of trafficked persons to their countries of origin, in co-operation with the countries of return, international organisations and NGOs, with a view to ensuring compliance with the nonrefoulement obligation under Article 40, paragraph 4, of the Convention and the UNHCR’s Guidelines on the Application of the 1951 Refugee Convention to Victims of Trafficking, as well as to facilitate their reintegration in countries of origin.”
- “As noted in GRETA’s first report on Italy, despite the efforts made by the Italian authorities in the area of **international co-operation**, there are persistent problems when it comes to obtaining information in response to requests made by investigators or undertaking investigative actions in non-European countries of origin. GRETA considers that the Italian authorities should further develop international co-operation with a view to combating and dismantling criminal networks involved in trafficking and prosecuting offenders.”

**There is in general a lack of information about what happens to Nigerian women who are subject to forced return.**



# The different steps of the protection program for trafficked persons

## PHASE 1

### EMERSION - Engagement, first contact and identification of potential "victims"

- FIRST CONTACT ACTIVITY

1. On the street and in places where there are potential victims (with particular reference to the circuits of prostitution, begging and involvement in illegal activities)
2. In relation to potential victims of trafficking involved in the circuits of indoor/closed sexual exploitation
3. In the places of recruitment and meeting of foreign workers at risk of exploitation (activities carried out in synergy with the unions and the competent bodies in the field of employment)
4. At the Cas and the Sprar of the territory and at the moment of the debarcations/landings, for the emergence of potential victims of trafficking among asylum seekers.

- PROACTIVE ACTIONS MULTI-AGENCY IDENTIFICATION of VICTIMS

Made by the Implementing Entities in collaboration with:

- Police
- Councils
- Territorial Commissions for the Recognition of International Protection.
- IOM (at the moment of the landings)
- Territorial Labour Directorate
- The Juvenile Justice Center
- Anti-trafficking Green Number
- Helpdesks with Filter / Information / Orientation functions (in the Health Districts and Hospitals)

- LISTENING CENTERS for the identification of cases and the taking charge of the reports

## PHASE 2

**FIRST ASSISTANCE** - Activities that accompany the actions of first contact and emergence, creating the appropriate conditions for the emancipation of victims

- LISTENING AND DE-CODING OF NEEDS

Talks at the Listening Centres aimed at activating the most suitable assistance measures

- Activities aimed at REDUCING DAMAGES AND RISKS

Related to the exploitation conditions

- INFO and ORIENTATION to SERVICES Accompanied access to services

- READY WELCOME

Securing victims to residential facilities. Reflection period to allow the escape from the exploitation circuits.

- **DAILY RECEPTION**

Activities aimed at developing basic skills and personal, relational and social skills: socialization opportunities and cultural and recreational-recreational workshops

- **LEGAL ASSISTANCE**

Activities aimed at guaranteeing the full exercise of citizenship rights (obtaining residence permit pursuant to Article 18 of Legislative Decree 286/98, recognition of international protection)

- **ANTI-TRAFFICKING GREEN NUMBER**

Operative connection for the networking of possible transfers of victims from one project to another

## **PHASE 3**

### **SECOND RECEPTION**

- construction of personalized second level, integrated and multi-dimensional assistance
- co-development with the recipients of INDIVIDUALIZED ASSISTANCE PROGRAMS and INTEGRATION

- **RECEPTION OF LEVEL II or SEMI-AUTONOMY**

Residential reception differentiated on the basis of the characteristics and needs of the recipients

- **HEALTH CARE AND LEGAL PROTECTION**

- **PSYCHOLOGICAL SUPPORT**

Therapeutic interventions in relation to cases in which there is evidence of traumatic experiences and violence. Activities realized in synergy with the DSM of the Asl Na1

- **PROFESSIONAL ORIENTATION BUDGET of SKILLS and SUPPORT to ACTIVE WORK RESEARCH.**

Activities for the emergence / activation of skills, attitudes and motivations

- **TRAINING / CAPACITY BUILDING**

Linguistic and computer literacy; individualized socio-educational paths for the development of skills useful for socio-employment inclusion

- **WORKING INTERNSHIPS**

Implementation of technical / practical skills on the job

- **ANTI-TRAFFICKING GREEN NUMBER**

Operative connection for the networking of possible transfers of victims from one project to another

## **PHASE 4**

**AUTONOMY** - Actions aimed at consolidating the processes of social-work inclusion, strengthening housing autonomy and reducing the risk of re-victimization.

- Training courses for the ENTRY IN THE LABOR MARKET Activation of "WORK AND CITIZENSHIP BAGS".
- Individualized socio-educational paths for EMPOWERMENT. Activation of "WELLNESS and INCLUSION PACKAGES"
- Itineraries for the HOUSING AUTONOMY
- Activation of "LODGING PACKAGES"

Tutoring, orientation and support for access to micro-credit and a guarantee fund to cover guarantee deposits

- Legal assistance

Activities aimed at closing the protection program