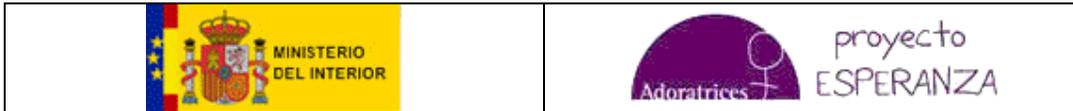


*THE CO-OPERATION OF LAW ENFORCEMENT AGENCIES AND
NGOs IN THE PREVENTION OF AND SUPPORT FOR VICTIMS OF
TRAFFICKING IN PERSONS FOR THE PURPOSE OF SEXUAL
EXPLOITATION.*

BEST PRACTICES



***COOP-TRAF
JLS/2005/AGIS/156***

AGIS PROGRAMME 2005

EUROPEAN COMMISSION





ITALIAN REPORT¹

*Isabella Orfano
Giuseppina Valentina D'Angelo*

¹: Isabella Orfano, Introduction, Part I, Part II; Giuseppina Valentina D'Angelo, Part II, A § 3, 3.1; Part III.

TABLE OF CONTENTS

Introduction

Part I. General information about trafficking in human beings for sexual exploitation (THBSE) in Italy

1. The current situation of trafficking in human beings for the purpose of sexual exploitation
2. The legal framework to fight trafficking and assist trafficked persons
3. The current situation of prostitution
4. The legal framework on prostitution
5. National Action Plan against trafficking in human beings
6. Databases about trafficking in human beings
 - 6.1 Data on victims of trafficking
 - 6.2 Data on crimes and offenders
 - 6.3 Available data on trafficking

Part II. Strengthening co-operation between law enforcement agencies, the judiciary and NGOs to improve prevention and assistance of victims of THBSE

A. Prevention strategies to improve the fight against THBSE

1. Social prevention
2. Prevention by the law enforcement agencies
3. Prevention by the judiciary
 - 3.1 Witness protection of THBSE victims
4. Training the law enforcement agencies and the judiciary on THBSE
5. New prevention strategies strengthening co-operation between police, NGOs and judiciary to improve prevention
 - 5.1 Victim's identification
6. Main problems encountered by NGOs and other institutions while working with judicial institutions and law enforcement agencies

B. Assistance and protection of trafficked persons

1. Article 13 short-term programme
2. Article 18 long-term programme: "The Programme of social assistance and integration"
 - 2.1 Stay permit for humanitarian reasons
 - 2.2 Permit for work and study reasons
 - 2.3 Reflection period
 - 2.4 Channels of identification and referral
 - 2.5 How the Programme works
 - 2.5.1 Activities
 - 2.5.2 Shelters
 - 2.5.3 Social and labour inclusion
3. Legal compensation
4. Assisted voluntary return
5. Strengths of the Italian assistance and protection scheme for trafficked persons
6. Main problems faced by institutions regarding assistance and protection of victims of THBSE

Part III. Co-operation between law enforcement agencies, the judiciary and NGOs to improve prevention and assistance of victims of THBSE: the Italian focus group

1. The focus group

2. Rationale and goals
 3. Participants, trainers, organisers
 4. Content & tools
 5. Conclusions
- Annex 1: Identification of victim of THBSE

Introduction

The present report is the result of the work carried out by *Associazione On the Road*², the Italian partner of the Agis project *Law enforcement agencies and NGOs co-operation in the prevention and victim assistance of trafficking in human beings for the purpose of sexual exploitation (THBSE)*.

Part I of the report provides a general synopsis of trafficking in human beings as it occurs in Italy as well as a brief overview of the Italian prostitution scenario. It, then, presents the legal framework currently in place to fight human trafficking and address prostitution; the description of the existing databases on victims and offenders.

Part II describes the policies, strategies, and measures to prevent trafficking in Italy and to provide support and assistance to trafficked persons. It specifically explains the short- and long-term programmes offered to trafficked persons in Italy as well as their corresponding legal frameworks. Finally, it discusses the positive aspects of the Italian anti-trafficking policies and schemes and lists their shortcomings that should be overcome.

Part III illustrates the structure and the main results achieved through the focus group organised by *Associazione On the Road* in collaboration with the Public Prosecutor's Office of Teramo with a view to strengthening the co-operation between NGOs, the law enforcement agencies and the judiciary in order to improve prevention and assistance of victims of trafficking in human beings for exploitative purposes. This part also includes some recommendations on how to ameliorate the effectiveness of the anti-trafficking response at national and local level.

Finally, short descriptions of good practices in fields of prevention, assistance and multi-agency co-operation are included in the different parts of the report.

² Funded in 1990, *Associazione On the Road* provides support and assistance to sex workers and trafficked persons through structured services (outreach units, drop-in centres, shelters, etc.) managed by trained professionals. Based on a multi-agency approach, *On the Road* works for the promotion and protection of the human and civil rights of the assisted persons. Within the Italian Social Assistance and Integration Programme for trafficked persons, *On the Road* offers accommodation and protection; social, health, psychological and legal counselling and assistance; accompaniment to the social and health services; vocational guidance and training; on-the-job training programmes and direct insertion into the labour market. These services are provided also thanks to a wide multi-agency network in the three regions of the Adriatic coast where *On the Road* directly works (Marche, Abruzzo and Molise): 3 Regions, 8 Provinces, around 100 Municipalities, the Law Enforcement and Judicial agencies, other NGOs, companies, trade unions etc. The Association also manages awareness raising activities, community work, training modules, research and publications and is engaged in national networking and policy development initiatives.

Part I

General information about trafficking in human beings for sexual exploitation (THBSE) in Italy

1. The current situation of THBSE in Italy

The relationship between Italy and human traffic is old and bitter and tightly intertwined with the history of the country. Before becoming one of the main illegal ports of entry for thousands and thousands of persons looking for a better future in wealthy Western Europe, Italy was one of the major source countries of poor individuals migrating – legally or illegally – to other European nations, to North or South America and Australia. Between 1876 and 1976, 27 millions Italians moved abroad to ameliorate their living conditions and many of them reached the foreign countries through the circuits of smuggling and trafficking of those days³.

Today Italy is facing a challenging situation: on one hand, to “defend” its national borders and, consequently, the ones of the so-called “fortress Europe” from the constant flows of illegal migrants and, on the other, to protect the rights of the aliens trafficked into its territory to be exploited. It is not an easy task to achieve, especially because illegal migration and human traffic are often “hot” issues that juxtapose different ideological and political parties that strongly debate within the public arena.

The transformation of Italy from a country of origin of migrants into one of transit and destination started in the 70s and reached its peak in the 90s. The fall of the Berlin wall has knocked down the boundaries that till then had been believed to be very strong, and the Italian peninsula started to become the landing and crossing point for thousands of migrants coming from many different countries. Once they arrived in Italy, the migrants either continue their journey to reach another European country – mainly Germany, France, Belgium, The Netherlands and Great Britain –, and sometimes American (United States and Canada), or stay on the Italian soil.

Nowadays, the main countries of origin of persons trafficked and sexually exploited in Italy are Romania, Nigeria, Albania, Moldova, Russia, Ukraine, Bulgaria and, to a lesser extent, Belarus, Brazil, Colombia, Ecuador. More recently, trafficked persons have started to come from farer countries such as Kazakhstan, Kyrgikistan, Uzbekistan, China, etc. Currently, Romanians are the most represented national group in many parts of Italy. Also the number of South Americans has increased, many of which are transsexuals.

The average age group of trafficked persons for sexual exploitation is between 20 and 25, even though the percentage of minors seems to be constantly on the rise.

Trafficking in persons is mostly carried out through the same channels and with the same mechanisms used to smuggle illegal migrants into Italy. It is mainly managed by sophisticated and structured criminal organizations, which, in many respects, are similar to the Italian mafia groups

³ G.A. Stella, E. Franzina, “Brutta gente. Il razzismo italiano”, in *Storia dell’emigrazione italiana. Arrivi*, Donzelli Editore, Roma, 2002, pp. 293-294. As the authors underline, in the first decades of the twentieth century, human traffic also involved Italian women and girls, who were recruited in the poor Italian areas, transported from the main Italian cities and ports (Genoa, Trieste, Naples, Brindisi, Catania, Messina, etc.) to foreign cities (Algers, Tripoli, Porto Said, Benghazi, Malta, Montevideo, Buenos Aires, San Francisco, etc.) to be exploited in the field of prostitution or – in the case of young boys – in child labour, especially as chimney-sweeps, glass workers, beggars, street vendors mainly in France, Great Britain and in the United States.

that are motivated by strong economic reasons and operate at an international level⁴. The most active organised crime groups active in the “trafficking business” are of Albanian, Romanian, Nigerian, Russian, and Chinese origin. The foremost known sector of exploitation of trafficked persons (mainly women and girls) is the sex industry.

Trafficked persons are recruited, transferred and exploited in different ways according to several variables such as the countries and places of origin, the degree of awareness as to the real aim of the recruitment, the type of criminal organisation involved, the antagonism between criminal groups, the relationships between the exploited person and the trafficker(s) and/or exploiter(s), and so on. The routes to reach Italy constantly change in order not to be detected by the law enforcement agencies.

Victims are generally recruited by an acquaintance, a friend, or a relative. Sometimes they directly approach the recruiter, which can also be a travel or an employment agency. They are generally offered good jobs in Italy as waitresses, factory workers, bar tenders, nurses, baby-sitters or dancers and, sometimes, openly as prostitutes, strip teasers, call girls etc. In most cases, however, they are deceived about the severe working and living conditions they will face. The victims are actually sexually exploited in many types of venues, such as streets, night clubs, apartments, hotels, saunas, massage parlours, etc. According to recent studies⁵, an increasing percentage of victims are exploited at the same time in outdoor and indoor premises.

Generally, trafficked prostitutes are deprived of their passports, “often” experience deceptive and abusive behaviours (different forms psychological and physical violence) and are required to make a minimum amount of money per day. Both on the streets and in indoor premises, they are controlled directly or via mobile by their exploiters and more often also by other prostitutes who have been involved in the sex sector for a longer time. Checks of the number of condoms used seem to be less common, if non-existent in most areas. In some places, this practice is employed in street prostitution only at the very beginning of the exploitative cycle.

The practice and the level of control has greatly changed since the 90s as a result of the development of the phenomena of prostitution and trafficking. Currently, trafficked prostitutes are less frequently controlled by their exploiters than in the past, when control was constant and coercive. The quality of control and the means have changed. Furthermore, recent cases of “negotiated exploitation”⁶ have emerged, which entail the sharing of earnings on the part of the exploited trafficked persons and the enjoyment of a more significant degree of freedom. These new *modi operandi* have been driven by the changes occurred in the prostitution market and the need to obtain the victims’ confidence and loyalty by the traffickers and exploiters.

Finally, it must be highlighted that the studies performed in Italy on trafficking in persons for sexual exploitation mainly concern women⁷. Very little is known about men trafficked to be exploited in the sex market. So far no evidence has been gathered to prove that a significant

⁴ Cfr. Direzione Investigativa Antimafia, *Attività svolta e risultati conseguiti, relazioni semestrali, 2001-2006*, Roma.

⁵ C. Donadel, R. Martini (eds.), *La prostituzione invisibile*, Regione Emilia-Romagna, Fusignano, 2005; Provincia di Pisa (ed.), *Il sommerso. Una ricerca sperimentale su prostituzione al chiuso, sfruttamento, trafficking*, i Quaderni di Strada, Pisa, 2004; T. Maritano, *Massaggi proibiti*, Kaos Edizioni, Milano, 2003.

⁶ Carchedi F. (ed.), *Prostituzione migrante e donne trafficate. Il caso delle donne albanesi, moldave e rumene*, Franco Angeli, Milano, 2004.

⁷ For an analysis of the Italian literature on human trafficking, cfr. I. Orfano, “La tratta degli esseri umani nella letteratura in materia” in AA.VV., *La tratta di esseri umani in Italia*, Franco Angeli, Milano (forthcoming).

number of males have been trafficked to be sexually exploited in Italy⁸. Also researches on trafficking in minors are scarce. As a matter of fact, only very few investigations⁹ (based on case-studies) on this target group have been carried out.

2. The legal framework to fight trafficking and assist trafficked persons

Since 2003 trafficking in human beings has been a serious offence provided for in the Italian criminal code through the enactment of law no. 228/2003 “Measures against trafficking in persons” (Article 601 “Trafficking in persons” of the Criminal Code). Such provision complies with the main elements of the UN Protocol since it covers all forms of trafficking, slavery and servitude and contains elements of the crime – violence, abuse of authority, profiting from a situation in which the other person is in a situation of physical or psychological inferiority, as well as internal and cross-border trafficking:

“Art. 601. Whoever carries out trafficking in persons who are in the conditions referred to in article 600, that is, with a view to perpetrating the crimes referred to in the first paragraph of said article; or whoever leads any of the aforesaid persons through deceit or obliges such person by making use of violence, threats, or abuse of power; by taking advantage of a situation of physical or mental inferiority, and poverty; or by promising money or making payments or granting other kinds of benefits to those who are responsible for the person in question, to enter the national territory, stay, leave it or migrate to said territory, shall be punished with imprisonment from eight to twenty years.”

Law no. 228/2003 also provided for the replacement of the offence of “slavery” through Article “*Placing or holding a person in conditions of slavery or servitude*” (Article 600 of the Criminal Code), that now reflects the current components of such an offence:

“Art. 600. Whoever exerts on any other person powers and rights corresponding to ownership; places or holds any other person in conditions of continuing enslavement, sexually exploiting such a person, imposing coerced labour or forcing said person into begging, or exploiting him/her in any other way, shall be punished with imprisonment from eight to twenty years. Placement or maintenance in a position of slavery occur when use is made of violence, threat, deceit, or abuse of power; or when anyone takes advantage of a situation of physical or mental inferiority and poverty; or when money is promised, payments are made or other kinds of benefits are promised to those who are responsible for the person in question.”

Both offences are punished with imprisonment from eight to twenty years. The penalty becomes harsher, increasing by one third to 50%, if the offences are perpetrated against minors under eighteen or for sexual exploitation, prostitution or organ removal purposes.

Other legal provisions are also used to investigate and prosecute trafficking in human beings and to provide support to trafficked persons:

⁸ Ferraris V., “Prostituzione maschile in Italia: minori e giovani adulti”, in AA.VV., Kinda. *Ricerca sulla prostituzione maschile dei giovani stranieri*, Ires-Cgil, Torino, 2004; Carchedi F. (ed.), *Piccoli schiavi senza frontiere*, Ediesse, Roma, 2004.

⁹ Cfr. F. Prina, “La prostituzione minorile”, in Istituto degli Innocenti – Centro nazionale di documentazione e analisi per l’infanzia e l’adolescenza, *Uscire dal silenzio. Lo stato di attuazione della legge 269/98*, Questioni e documenti, n. 27, gennaio 2003, pp. 17-47; F. Carchedi (a cura di), *Piccoli schiavi senza frontiere. Il traffico di minori stranieri in Italia*, Ediesse, Roma, 2004; Casa dei diritti sociali, Fondazione Romana per i Bambini, la Comunità e la Famiglia, Terre des Hommes, *Aumento della prostituzione minorile rumena a Roma*, Fondazione Terre des Hommes, Bucarest, 2005.

- **Legislative decree 286/1998** (as modified by succeeding laws)

Art. 12 “Provisions against irregular immigrations”.

Whoever smuggles an undocumented person shall be punished with imprisonment for 1 to 5 years and a fine of 15.000 euros for each person smuggled. If the smuggler gains direct or indirect profit from smuggling an undocumented foreigner, they shall be punished with imprisonment for 4 to 15 years and a fine of 15.000 euros per smuggled person. The penalties shall be increased if five or more persons were smuggled; the smuggled migrants suffered an “inhuman or degrading treatment” and their life was endangered; the deeds were accomplished “to recruit people to be prostituted or in any way for sexual exploitation or they concern the entry of underage persons to be employed in illicit activities with the purpose of favouring their exploitation”; the offence was committed by three or more persons or by means of international transportation services or through the use of false, counterfeited or illegally obtained documents. The punishments shall be decreased “if the offender concretely collaborates with the police or the judicial authority to collect important evidences to reconstruct the facts, and to identify and arrest one or more persons responsible for the crimes.” Furthermore, the law has provided for more severe measures of border control policies and expulsion of illegal migrants found on Italian soil.

- **Art. 18** “Residence permits for social protection”

It provides for a residence permit for humanitarian reasons and a comprehensive Programme of social assistance and integration for trafficked persons, regardless of their co-operation with the competent authority:

“1. Whenever police operations, investigations or court proceedings involving any of the offences set out in art. 3 of Law 75 (1958),¹⁰ or in art. 380 of the Code of Criminal Procedure,¹¹ or whenever the social services of a local administration,¹² in the performance of their social assistance work, identify situations of abuse or severe exploitation of a foreign citizen, and whenever the safety of the said foreign citizen has been seen to be endangered as a consequence of attempts to escape from the conditioning of a criminal organisation which engages in one of the afore-cited offences, or as a consequence of statements made during preliminary investigations or in the course of court proceedings, then the chief of police, also acting on the proposal of the Public Prosecutor, or with the favourable opinion of the same Public Prosecutor, may grant a special residence permit enabling the foreign citizen to escape from the situation of abuse and conditioning perpetrated by the criminal organisation and to participate in a social assistance and integration program.”

- **Law 228/2003** – “Measures against trafficking in persons”

Art. 13 provides for a short-term protection programme for trafficked persons.

- **Law 17/2007** – “Turning into law, with changes, the law decree December 28, 2006, no. 300, containing the extension of the limits foreseen by legislative provisions. Provisions of legislative delegation”¹³

Article 6, para 4, provides that Article 18 “Residence permits for social protection grounds” shall be applied also to victims of trafficking that are EU nationals. The latter can therefore access the Programme of social assistance and protection and benefit from all the services offered.

¹⁰ The law on exploitation of prostitution of others

¹¹ Cases in which the police must arrest the offender

¹² City Councils or Regions

¹³ “Conversione in legge, con modificazioni, del decreto-legge 28 dicembre 2006, n. 300, recante proroga di termini previsti da disposizioni legislative. Disposizioni di delegazione legislativa”

- **Law no. 75/1958** – “Cancellation of regulations on prostitution and fight against exploitation of prostitution” (known as “Legge Merlin”, after the senator who proposed it)
Article 3 comprises a series of crimes aimed at sanctioning all activities, which in any way would facilitate, abet and procure prostitution. All offences, even though differing in terms of gravity, are punished with imprisonment from 2 to 6 years and a fine ranging from five hundred thousand to twenty million *lire*. Para. 2, no. 6 envisages the offence of “inducement to move to a given location or place to carry out prostitution” providing for penalties for those who induce another person to move from one place to another, within the same country or to another country, in order to engage in prostitution; while no. 7 punishes the activity of national or foreign “associations and organisations dedicated to the recruitment and exploitation of prostitutes, and the aiding and abetting by said organisations or associations.
- **Article 600-bis, Criminal Code** – “Child prostitution”
The provision sanctions with imprisonment from six to twelve years and a fine from 15,493 to 154,937 euros anyone inducing a person under 18 years of age to prostitute him/herself, namely anyone abetting or procuring prostitution involving a minor. Unless the deed constitutes a more serious crime, whoever performs sexual acts with a minor between 14 and 18 years old, in exchange of money or other economic gain, shall be punished with imprisonment of six months to three years and a fine not less than 5.164 euros. If the injured party is less than 14 years old, the offender shall be punished with imprisonment of two to five years. In case the offender is a minor, the punishment shall be decreased between one and two thirds.
- **Article 600-ter, Criminal Code** – “Child pornography”
Whoever exploits a person under 18 years of age performs pornographic exhibitions or produces pornographic material or induce a minor to participate in pornographic exhibitions shall be punished with imprisonment for 6 to 12 years and a fine from 25,822 to 258,228 euros. Whoever sells pornographic material is subject to the same penalty. The provision also sanctions with imprisonment for 1 to 5 years and a fine from 2,582 to 51,645 euros anyone distributing, spreading, or advertising pornographic material by any means, including Internet, in order to solicit or sexually exploit minors. It also punishes with imprisonment up to 3 years and a fine from 1,549 to 5,164 euros anyone offering or providing pornographic material, free or not, produced using minors. In these cases the penalty is increased up to two thirds when the quantity of the materials is considerable.
- **Article 600-quarter, Criminal Code** – “Possession of pornographic material”
Notwithstanding the provision above of Article 600-ter, whoever knowingly obtains or detains pornographic material produced using persons under the age of 18 is liable to imprisonment for a term up to 3 years and to a minimum fine of 1.549 euros. The penalty is increased up to two thirds when the quantity of the materials is considerable.
- **Article 600-quarter.1, Criminal Code** – “Virtual pornography”
The provisions of Articles 600-ter and 600-quarter shall be applied also when the pornographic material shows virtual images produced by using the images of minors or part of them, but the penalty is decreased by one third. Virtual images shall mean images produced through techniques of graphic processing that are not completely associated with real situations, whose quality of depiction makes unreal situations seem to be real.
- **Article 600-quinquies, Criminal Code** – “Tourist initiatives aimed at the exploitation of child prostitution”

“Anyone who organizes or promotes foreign travels which promotes child prostitution or encourages such activity is liable to imprisonment for a term of 6 to 12 years and a fine of 15,493 to 154,937.”

- **Article 600-sexies, Criminal Code** – “Aggravating and attenuating circumstances”
“In the cases provided for in Article 600-bis, para. 1 and 600-ter, para. 1, and 600-quinquies, 600, 601 and 602 the penalty is increased by a third to a half if the act is committed on a minor of under 14 years of age. The penalty is increased by a half to two-thirds if the act is committed by an elder relative, a step parent, or by their spouse or conjugal partner, or a similar person up to the second degree, by a relative up to fourth degree, or by the guardian or a person with whom the minor has been for the purposes of health, care, education, supervision, custody, employment, or in other words, any public official or social worker who is responsible for the minor in the course of their functions or responsibilities. The penalty is increased from a half to two-thirds if the offence has been committed against a minor who is physically or psychologically handicapped. In the cases foreseen in Article 600-bis, para. 1 and 600-ter above, the penalty is increased if the offence is committed by the use of violence or threats. In the cases foreseen in Art. 600-bis and 600-ter above, the penalty is reduced by a third to a half if the person has taken concrete measures to ensure that the minor is enabled to become self-reliant and independent.”
- **Article 600-septies, Criminal Code** – “Accessory penalties”
In the case of conviction for any of the offences provided in Articles 600, 600-bis, 600-ter, 600-quarter, 600-quinquies, 601 and 602, there is mandatory confiscation of the goods provided for in Article 240, and closure of the business which gave rise to the offences, together with the revocation of the business permit or the concession or authorisation to broadcast. Moreover the conviction provides for the perpetual ban from any job in any type of school and office or service in public or private institutions or organisations mainly attended by minors.
- **Article 604, Criminal code** – “Offence committed abroad”
The dispositions of this section, as well as those foreseen by the articles 609-bis, 609-ter, 609-quarter and 609-quinquies, are sustained also when the envisaged cases are committed also abroad by an Italian citizen, or against an Italian citizen, or by a foreigner concurrently with an Italian citizen.
- **Article 605, Criminal code** – “Kidnapping”
Anyone who deprives a person of his/her freedom shall be punished with imprisonment for six months to eight years, and with imprisonment for one to ten years if the act is committed in detriment of an ancestor, a descendant, or a spouse, or by a public official taking advantage of his/her duties.
- **Article 416, Criminal code** – “Criminal association”
When three or more persons associate together in order to commit more than one crime, the persons who promote, direct or organise the association shall be punished, for this sole offence, with imprisonment for 3 to 7 years. For the sole fact of participating in the association, punishment shall be imprisonment for 1 to 5 years. If the association is aimed at committing any of the offences referred to in the articles 600, 601, and 602 of the criminal code, the term of imprisonment shall be for 5 to 15 years in the cases foreseen in the first paragraph and for four to nine years in the cases foreseen in the second paragraph.
- **Article 416-bis, Criminal code** – “Mafia-type association”
Any person participating in a Mafia-type unlawful association including three or more persons shall be liable to imprisonment for 5 to 10 years. Those persons promoting, directing or

organising the said association shall be liable, for this sole offence, to imprisonment for 7 to 12 years. These provisions also apply to the *Camorra* and to any other associations, whatever their local titles, seeking to achieve objectives that correspond to those of Mafia-type unlawful association by taking advantage of the intimidatory power of the association.

3. The current situation of prostitution in Italy

Prostitution takes place in different types of venues even if street prostitution is the most visible one. Prostitutes in fact provide sexual services also in private apartments, hotels, night clubs, bars, massage parlours, saunas, but little is known about these behind closed doors practices¹⁴. In the past indoor prostitution was considered a safer place to work as opposed to the street and “indoor prostitutes” the privileged ones since they enjoyed a higher degree of freedom.

Currently such a clear-cut distinction cannot be made any longer due to the changes the sex industry has undergone through in the last few years, mainly as the result of the significant presence of migrants in the prostitution sector and the related control exercised by the organised crime groups. The trend to move some women from the streets to indoor places has been registered throughout Italy. This can be read as a criminal reaction to the increased repressive strategies implemented by the law enforcement agencies as well as a way to fulfil “the clients’ request to enjoy a greater level of privacy and less social pressure while purchasing a sexual service”¹⁵.

In Italy, migrant women represent the highest percentage of the population engaged in street prostitution. They are generally undocumented and part of a quite well-organised and articulated criminal industry that started to systematically establish and flourish in the early 1990s throughout the country. Italian prostitutes generally work behind-closed-door premises. Only old prostitutes and female drug users can be found on the street. Male and transexual prostitutes are also present in all major Italian cities.

4. Italian legal framework on prostitution

Since 1958 Italy has been an abolitionist country, thus, prostitution is neither illegal nor regulated by the State. Law no. 75 of 1958 “Cancellation of regulations on prostitution and fight against exploitation of prostitution” (known as “Legge Merlin”, after the senator who proposed it), in fact, put an end to the regulation system set up in 1861 that allowed the running and functioning of brothels. The main goals of the law were to stop the exploitation of women and their confinement into the brothels and to safeguard public order.

Towards this end, the following conducts are criminalised and punished up to six years of imprisonment and a fine: operating a brothel; renting a building for purpose of prostitution; habitual tolerance of the exercise of prostitution; recruitment, facilitation or exploitation of a person for the purpose of prostitution; persuading a person to prostitute him/herself or inducing him/her to move to exercise prostitution; being involved in a national or international group that recruits persons to be exploited as prostitutes. Furthermore, the law abolished the mandatory

¹⁴ Only recently two studies focusing on the underground forms of prostitution were published: AA.VV., *Il sommerso. Una ricerca sperimentale su prostituzione al chiuso, sfruttamento, trafficking*, Quaderni di Strada, Provincia di Pisa, Pisa, 2004; C. Donadel, E.R. Martini (eds.), *Hidden prostitution*, Regione Emilia-Romagna, Bologna, 2005. Both studies were developed within the framework of EC funded projects.

¹⁵ AA.VV., *Research based on case studies of victims of trafficking in human beings in three EU Member States i.e. Belgium, Italy and the Netherlands*, Antwerp, 2003, p. 151.

health registration and the medical controls for prostitutes. Hence, through the Merlin law, street prostitution is allowed as well as indoor prostitution in apartments (but not in brothels). However, prostitution itself is not regarded as a job.

In 1998, the Parliament passed law no. 269 to prohibit child prostitution and sex tourism aimed at the exploitation of minors, including the organization or advertisement of trips for the purpose of juvenile prostitution. The offenders are punished with a fine and a term of imprisonment between 6 and 12 years.

Since its enactment the Merlin law has spurred much debate both in the public and in the political arena. As a matter of fact, the media periodically raise the issue while several parliamentarians of different political parties, every now and then, submit bill proposals to amend, strengthen or cancel the Merlin law. Such interest has greatly increased since the early 90s when the prostitution scenario changed with the appearance of migrant prostitutes on the Italian streets. The governmental bill n. 3826/2003 (known as Bossi-Fini-Prestigiacomo bill proposal) is the most recent and highly debated proposal. Its main goal is to outlaw street prostitution and regulate sex work within indoor premises. It also proposes to cancel some conducts punished by the Merlin law, such as, *inter alia*, aiding and abetting, the support among prostitutes and the rental of apartments for the purpose of prostitution, even though the possibility to exercise prostitution may be limited or forbidden by the condominium rules. Furthermore, the bill does not comprise mandatory health checks for prostitutes but, in case of death or sexual illness of a client, the prostitute can be held liable if he/she has not gone through regular health controls.

The Bossi-Fini-Prestigiacomo bill proposal is much criticized by several sectors of the society and the political milieu. It is in fact considered to be a bill that does not provide a clear-cut definition of prostitution and, moreover, it fails to respect the rights of all parties involved. Prostitutes and clients, in fact, are treated differently even though they supposedly commit the same offence. For instance, if they are found on the street, the prostitutes would be fined or imprisoned for up to 15 days while the clients would only be fined. Furthermore, the bill does not take into consideration the issue of trafficking and it actually could worsen the position of trafficked persons. The latter would be forced to exercise prostitution in unreachable venues, thus, becoming more vulnerable and subject to a higher degree of violence and abuse perpetrated by traffickers, exploiters, and clients.

5. National Action Plan against trafficking in human beings

Even though Italy has a rather comprehensive scheme to support trafficked persons and to fight trafficking, no National Action Plan (NAP) on trafficking is currently in place. However, the present government is planning to draft a NAP in the near future.

6. Databases about trafficking in human beings

Presently, neither an official comprehensive database on trafficking in human beings nor a special database on human trafficking for sexual exploitation are found in Italy. However, some data sources on trafficking exist. They can be distinguished into data sources on victims and data sources on offenders and are collected and managed by national and institutional actors. The following table illustrates the type of information gathered and the corresponding actors responsible for the data collection and storage.

Table 1 – Official sources of data on trafficking in human beings in Italy

Victims	Special residence permit “for humanitarian reasons” (Article 18)	MINISTRY OF INTERIOR – IMMIGRATION DEPARTMENT
	Beneficiaries of social assistance and integration programmes (the so-called “Article 18 projects”)	RIGHTS AND EQUAL OPPORTUNITIES DEPARTMENT
Offenders	Existence and quantitative characteristics of ongoing legal proceedings concerned with the “trafficking in persons for the purpose of exploitation” and the “smuggling of migrants”.	ANTI-MAFIA NATIONAL DIVISION
	Data on crimes and persons reported; data on persons arrested by the police forces; data on convicted persons	MINISTRY OF JUSTICE – STATISTIC GENERAL DIVISION
	Data on persons reported and arrested for offences related to trafficking in human beings	MINISTRY OF INTERIOR – CRIMINAL POLICE GENERAL DIVISION
	Number of crimes related to Trafficking of Human Beings (THB)	MINISTRY OF INTERIOR – CRIMINAL POLICE GENERAL DIVISION

Source: Censis, 2007 (Osservatorio e Centro Risorse sul Traffico di Esseri Umani – EQUAL Project)

Such data is generally neither in-depth processed nor disseminated through comprehensive official reports. In some cases, though, they are *ad hoc* processed and presented on the occasion of specific events and conferences dealing with trafficking in human beings.

6.1 Data on victims of trafficking

Through the work of the 103 local *Questuras* (local Police Headquarter), the **Ministry of Interior – Department of Public Safety – Central Division of Immigration and Border Police** can provide the list of the different typologies of residence permits issued, included those granted for humanitarian reasons (Article 18). The latter are mostly issued to persons being trafficked to Italy to be sexually exploited. Even though stay permits are nominal, the storage system cannot distinguish between different forms of exploitations linked to trafficking. As far as the information on victims is concerned, the stay permits issued can provide the following data:

Table 2 – Data provided through the residence permits issued to trafficked persons by Ministry of Interior – Department of Public Safety – Central Division of Immigration and Border Police

- Name & last name	- Visa
- Place of birth	- Issued by
- Date of birth	- Valid until
- Nationality	- Reason of visa
- Civil status	- Reason of stay
- Residence in the country of origin	- Means of support
- Address in Italy	- Wife/husband
- Type of document	- Persons being cared for, if living together
- Number of document	- References in Italy
- Valid until	- First permit
- Issued by	- Valid until
- Date of issuance	- Last renewal/revision
- Date of entry	- Valid until
- Border of	- Date

Since 2000, through the Programme for social assistance and integration set by the Article 18 of the Legislative Decree no. 286/1998, the **Department for Rights and Equal Opportunities** collects some key information on victims of trafficking. Data is gathered through the project reports that the funded organisations and local authorities must send to the Department on a six-monthly and annual basis. Such reports contain information on the activities carried out and on assisted persons, even though very few variables are considered for victims. As a matter of fact, since the baseline is the project and not the person, trafficked persons assisted through different projects (run by the same organisation through distinct calls for proposals, or by different organisations working in cooperation) can be counted several times. It is noteworthy that up to the 6th call for proposals (2005-2006), according to the rules set, projects were asked to provide support to persons being trafficked for sexual exploitation. Starting from the second half of 2006, the funded projects may assist also persons being trafficked for other purposes.

Through a standardised chart, the Department for Rights and Equal Opportunities requires the funded organisations and local authorities to provide the following data on the assisted victims and on the project's efficacy and efficiency¹⁶:

Table 3 – Data collected by the Department for Rights and Equal Opportunities through the reports of the organisations and local authorities funded by the Programme of social assistance and integration

Quantitative variables concerning the trafficked persons supported	<ul style="list-style-type: none"> - referral channels - no. of trafficked persons accompanied to the health services - no. of trafficked persons provided with legal counselling - no. of trafficked persons provided with psychological counselling - no. of trafficked persons who joined the programme of social assistance and integration - no. of trafficked persons who successfully completed the programme of social assistance and integration - no. of trafficked persons sheltered - different typologies of accommodation provided (shelters, family placement, autonomy houses, non-residential programmes) - no. of stay permits applied for - no. of stay permits granted - no. of persons who joined vocational training schemes - no. of persons who joined school education schemes - no. of job placements - no. of persons placed in different sectors of the labour market - education degree of the trafficked persons supported - nationality of the trafficked persons supported - age of the trafficked persons supported (minor/adult) - no. of persons who left the programme of social assistance and integration - network of actors involved in the interventions to assist trafficked persons
Qualitative variables concerning the trafficked persons supported	<ul style="list-style-type: none"> - reasons for leaving the programme of social assistance and integration
Qualitative variables on the project's efficacy and efficiency:	<ul style="list-style-type: none"> - impact of the project on the local area - capability of the project to identify the changes of the phenomenon - efficacy of the project as to the reached goals and the expected results - typology of the actions implemented by the project

¹⁶ The Department for Rights and Equal Opportunities is currently in the process of revising the standardised chart to include other items to gather more detailed information on trafficking in human beings in Italy also in view to issue a comprehensive report on an annual basis.

6.2 Data on crimes and offenders

Since 2003, the *Direzione Nazionale Antimafia* (DNA) and its local Districts (*Direzioni Distrettuali Antimafia* – DDA) are specifically in charge of all crimes foreseen in Articles 600 and 601 of the Criminal Code (slavery, servitude, trafficking). The *Direzione Nazionale* runs a database containing information about the abovementioned crimes, the offenders and the victims, regularly provided by the DDAs. Such database allows for the retrieval of data from judicial activities (cases under preliminary investigation, committals for trial, cases already adjudicated in the field of trafficking in human beings and alien smuggling). It also provides data on cases under investigation, brought to trial and therefore *sub judice*, and those already adjudicated, as well as information about victims. However, the storage system needs to be improved also to include cases of trafficking prosecuted under other articles of the criminal code and managed by the Ordinary Courts.

Since 2003, the **Statistic General Division of the Ministry of Justice** has started to annually gather data on THB through all *Procure* (Public Prosecutor's Offices) and Court of laws. So far the data collected cannot be considered reliable due to the irregular participation of *Procure* and Court of laws to this collection system.

The **Ministry of the Interior – Criminal Police General Division** collects data mainly for law enforcement purposes from the criminal courts and law enforcement agencies on criminal proceedings and investigations, also on human trafficking. It thus stores a significant amount of information on the type of offence; date and location of the offence; informative sources.

It was not possible to collect detailed information on the variables used by the *Direzione Nazionale Antimafia*, the Statistic General Division of the Ministry of Justice, and the Ministry of the Interior – Criminal Police General Division.

At a local level, some **Regions** have established data sources on specific regional projects on trafficking in human beings financed by regional laws (e.g. Regione Veneto) or on projects of the social assistance and integration programme financed by the national government (e.g. Regione Emilia-Romagna). Also in these cases, though, most data refer only to trafficking in human beings for sexual exploitation and not for trafficking for other purposes.

The most detailed data can be found in reports issued by **NGOs and other associations** that provide support to trafficked persons and contained both detailed qualitative and quantitative information on victims to trafficking and on the phenomenon. Unfortunately, no structured coordination between all Italian NGOs is in place to collect and transfer data to a centralized database. But, as previously explained, the NGOs funded within the Programme of social assistance and integration must send a series of data to the Department for Rights and Equal Opportunities on a six-monthly and annual basis. According to recent declarations of the Department, in the near future, a national report based on such data will be issued.

Given this situation, it would be crucial to set up a national agency on trafficking in human beings with the specific mandate to gather data and information coming from all institutional actors (Department, Ministries, local government, etc.) and non-institutional agencies dealing with trafficking and trafficked persons. Such an agency should develop common criteria for data collection, collation, processing, and storage systems of data collection on the various forms of trafficking in human beings (sexual exploitation, labour exploitation, etc.). Moreover, common

indicators and indexes to better describe and analyse the phenomenon of trafficking in human beings should be created, while the investigative and judicial data should include detailed data both on victims of trafficking in human beings and offenders. Finally, data should be disseminated for research and policy purposes.

It must be noted that, within the EQUAL project *Osservatorio e Centro Risorse sul Traffico di Esseri Umani*¹⁷, the *Associazione On the Road*, along with its partners and some national key-actors, is actually developing, *inter alia*, a set of indicators and methodological tools to gather data on victims of trafficking that should serve as the common basis for all Italian institutional and non-institutional actors to collect, collate, process, and store data on trafficking in human beings.

6.3 Available data on trafficking

Due to the lack of a comprehensive national database, the only available data are those concerning trafficked persons assisted through the Programme of social assistance and integration funded by the Inter-ministerial Committee for the Implementation of Article 18. In the period 2000-2006, seven calls for proposals have been launched and 448 projects funded. Between 2000 and 2006, 11,226 victims have been assisted and 5,495 residence permits for humanitarian reasons have been issued.

Table 4 – Number of victims in social assistance and integration programmes and residence permits issued (March 2000-June 2006)

Calls for proposals	Years	Victims in social assistance and integration programmes		Residence permits issued	
		a.v.	of which minors	a.v.	% on permits applied for
1 th	March 2000-February 2001	1,755	75	833	73
2 nd	March 2001-March 2002	1,836	80	1,062	77
3 rd	March 2002-March 2003	1,797	70	962	89
4 th	May 2003-May 2004	1,791	118	927	86
5 th	June 2004-June 2005	2,219	139	942	nd
6 th	June 2005-June 2006*	1,828	137	769	nd
Total		11,226	619	5,495	-

Source: Censis, 2007, on data provided by the Department for Rights and Equal Opportunities (Osservatorio e Centro Risorse sul Traffico di Esseri Umani – EQUAL Project)

* data referred to 74% of the programmes

Taking into account only the time span between September 2003 and December 2004 (right after the enactment of the anti-trafficking law), 150 legal proceedings were instituted against 400 persons charged with trafficking; and 50 legal proceedings were instituted against 150 persons charged with reduction to slavery.

¹⁷ www.osservatoriotratta.it

Part II

Strengthening co-operation between law enforcement agencies, the judiciary and NGOs to improve prevention and assistance of victims of THBSE

A. Prevention strategies to improve the fight against THBSE

1. Social prevention

Because trafficking is a multidimensional problem, its eradication requires a broad set of responses and strategies, which includes the adoption of social policies and programmes to prevent trafficking and the re-victimization of trafficked persons.

In Italy, no comprehensive and co-ordinated prevention strategies and measures are currently in place. However, several initiatives at national and at local level can be found.

At national level, since 2000, the following measures (“*Azioni di sistema*”) have been funded by the Inter-ministerial Committee for the Implementation of Article 18 (Department for Rights and Equal Opportunities, the Ministry of Justice, the Ministry of Welfare, and the Ministry of Interior) within the framework of the Programme of social assistance and integration¹⁸:

- a national hotline against trafficking (*Numero Verde contro la Tratta* 800-290.290)
- printing and distribution of stickers advertising the national hotline in the main languages spoken by the target;
- public awareness campaign at national and local level to advertise the national hotline through radio, TV, and cinema commercials, billboards, flyers.

The agencies involved in the implementation of most of the listed activities are the local authorities and NGOs running programmes of social assistance and integration throughout the country.

¹⁸ For a description of the Programme of social assistance and integration, see section B.

Table 5 – Social prevention of trafficking in human beings: A good practice

Numero Verde contro la tratta 800 290.290

The hotline is developed within the framework of the so-called “System actions” of the Programme of social assistance and integration foreseen by the Immigration law (D.Lgs. 286/98), managed by the Interministerial Committee for the Implementation of Article 18.

The main objectives of the hotline are to provide detailed information on legislation and services granted to trafficked persons in Italy and, upon request, refer them to the specialised anti-THB agencies.

The *Numero Verde* is composed of a single central headquarter, that functions as a filter for the calls, and 14 territorial branches located in 14 different regional or interregional areas throughout Italy. In most cases, the territorial branches of the *Numero Verde* are managed by the same NGOs and public institutions responsible for the implementation of projects funded within the Art. 18 Programme. Information is provided in the various languages spoken by the target group, including: English, Albanian, Russian, French, Spanish, Rumanian, Bulgarian.

All local branches:

- provide information in various languages on several issues (immigration law, social and health services, Programme of social assistance and integration, etc.)
- provide psychological support
- provide legal advice
- assess if the conditions for the application of the 18 Article procedures are in place
- provide information about the available accommodation solutions
- place or refer victims to the accredited Article 18 agency located in the geographical area where the victim resides.

The main beneficiaries of the services provided are:

- Trafficked persons, mainly for the purpose of sexual exploitation
- Law enforcements agencies (Police, *Carabinieri*, *Guardia di Finanza*)
- Service providers (local social services, health care services, etc.)
- NGOs
- Citizens
- Local community.

The Ministry of Foreign Affairs funds projects in several countries of origin to raise awareness on trafficking in human beings among the general public and the potential victims. One of the most successful projects funded is certainly the “Programme of Action against trafficking in minors and young women from Nigeria to Italy for the purpose of sexual exploitation” (2002-2004) implemented by the United Nations Interregional Crime and Justice Research Institute (UNICRI) and, *inter alia*, the *Associazione Tampep Onlus* (Turin). Within the framework of such a project, in Edo State (Nigeria), three awareness campaigns on trafficking for sexual exploitation were carried out in collaboration with a coalition of six local NGOs. Such work included extensive community work¹⁹ at local level, not only in the State’s capital, Benin City, but also in rural areas and villages²⁰. A TV commercial (“*Aiutiamole a liberarsi dalla schiavitù*”, tr. “Help them to free themselves from slavery”)²¹ was also aired on the Italian television public channels to raise

¹⁹ The community work included: seminars for teachers and school prefects of 100 public and private schools; schools visits (i.e. education and counselling sessions on trafficking and personal empowerment skills training); market enlightenment programmes; outreach to women’s and men’s meeting places; and outreach and workshops to traditional rulers, chiefs, opinion leaders and traditional priests.

²⁰ The full range of activities carried out within this project included:

- Research in Nigeria and Italy
- Creation of a bilateral task force including experts law enforcement and NGOs from the two countries for establishment pilot cooperation mechanisms
- Creation of a National Monitoring Centre in Nigeria within the Federal Ministry of Justice
- Awareness campaigns in Italy (national level) and Nigeria (Edo State)
- Pilot micro-credit activities in Edo State, Nigeria
- Outreach activities at local level in Italy
- Training for local NGOs in Edo State, Nigeria
- Training for Nigerian police officers and prosecutors both in Nigeria and Italy
- Final international conference in Italy.

²¹ To view the commercial: www.unicri.it/wwd/trafficking/nigeria/tvspot.php

awareness especially about the trafficking of young Nigerian women to be sexually exploited in Italy.

Moreover, also Article 14 of the anti-trafficking law (law no. 228/03) provides for the organisation of international meetings and information campaigns, in the most important countries of origin of trafficking as well, to strengthen the prevention activities. Such events should be organised by the Ministry of Foreign Affairs in collaboration with the Department for Rights and Equal Opportunities.

Local prevention measures addressing (potential) victims of trafficking of human beings for the purpose of sexual exploitation are regularly carried out by many organisations and local authorities especially through local awareness campaigns, drop-in centres and outreach units aimed at the (potential) trafficked persons, the clients²² and the public at large.

Outreach units have proved to be key channels for the identification and referral of trafficked persons. Due to the changes occurred in the prostitution scenario (e.g. increase of prostitution in behind-closed door premises and the high mobility between the streets and such premises), also indoor outreach units have been developed to contact prostitutes and (potential) victims of trafficking²³.

Finally, an innovative social prevention measure has been implemented in Italy by MTV through the awareness campaign “EXIT – End Trafficking & Exploitation” specifically designed to raise awareness on trafficking in human beings for the purpose of sexual exploitation²⁴. The production and implementation of the multi-language campaign involved several actors, including specialized NGOs²⁵ and international musicians. The tools developed are a web-site in 20 European and Eastern European languages; a multi-language leaflet; a multi-language cd-rom; a multi-language video; several music events in Europe.

2. Prevention by law enforcement agencies

An effective prevention of THBSE requires a proactive initiative to develop an early warning system. This kind of initiative is not currently in place in Italy.

In order to prevent and identify cases of trafficking, the Italian law enforcement agencies have

²² For interesting awareness raising campaigns targeting clients, cfr. P. Di Bernardino, M. Bufo, “Sperimentazione di un intervento di sensibilizzazione dei clienti sul tema della prostituzione legata al *trafficking*”, in V. Bussadori, C. Migani (eds.), *Manuale delle prassi. Alla ricerca di nuove soluzioni: un viaggio nel progetto W.E.S.T.*, Fusignano, 2005, pp. 213-226: http://www.regione.emilia-romagna.it/WEST/italiano/diffusione_documentazione/pubblicazioni/manuale_prassi.pdf

²³ The trend of moving prostitutes from the streets to indoor places is having a major impact on trafficked persons exploited since they initially tend to experience a higher degree of exploitation, isolation and restriction of movement. This situation, in fact, does leave very little space for establishing contacts with social workers who can provide them useful information on health, social and legal issues as well as concrete possibilities to change their living conditions and, in case of trafficked persons, to enter into the Programme of social assistance and integration. In addition, the high mobility of women from one indoor place to another contributes to their isolation and lack of contacts with the outside world.

²⁴ To view the commercial: www.mtvitalia.org

²⁵ In the case of Italy, the *Associazione On the Road* was involved as content developer for the flyers to be distributed at two major rock concerts that were held in Rome and in Milan (R.E.M. and Thievery Corporation). In the latter event the *Cooperativa contro l'Emarginazione Sociale (Milan-Varese)* was also involved to hand out the flyers and inform the concerts participants on the issues related to human trafficking.

increased the number of raids on the streets, in apartments, in night clubs and in other venues where prostitution takes place. As a result, also the number of expulsions of irregular migrants that may be involved in the trafficking chains rose significantly. Sometimes, such measures also target victims who are not always duly informed about their right to access a programme of social assistance and integration and, therefore, are immediately repatriated.

The anti-trafficking law authorises the implementation of undercover activities that can act as a prevention measure since they can contribute to dismantle the organised crime organisations (about to be) engaged in the “trafficking business”.

The law enforcement agencies have been equipped with special high tech devices (i.e. mobile x-rays and γ -rays to check containers; “bio sounds” to check train carriages; new fixed and mobile radars to detect small boats) with which to carry out investigations into smuggling and human trafficking cases.

International police co-operation has also been enhanced. Italy has signed 62 agreements with 40 countries in order to exchange know-how and information to counteract illegal immigration and human trafficking. Readmission agreements have been signed with most countries of origin, including Albania (1997), Romania (1997) and Nigeria (2000). According to these legally binding instruments, whenever a citizen of such countries is found to illegally stay in Italy, he or she can immediately be expelled.

The Italian Ministry of the Interior has reorganised and specifically trained the liaison officers and the police officers stationed in the Italian consulates and embassies of the main countries of origin of trafficking in order to provide assistance on the subject of visa applications and collect information regarding illegal immigration also with a view to informing potential victims and, thus, prevent trafficking cases.

3. Prevention by the judiciary

The prevention of trafficking in human beings provided by the judiciary is based on law 228/2003, the Italian anti-trafficking law. The latter assigns the task of investigating trafficking cases to the *Direzione Nazionale Antimafia* through its local *Direzioni Distrettuali Antimafia* and the institutional competence of the trial to a unique judge. This rather new provision contributed to a better management of the trafficking cases in collaboration with the local investigation law enforcement offices.

Since the enactment of Article 18 of the Immigration law and the implementation of the social assistance and integration programme, the number of trafficking cases, arrests and convictions has enormously increased as a result of the fruitful co-operation among the different actors taking part in the Programme. However, the number of cases related to human trafficking that ended with a conviction is still rather low if compared with the overall number of trafficking cases reported to the Public Prosecutor’s Office.

Due to the difficult mechanisms for gathering evidence during the investigations, it is often hard to grant an adequate conviction. This is because of the trans-border nature of trafficking, which involves several States with different law rules and procedures. As a matter of fact, the judiciary must resort to international judicial commissions to request judicial assistance to foreign authorities so as to gather evidence and write out necessary acts such as reports and notices. Since, the procedures of the international judicial commissions are generally too long with regard

to the probative requirements, traffickers may escape and destroy the evidence. Besides, a serious lack of coordination norms between countries of origin, transit and destination also contributes to hamper the work of the judiciary.

Furthermore, Italy often cannot delegate foreign authorities any investigative and judicial activities because they lack trial guarantees imposed by the Italian penal code for the correct carrying out of a trial. The Italian Prosecutors' Offices are thus obliged to provide for themselves and face a series of difficulties, such as:

- the very diverse anti-trafficking legislations and legal procedures in place in the countries of origin, transit and destination;
- the presence of corrupted areas in law enforcement, politics, bureaucracy and diplomacy in the countries involved;
- time periods too lengthy to meet the probative requirements;
- hostility from some foreign authorities who aim at maintaining their territorial power unaltered.

These difficulties, which impede Italy from fully carrying out on its territory an efficient criminal action against traffickers, can be overcome only through adequate enforcement of European legislation and international treaties related to trafficking and the establishment of structured and functioning forms of co-operation between Italian public prosecutors and those of origin countries in cases of investigations with an international scope.

The anti-trafficking law extends to victims of human trafficking the discipline to protect witnesses and police informants that provides a set of special measures for their and their families' security and subsistence, change of identity included. However, the implementation of such provision is rather complex.

The victims run the concrete risk of being re-victimized when they are called to testify against their exploiters and traffickers in the trial. Their declaration constitutes the main source of evidence to convict the accused. Generally, the victims testify through the so-called "*incidente probatorio*", a special evidence pre-trial hearing provided by Art. 392 of the Code of Penal Procedure. During the preliminary investigations, the Public Prosecutor can ask the judge to hold a special evidence pre-trial hearing in order to protect a (trafficked) person that may be exposed to violence or threats and, thus, could be scared to provide correct information.

The testimony is taken in the same way as it would be taken during a trial. As a result, the gathered evidence is usable in court and the person does not have to wait for an indefinite time period to give evidence in the public trial, in a situation of danger, blackmail and uncertainty. The injured parties have the right to be assisted by a lawyer during the special evidence pre-trial hearing as well as during the trial. The victims can also bring an action against the offenders and be admitted to the State legal aid.

4. Training the law enforcement agencies and the judiciary on THBSE

No institutionalised comprehensive training and refresher courses are provided for law enforcement officials or the judiciary professionals on trafficking in human beings. They are taught about the existing legal provisions against trafficking but no in-depth courses on human trafficking are included in the training curricula of the law enforcement academies and in the judiciary.

However, some occasional training modules are offered to a selected group of law enforcement officers and public prosecutors. For instance, in 2006, the *Consiglio Superiore della Magistratura* (the Italian Supreme Court) organised a special course on human trafficking for prosecutors, and the Ministry of the Interior, in collaboration with the *Associazione On the Road*, tested a pilot training module for front-line police officers. This activity was carried out within the framework of the EU funded Agis project “Awareness Training on Trafficking in Human Beings for Police, Border Guards and Customs Officials in EU Member States, Accession and Candidate Countries – Development of a European Curriculum”, lead by the International Centre for Migration Policy Development (ICMPD) in co-operation also with the Austrian Federal Ministry of Interior and the Czech Ministry of Interior. The International Organisation for Migration developed and organised a one-day training module for the law enforcement agencies and the judiciary.

In the last few years, a number of workshops have also been organised – mainly at local level – to exchange experiences, practices and know how among the different agencies that come into contact with (potential) trafficked persons. Due to bureaucratic reasons, such workshops can be considered only a form of self-training and cannot be recognized as formal training sessions.

Given this situation, it would be extremely important for the comprehensive modules on trafficking in human beings were part of the regular training provided to law enforcement officials, public prosecutors and judges to grant a sound prevention strategy and properly identify and assist victims of trafficking. Such modules should focus at least on:

- the anti-trafficking legislation at national, European and international level;
- the ever-changing features of the different forms of the phenomenon;
- the *modi operandi* of the traffickers and exploiters in the processes of recruitment, transportation, and exploitation;
- the identification procedures;
- the programme of social assistance and integration provided to victims;
- the multi-agency approach to be adopted.

Finally, it must be underlined that Art. 14 of the anti-trafficking law provides for the implementation of training session on THB to be organised by the Minister of Interior, Justice, Labour and Social Policies, and Rights and Equal Opportunities. Nevertheless, it is important to state that in the law there are no financial provisions in order to allocate specific funds for those activities.

5. New prevention strategies strengthening co-operation between police, NGOs and judiciary to improve prevention

The co-operation between NGOs, local authorities, law enforcement agencies, the judiciary, and local service providers is the key feature of the Italian system of social protection as envisaged by law (i.e. Article 18 of the Immigration Law) and developed through practice since the implementation of the Programme of social assistance and integration aimed at trafficked persons.

This type of programme is considered an important tool not only to prevent trafficking and assist victims but also to fight against traffickers and organized crime due to the relevant information provided by the assisted persons. As a matter of fact, since the activation of the Programme the number of arrests and convictions has significantly increased as a result of the established ordinary co-operation among the different participants taking part in the Programme.

Moreover, some protocols have also been informally established between NGOs and law enforcement agencies. For instance, the Province of Arezzo and *Associazione On the Road* have institutionalised²⁶ their co-operation with the “*Questura*” (Police headquarter) through a Memorandum of Understanding, that describes how to fully apply the provisions related to Art. 18. Furthermore the Court of Teramo, in collaboration with the same association, has issued a Protocol on the identification and initial support to victims of trafficking, which has been sent to all local law enforcement agencies.

Table 6 – Co-operation strategy: A good practice

Based on a human rights-centred approach, the Teramo Protocol “Guidelines to approach potential victims of trafficking and exploitation and smuggled persons establishes the need to:

- adopt a victim-centred approach in order to establish positive contact with the (potential) trafficked persons and gain their trust;
- provide social support, assistance and protection to trafficked persons, regardless of their willingness to co-operate with the competent authorities;
- employ well-trained and equipped officers and prosecutors, that should also co-operate through the establishment of *ad hoc* multi-agency anti-trafficking units;
- employ a cultural mediator from the first interview onwards.

Finally, the Teramo Protocol regulates the distinct roles of all actors involved and defines the operational procedures of co-operation amongst the law enforcement agencies, the judiciary, other public actors, and the civil society organisations.

5.1 Victim identification

Identification is a crucial aspect for the protection of the (potential) trafficked persons and the fight against trafficking. The establishment of formalised identification procedures can be one of the main effective tools of a successful comprehensive anti-trafficking strategy that involve all agencies concerned, such as government actors, law enforcement agencies, the judiciary, NGOs, local social welfare organisations, labour unions, labour inspections and other labour related agencies.

In Italy, the identification of trafficked persons is not based on standardised procedures. In fact, regardless of the quite innovative system of assistance and protection put in place to assist victims of trafficking, no homogeneous and coordinated routines to identify trafficked persons have been established so far.

The *Direzione Nazionale Anti-mafia* reported to have developed a list of indicators to identify cases of trafficking to be used by the *Direzioni Distrettuali Anti-mafia*.

Associazione On the Road took part to the Agis project “Protocol for identification and assistance to trafficked persons and Training kit” led by Anti-Slavery International²⁷. The main output of the project is a manual on identification of victims intended for front-line police immigration officers, detention centres workers and service providers. The manual includes:

- background information about existing international instruments and their relevance for law enforcement work
- list of indicators, check lists and recommended questions for interviewing trafficked persons
- training material for introduction into the issues of identification of trafficked people

²⁶ The Province of Arezzo with the *Questura* of Arezzo and *Associazione On the Road* with the *Questura* of Ascoli Piceno.

²⁷ Other partners involved: the Police Academy in the Netherlands, Eaves Housing for Women (UK), De Stichting Tegen Vrouwenhandel – STV (NL).

- Italian anti-trafficking legislation and recommended identification procedures to be employed in distinct contexts and situations by different actors²⁸.

Associazione On the Road distributed copies of the Italian version of the publication to the enforcement agencies and the judiciary offices it co-operates with in order to promote the adoption of the identification procedures developed.

6. Main problems encountered by NGOs and other institutions while working with judicial institutions and law enforcement agencies

Through the implementation of the Programme of social assistance and integration a very fruitful co-operation among NGOs, law enforcement agencies and the judiciary has been established. However, in some areas of the country a few problems still hinder a completely effective functioning of such scheme. As a matter of fact, the application of the law is not fully and homogeneously implemented throughout the territory. Some Police Headquarters apply only the “judicial path” and, in some cases, they do so only if it is “judicially useful”, thus, on one hand, not entirely respecting the law and, on the other, significantly diminishing the effectiveness of the system but, most of all, not respecting the victims’ rights and needs. In some cities the stay permits are not promptly issued to the detriment of the sound implementation of the protection programme. In addition, the execution of a repressive strategy through continuous police raids and forced repatriation do not favour the accomplishment of the aims set by the law.

Given this scenario, as far as the prevention and repression strategies of law enforcement agencies are concerned, it would be necessary:

- to improve the coordination among different law enforcement agencies (Police, *Carabinieri*, *Guardia di Finanza*, and Municipal Police) as regards trafficking cases;
- to appoint national and local anti-trafficking task forces, including law enforcers and judicial officers;
- to standardise identification and referral procedures of victims of trafficking;
- to always duly inform victims about their rights and possibility to access a programme of social support and integration;
- to adopt measures to protect interpreters, who often fear reprisals by criminal networks;
- to ensure the homogeneous and full application of the Art. 18 procedures by the *Questure* (Police headquarters) and Public Prosecutor’s Offices throughout Italy;
- to guarantee an efficient and quick issuance of stay permit to victims;
- to review the repressive strategy implemented through raids and massive deportations to assess the effective results achieved and ensure the respect of victims’ rights during these operations;
- to repatriate victims of trafficking only upon their voluntary request and with the assistance of specialised agencies;
- to employ pro-active, intelligence led investigative methods to fight organised crime and corruption, at local and international level;
- to collect information through standardised forms by interviewing all intercepted migrants to gather data on recruitment methods, travelling routes, means of transportation, services provided by smugglers and traffickers and prices paid, to be referred to a central database that will be useful for efficient *intelligence* activities;
- to fight corruption among officials.

²⁸ This part is included only in the Italian version of the publication.

B. Support and protection of trafficked persons

The Italian legislative system provides for two special programmes for trafficked persons:

- a short-term programme (“Article 13 Programme”) is provided by Art. 13 of the anti-trafficking law (228/2003) “Launching of a special support programme for the victims of the offences envisaged by Articles 600 and 601 of the penal code
- a long-term programme (“Programme of social assistance and integration” or “Article 18 Programme”) is provided by Art. 18 of the Immigration law (Legislative Decree 286/98) “Residence permits for social protection grounds”.

1. The Article 13 short-term programme

The Article 13 Programme offers a series of protection and initial support measures to Italian, communitarian and foreign victims of slavery, servitude and trafficking. The first call for proposals was launched in August 2006 and 26 projects are currently in place in Italy.

According to the law, trafficked persons can benefit from a three months programme that, when applicable, may be extended for a further three months. The victims are given accommodation, social assistance, and health care services. Once the programme is over, the victims can continue to be helped under the Article 18 programme.

The Article 13 programmes are co-financed by the State (80%) and local authorities (20%), coordinated by a special Inter-Ministerial Committee and provided by local authorities and/or accredited non profit organizations. The Programme is managed by the Interministerial Committee for the Implementation of Art. 13, the managing body of the Programme. The Committee is composed of representatives of the Department for Rights and Equal Opportunities, the Ministry of Justice, the Ministry of Welfare, the Ministry of Interior, and two representatives of local authorities. Its task is to propose policies, evaluate, fund and supervise the projects.

2. The Article 18 long-term programme: “The Programme of social assistance and integration”

The system to protect and assist trafficked persons currently in place in Italy is based on the Article 18 of the Legislative Decree 286/98 and its Executory Regulation that grant victims a “stay permit for humanitarian reasons”, the so-called “Article 18 permit”.

2.1 Stay permit for humanitarian reasons

Article 18 of the Legislative Decree 286/1998 (Immigration Law) establishes that temporary residence permits for humanitarian reasons may be issued to foreigners needing protection and assistance. This permit applies to foreign citizens in situations of abuse or severe exploitation where their safety is considered to be endangered as a consequence of attempts to escape from the conditions of a criminal organisation or as a result of pursuing criminal action against the traffickers.

This special permit does not require the victim's mandatory co-operation with the competent authorities. In fact, two paths are provided:

- the "judicial path", which implies that the victim will co-operate with the police and prosecutor. She/he will be instrumental in bringing charges against the perpetrator;
- the "social path", by which the trafficked persons is not obliged to press charges against then trafficker, but is expected to give extensive information ("statement") to the law enforcement agencies through the public social services or the private sector accredited NGOs.

The permit is issued for 6 months and may be renewed for an additional year; it does not oblige the person to go back home once the programme is over.

The granting of short-residence permits to trafficked persons is thus based on the principle of the protection of the human rights of the individual.

2.2 Permit for work and study reasons

The stay permit for humanitarian reasons can be converted into a residence permit for education or for work, allowing the foreigner to remain in Italy in accordance with the regulations governing the presence of non-European Community foreigners.

2.3 Reflection period

In Italy, there is no reflection period. In practice, though, an informal reflection period has been created by the daily practice of NGOs/local authorities and law enforcement agencies to allow the assisted person to assess their personal situation and make their own decisions after having been duly informed about the available options.

2.4 Channels of identification and referral

Victims of trafficking can directly access a Programme of social assistance and integration or they can be informed on the available possibilities and referred to an agency running an Article 18 project through several channels and/or the support of different players, such as:

- outreach units
- drop in centres
- toll free number 800.290.290
- law enforcement agencies
- judiciary
- clients
- partners
- friends
- acquaintances
- self-referral
- other.

2.5 How the Programme works

Persons granted the Article 18 permit are obliged to participate in a social assistance and integration programme (also named "Article 18 Programme") offered by various local NGOs and local public authorities funded by the above-mentioned Interministerial Committee.

The Article 18 programmes are co-financed by the State (70%) and local authorities (30%), coordinated by a special Inter-Ministerial Committee and provided by local authorities and/or accredited non profit organizations. The Programme is managed by the Interministerial Committee for the Implementation of Art. 18, the managing body of the Programme, that is composed of representatives of the Department for Rights and Equal Opportunities, the Ministry of Justice, the Ministry of Welfare and the Ministry of the Interior. Its assignment is to propose policies, evaluate, fund and supervise the projects of social assistance and integration targeting victims of trafficking.

The call for the submission of project proposals is launched yearly by the Department for Rights and Equal Opportunities, which technically and financially runs the Programme. Accredited NGOs and associations and local authorities (Municipalities, Provinces, and Regions) yearly submit their project proposal to the Department for Rights and Equal Opportunities to get funded to run an Article 18 project. The NGOs applying for the funding must involve, as a project partner, a local authority and must be accredited in a special register.

Private and public agencies running an Article 18 project ought to:

1. Inform the mayor of the place and time of the programme;
2. Carry out all administrative procedures;
3. Send every six months a report on the progress of programme implementation and interim outcome;
4. Comply with norms concerning privacy and protection of personal data;
5. Duly inform the mayor and *questore* (Chief of Police) issuing the residence permit in case the foreigner has discontinued his/her participation in the programme.

Between 2000 and 2007, 447 projects have been funded within the Programme of Social Assistance and Integration, as the following table illustrates. It is important to underline that most projects have been funded in all seven calls so far launched.

Table 7 – Article 18 projects funded (2000-2007)

Project calls	Art. 18 projects funded
1 th call (2000-2001)	48
2 nd call (2001-2002)	47
3 rd call (2002-2003)	58
4 th call (2003-2004)	69
5 th call (2004-2005)	67
6 th call (2005-2006)	82
7 th call (2006-2007)	76
Total	447

2.5.1 Activities

Each project provides a series of measures and activities aimed at fostering the empowerment and the autonomy of trafficked persons, who are afforded access to social services and educational institutions, enrolment with the State’s employment bureau and are provided access to employment. The projects function as reception centres and assistance providers that offer a so-called “individualised programme of social assistance and integration” tailored to the needs of the person participating in it and in compliance with the law. Not every project necessarily provides all types of services directly. In several cases, in fact, the wide range of activities and services offered is assured by the projects’ network.

The measures provided are:

- board and lodging
- social counselling
- psychological counselling
- social and health care services accompaniments
- free legal consultancy and assistance
- social activities
- educational and training activities
- Italian language classes
- education
- vocational guidance
- training activities
- job placement.

2.5.2 Shelters

The assisted person can be hosted in different types of shelters depending on how the receiving organisation is structured. The main typologies of shelters offered in Italy within the Art. 18 projects are:

-  *Flight and emergency shelters* (for a short first stay period in which the motivations are verified and a first draft of the personal programme is worked out);
-  *First care shelters* (for stays of 2 or 3 months in which the programme is carried out and all steps for the regularisation are undertaken);
-  *Second care shelters* (for stays from 2 to 6 months in which the programme is developed in an advanced phase);
-  *Autonomy houses* (houses where the women are hosted while starting a job and waiting to find their own house);
-  *Family placement* (especially for minors);
-  *Non residential programme* (in which the person is supported at different levels – legally, psychologically etc. – but enjoys an autonomous accommodation usually shared with “significant others”, such as partners, family members or friends)²⁹.

In some cases a person can be hosted in all these types of shelters following the order listed (from the flight house to the autonomy house) or only in one or two shelter typologies; furthermore, due to special protection provisions or to practical reasons (i.e.: job insertion, family reunion), a person can be hosted in different phases of her/his individual programme by distinct projects throughout Italy.

2.5.3 Social and labour inclusion

In order to support the social and professional inclusion of the victims entered in the programme of social assistance and integration, vocational guidance and training courses can be provided either directly by the organisations providing support or by local agencies. Several models of job

²⁹ This is an alternative solution offered to those people who have “significant relationships” and autonomous accommodation. This form of “shelter” is permitted within the Programme of Social Assistance and Integration on the basis that it is fundamental to value a woman’s or a man’s personal network in order to support her/his social inclusion in Italy.

insertion of this specific target have been tried out in the last few years. One of the most effective has proven to be the “*Formazione Pratica in Impresa - FPI*” (Practical Training within Enterprises, that is an on-the-job training scheme) conceived by Associazione On the Road and adopted by most NGOs and local authorities that provide support to trafficked persons.

Table 8 – Social and labour inclusion: A good practice

Formazione Pratica in Impresa (FPI) (On-the-job-training)
<p>Rationale The labour insertion of trafficked person is a crucial element of their process of social inclusion in Italy. In order to favour such process and provide qualified medium and long term job opportunities, the following on-the-job training scheme has been developed, tested and regularly provided the supported persons.</p>
<p>Target group/s (Trafficked) women mainly exploited in the sex sector.</p>
<p>Objectives</p> <ul style="list-style-type: none"> - to support the labour inclusion of the assisted persons into the local job market; - to favour the accomplishment or improvement of (new) job skills and professional know how - to support the empowerment and the self-reliance of the assisted persons.
<p>Activities</p> <p><i>For final beneficiaries:</i></p> <ul style="list-style-type: none"> - co-development of a personalised project - psychological counselling - vocational counselling - vocational guidance - job accompaniment - on-the-job training - tutoring - mediation - self-evaluation <p><i>For intermediate beneficiaries (employers):</i></p> <ul style="list-style-type: none"> - assistance - co-tutoring - evaluation <p><i>For the NGO:</i></p> <ul style="list-style-type: none"> - co-development of a personalised project - delivery of the activities foreseen for the assisted persons - creation of a network of companies - networking with local entrepreneurial associations, trade unions, labour agencies - monitoring and evaluation
<p>Methods & tools</p> <p>The integrated network strategy aims at creating a strong connection between policies in the field of labour, vocational training and social inclusion through:</p> <ul style="list-style-type: none"> - local development and planning approach as areas where implicit or unmet needs and occupational basins may be better identified, in order to better efficiently organise the labour market in relation to the needs of the target group; - adoption of methods of “work through objectives” and “workflow management”; - development of partnership, that is the effective participation of all partners in the decision making process, the management of each activity and public resources, the joint accountability of the project management. <p>The <i>Formazione Pratica in Impresa (FPI)</i> is a job insertion model composed of different phases:</p> <ul style="list-style-type: none"> ▪ Identification, contact and involvement of different companies: for the creation of a database of companies open to vocational training and direct job insertion through: <ul style="list-style-type: none"> - Meetings with the local entrepreneurial networks; - Contacts with companies; - Setting up of a companies database. ▪ Individual and group guidance activities: assessment of the beneficiaries’ skills, goals and potentials to match them with labour market opportunities. The aim is to have a match that fulfils the beneficiary’s skills and meets the company’s needs. Furthermore, the match, besides facilitating the acquisition of new skills, should lead to the attainment of a job contract. ▪ Individualised schemes of on-the-job training: to acquire, through practical internships (1-5 months), the basic vocational and behavioural tools that facilitate the job insertion. The participant must thus confront an ordinary working environment, routine and time management. The agency running the FPI scheme covers the beneficiary’s insurance and salary costs. ▪ Support for direct and autonomous job insertion: search for direct labour inclusion for women with adequate professional skills,

without the need for vocational training or FPI.

Results

For the final beneficiaries:

- real possibility to be inserted into the ordinary labour market;
- improvement of professional skills;
- increase the beneficiary's self-esteem and economic self-sufficiency;
- social inclusion in the local community.

For context and local networks:

- promotion of a stable, strategic, operational, and integrated network of various actors to develop services and tools for professional qualification and social-occupational inclusion of the target group through tailor-made schemes;
- testing of forms of mix management of the different activities and activation of the available resources (economic, human, etc.);

For policies:

- promotion of a stable integrated network of various participants on a political-strategic and a technical-operational level;
- implementation of new procedures for the management of the services;
- experimentation of an innovative system of training, social and labour inclusion.

Human resources involved

- 1 project coordinator;
- 1 vocational counsellor;
- 1 tutors for job intermediation;
- 2 legal consultants;
- professionals and tutors appointed by the involved companies.

Funding

Funding provided by the Programme of Social Assistance and Integration foreseen by the Immigration law (D.Lgs. 286/98): 70%: Government – Italian Department for Rights and Equal Opportunities, 30%: Local authorities.

3. Legal compensation

No special economic compensation programme for victims of trafficking is in place in Italy. However, victims can join a civil action for damages as a civil party to the case against the trafficker in the criminal court. It must be highlighted though that the compensation is difficult to obtain because the offenders wittingly hide their profits. Furthermore, the process of compensation is slowed down by the long bureaucratic procedures in place. Victims can also have access to the "*Fondo di rotazione per le vittime della mafia*" (Revolving fund for victims of mafia), which foresees a compensation for the damages suffered for victims recognized as receivers of compensation in a trial.

4. Assisted voluntary return

Since 2001, the *Progetto nazionale per assicurare il ritorno volontario assistito e la reintegrazione nel Paese di origine delle vittime della tratta* (National project to ensure the assisted voluntary return and reintegration in the country of origin of victims of trafficking) is provided to trafficked persons who wish to go back home. Developed within the "system actions" foreseen by the Programme of social assistance and integration, the voluntary assisted return programme is funded by the Ministry of the Interior and managed by IOM Italy.

Such programme offers the following activities to 80 beneficiaries per year:

- information and counselling
- case assessment
- medical assistance (in both countries)
- referral
- arrangement of travel and papers
- reception in countries of origin through IOM focal points
- accommodation (family, residential or non residential measures)
- support towards social and labour reinsertion (for 6 months).

The Italian legal framework provides a risk assessment procedure that takes place before the assisted return. There also is economic compensation provided of 516.00 euros as “*indennità di prima sistemazione*”.

5. Strengths of the Italian assistance and protection scheme for trafficked persons

After seven years of implementation it is possible to state that the Programme of social assistance and integration has proved to be efficient and effective for several reasons:

- the adoption of a human rights centred approach;
- the adoption of a multi-agency and holistic approach, which implies the involvement of different players, such as: law enforcement agencies, judicial system, public authorities (Ministries, Regions, Provinces, Municipalities) and NGOs at the local, regional and national level; memoranda of understanding;
- a real chance for victims to escape trafficking, violence and exploitation and to access social and occupational insertion through specific programmes;
- the issuance of a renewable special stay permit, that can be converted into a permanent permit for study or work reasons and, thus, allowing victims to become regular migrants and fully-fledged citizens;
- the fact that the above-mentioned opportunities are not necessarily connected with the direct victim’s co-operation with the law enforcement. This is an important starting point, not only because it places the main emphasis on the protection of the victims and on provides a means of escape from exploitation, whether sexual or labour, but also because, from the point of view of fighting crime obtaining the trust of an exploited individual and providing him/her the opportunity to start a new life in Italy is the first step in overcoming fear, threats of vengeance by traffickers, distrust towards institutions and fear of deportation, which often prevent the victim from reporting her/his exploiters.
- no instrumental use of Article 18 by migrants to legalize their irregular stay on Italian soil has been detected due to the specific structure of the system in force;
- the considerable rise of arrests and sentences of traffickers and exploiters as a result of the collaboration of people (mainly women) inserted in the Programme;
- the diversified set of actions implemented by the Interministerial Committee;
- more widespread awareness concerning the phenomena of trafficking and sexual exploitation.

6. Main problems faced by the institutions regarding assistance and protection of victims of THBSE

In order to ameliorate the system of social assistance and protection and fill in some gaps between the law on paper and its application, it would be necessary to take into consideration the following issues:

⇒ **From projects to services**

After the experimental period of implementation of the “Article 18 Programme”, the Government should acknowledge the crucial function taken on by the Art. 18 agencies as social services providers on behalf of the State.

⇒ **Funding**

Allocating adequate and regular funding to support the projects is therefore a priority that should be very high in the political agenda. Currently, the funding allocated is not sufficient to provide proper assistance to trafficked persons. It must be noted that while the number of funded projects has constantly increased since the first call of proposal (from 47 to 80), the amount of economic resources allocated has remained the same. Furthermore, after 7 years of implementation, the programme is still based on annual call for proposals, even if – as stated above – the projects function as services and should be treated as such, also from the funding point of view.

⇒ **Standards setting: monitoring and evaluation**

It is fundamental to introduce an annual public monitoring and evaluation of the Art. 18 projects in order to assess the projects’ outcomes and the functioning of the implemented procedures; identify the best practices; set a minimum standard to make sure they provide quality services based on the respect of the assisted persons’ human rights and the legislation in place; and issue an annual report. The collected data could also serve as valuable resources to evaluate the state of play of the phenomena of trafficking and exploitation in Italy.

⇒ **National Referral System**

It would be necessary to implement a formal National Referral System in order to ameliorate and co-ordinate at national level the anti-trafficking policies, strategies and schemes in place. This mechanism would allow for fruitful co-operation among the different agencies engaged in the field and the institutional players, based on a clear division of roles, competencies, and responsibilities. An institutional anti-trafficking structure of multidisciplinary and cross sector participation would ameliorate the current positive but improvable response to the multifaceted forms of human trafficking and it would also facilitate the monitoring and the evaluation of the scheme and measures in place

⇒ **Repressive strategy**

The implementation of a repressive strategy through continuous police raids and forced repatriation do not favour the accomplishment of the aims set by the law. On the contrary, they do not contribute to the fight against trafficking, impede contact with the trafficked person on the part of the outreach units, push trafficked persons into indoor premises and thus weaken their position and possibilities to be reached by social workers and law enforcers, favour the distrust towards the law enforcement agencies and the Italian institutions.

⇒ **Law is not the same everywhere**

The application of the law is not fully and homogeneously implemented throughout the territory. Some Police Headquarters in fact apply only the “judicial path” and, in some cases, they do so only if it is “judicially useful”, thus, on one hand, not entirely respecting the law and, on the other, significantly diminishing the effectiveness of the system but, most of all, not respecting the victims’ rights and needs. Furthermore, in some cities, it would be necessary to ensure the prompt and efficient issuance of stay permit to victims.

⇒ **Training & identification**

There is a need to implement regular training activities and refresher courses directed at all professionals (government officials, law enforcement agencies, the judiciary, NGOs, local social welfare organisations, labour unions, labour inspections and other labour related agencies) employed in the field to properly identify and assist victims of trafficking. The identification procedures should be constantly monitored and revised in order to respond to the ever-changing trafficking strategies implemented by traffickers and exploiters.

⇒ **Trafficking for purposes other than sexual exploitation**

Up to this year, the Art. 18 Programme has been applied to victims of trafficking for sexual exploitation in prostitution. In order to meet the needs of persons trafficked for other purposes, both male and female, it is necessary to ensure the set up of proper services which take into account their diverse backgrounds, profiles, and specificities.

⇒ **Research**

New studies are currently underway on trafficking for sexual exploitation that takes place within indoor premises but some venues are still very difficult to reach and/or investigate. Little is known about trafficking for purposes other than sexual exploitation, even if also in this case some research is being carried out regardless of the obstacles faced. It is thus essential that the institutions and universities finance and support diversified, multidisciplinary and multi-approach investigations, with special regard to the new forms of exploitation, based on updated systems of data collection and collation, disaggregated in terms of gender, nationality, age and type of exploitation. This would contribute not only to better knowledge of the state-of-play of the phenomenon but also help to adjust the services provided according to the identified features.

Part III

Co-operation between police, NGOs and judiciary to improve prevention and support for victims of THBSE: the Italian focus group

1. The focus group

On February 28th, 2007, the *Associazione On the Road* organised the focus group “*Azioni e procedure di raccordo multi-attoriale per l’identificazione e la tutela delle vittime di tratta*” (Multi-agency actions and procedures for the identification and protection of victims of trafficking in human beings)”, which took place at the University of Teramo. The focus group was developed and managed in co-operation with the Prosecutor’s Office of Teramo, with which the *Associazione On the Road* drafted and issued the so-called *Protocollo di Teramo* (June 2005) to provide the law enforcement agencies and the judiciary with common guidelines to approach and identify (potential) trafficked persons.

Both as a key anti-trafficking public institution and as a co-organiser of the focus group, the Prosecutor’s Office of Teramo invited representatives of the law enforcement agencies (Police, *Carabinieri*, *Guardia di Finanza*, *Corpo Forestale dello Stato*) and the judiciary, with a special regard to those officers and prosecutors who may come across (potential) trafficked persons in their daily work.

2. Rationale and goals

The focus group was organised taking into consideration two main critical issues that hinder the accomplishment of an effective comprehensive national anti-trafficking response in Italy:

- Victims of trafficking are often not recognised as such, treated as illegal migrants and immediately repatriated, even though Italian legislation specifically grants assistance and protection to trafficked persons;
- To a great extent the access to support and social inclusion programmes still depends on the “discretionary power” of the law enforcement agencies and the organisations and local authorities that offer the social assistance and integration programme in compliance with the law (Immigration law).

Bearing this in mind, the focus group was designed to:

- ⇒ Identify effective practices to counter-act trafficking in persons and help victims;
- ⇒ Identify the operational procedures to establish effective and regular co-operation amongst public prosecutors, law enforcement officers, and NGO personnel;
- ⇒ Present the Teramo Protocol (*Protocollo di Teramo*) in order to favour its adoption and application as a common tool to identify presumed trafficked persons. The Protocol calls for a formalised procedure of co-operation among different agencies and it includes a model to interview (potential) victims of trafficking and a list of indicators;
- ⇒ Stress the need to find appropriate measures to grant comprehensive assistance to victims, whose rights must be protected.

3. Participants, trainers, organisers

The focus group involved about 60 participants of different local agencies and ranks, namely prosecutors, law enforcement officers (from the Immigration Office, flying squads, intelligence units, border police, Economic and Financial Police), and professionals of the *Associazione On the Road*:

Table 8 – List of participants

Polizia di Stato - Reparto investigativo Intelligence Unit of Teramo I Sez. Intelligence Unit of Chieti II Sez. Intelligence Unit of Pescara Immigration Office of Ascoli Piceno Immigration Office of Teramo Immigration Office of Pescara
Guardia di Finanza of Teramo
Comando Provinciale dei Carabinieri di Teramo - Nucleo operativo Stazioni of Giulianova Alba Adriatica Colonnella
Corpo Forestale dello Stato
Prosecutor's Office of Teramo Public prosecutors

The focus group involved as content developers, organisers, and trainers the following professionals specialised in anti-trafficking issues:

- Roberto Della Rocca, Vice-Questore Adjunct, *Squadra Mobile* of Venezia (Flying Squad and Intelligence Office of the Police Headquarter of Venice) – TRAINER;
- Olimpia Del Maffeo, Vice-Questore Adjunct, Director of the *Ufficio Studi e Documentazione* of the Police Academy of Alessandria – TRAINER;
- Giuseppe Battaglia, Maggiore, *Carabinieri* General Headquarter of Rome, International Co-operation Office – TRAINER;
- David Mancini, Public Prosecutor, Prosecutor's Office of Teramo – TRAINER;
- Marco Bufo, General co-ordinator of the *Associazione On the Road* and member of the Inter-ministerial Committee on Trafficking on behalf of the *Commissione Unificata* (Regions, Provinces and Municipalities) – TRAINER;
- Isabella Orfano, Transnational officer of the *Associazione On the Road* and member of the Experts Group on Trafficking in Human Beings of the European Commission;
- Giuseppina Valentina D'Angelo, lawyer, legal consultant of the *Associazione On the Road*;
- Michela Manente, lawyer, legal consultant of the *Associazione On the Road*.

4. Content & tools

The focus group lasted one day and was structured as follows:

Table 9 – Schedule of the focus group

Modules	Trainers
Module 1 Introduction: Goals and structure of the focus group	David Mancini Marco Bufo
Module 2 Trafficking in human beings and the pertinent national, European, and international legislations to protect the victims and fight organised crime	Olimpia Del Maffeo
Module 3 The trafficking process and new forms of exploitation. Analysis and strategies to approach and help (potential) victims of trafficking: Case studies	Roberto Della Rocca Giuseppe Battaglia
Module 4 The multi-agency approach to trafficking	Marco Bufo
Module 5 Identification processes. Indicators and procedures to identify (potential) cases of trafficking	Roberto Della Rocca Giuseppe Battaglia
Module 6 The Teramo Protocol “Guidelines to approach potential victims of trafficking and exploitation and smuggled persons”. Prospects of a multi-agency co-ordination to protect (potential) victims and fight trafficking in human beings.	David Mancini

The trainers used different teaching techniques (presentation, group discussions) and tools (case studies, role playing, PowerPoint presentations, hand-outs).

Each participant received a kit containing the following documents:

- A copy of the Italian version of *Protocol for Identification and Assistance to Trafficked Persons and Training Kit* (2005), a publication developed by Anti-Slavery International in collaboration with *Associazione On the Road (I)*, the Police Academy in the Netherlands, *Eaves Housing for Women (UK)*, *De Stichting Tegen Vrouwenhandel – STV (NL)*
- The Teramo Protocol “Guidelines to approach potential victims of trafficking and exploitation and smuggled persons”;
- A list of indicators to identify (potential) trafficked persons.

After the first module on the international, European and national legislations on trafficking in human beings, the trainers analysed the necessary strategies to protect (potential) victims of trafficking and meet their individual needs, to fight the different forms of exploitation. It was stressed that it is necessary to develop strategies capable of reacting promptly to the ever-changing features of trafficking and the organised crimes involved; to employ gender sensitive measures to protect the rights of trafficked persons; and to regularly assess the anti-trafficking strategies to eventually ameliorate/update them through a regular mechanism of monitoring and evaluation.

Since trafficking is a complex and multi-faceted phenomenon, the participants underlined the need to establish and implement comprehensive and effective national and regional assistance and protection systems in the form of institutionalised co-operative frameworks, based on an interdisciplinary and cross-sectoral approach. During the focus group there was a discussion on the key role of a co-ordinated action between the law enforcers and the civil society representatives, that complement the support provided by State institutions. As a matter of fact, the civil society participation not only ensures adequate support for the victims, but also it renders prosecutions

more effective through the willingness of the assisted persons to collaborate with the competent authority once they are reassured and fully assisted.

The different professional profiles and positions of the participants required the adoption of a practical approach to focus on common and efficient procedures to fight trafficking and protect trafficked persons. In particular, through the analysis of case studies based on true stories, all participants were asked to identify the presumed trafficked persons specifying the possible indicators and the approaches to adopt with the (potential) victims. Not surprisingly, different types of approaches were identified according to the distinct professional tasks required.

Part of the focus group was dedicated to analysing and discussing the content of the Teramo Protocol as a main tool to be adopted at local level by all agencies involved in order to promptly and efficiently identify and attend to trafficked persons.

5. Conclusions

The main conclusions of the participants of the focus group on the strategies to be adopted to strengthen the co-operation between law enforcement agencies, the judiciary, and NGOs can be summarised as follows:

- it is necessary to implement and monitor the Teramo Protocol, complying with its instructions on how to identify and approach presumed victims of trafficking according to the established operational procedures based on strong co-ordination between all participants;
- the list of indicators to identify (potential) trafficked persons must be constantly monitored and updated in order to acknowledge the new trends of trafficking;
- it is crucial to develop and implement a standardised questionnaire to facilitate the identification of victims of trafficking to be used by distinct law enforcement agencies and the judiciary. The questionnaire should include specific sections that meet the needs of the actors accordingly to their assigned institutional role.

To improve the effectiveness of the national anti-trafficking response, the participants of the focus group underlined that it is necessary to also implement the following measures:

- to plan regular meetings of the Implementation and Monitoring Group of the Teramo Protocol in order to also guarantee its fully effective implementation;
- organise “information days” on specific aspects of the trafficking issues, in particular on the different forms of exploitation linked to trafficking and on the different ethnic groups involved);
- establish training modules on how to interview (potential) trafficked persons.