

**STATEMENT BY MR. PIETRO GRASSO,  
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AT THE OSCE CONFERENCE ON SUCCESSFUL PROSECUTION OF  
HUMAN TRAFFICKING — CHALLENGES AND GOOD PRACTICES**

Helsinki, 10 September 2008

Mr. Chairman,

First of all, on behalf of my country, Italy, and of the office that I have the honour to head, the National Anti-Mafia Bureau, I should like to warmly welcome you and all the participants and to thank Ms. Biaudet and the OSCE for the opportunity given to me to speak at this important conference, which is dealing with one of the most serious problems connected with transnational organized crime.

**Introduction**

Trafficking in human beings represents an ever-growing phenomenon, mainly because of the conditions of extreme poverty, close to the threshold of survival, under which the inhabitants of some countries are forced to live and because of their exploitation by unscrupulous traffickers who, in violation of the most elementary human rights, are engaged in a modern form of slavery, with enormous profits and a high degree of impunity.

All the data, the information available and the most effective countermeasures thus far put into place must be used to identify and remove the obstacles to the success of the current strategies, and to adapt new strategies to deal with the evolution of the phenomena and the response taken by the traffickers as well as to disseminate and exploit the positive experience gained and the successes achieved.

The traffic is at this point organized as a genuine criminal enterprise involving all levels of crime, from small groups to large international arms and drugs networks where all involved enrich themselves by working in various areas and with their own division of labour.

In order to combat these criminal organizations, two sets of measures are taken simultaneously: not only the obvious one of pursuing the traffickers but also the one involving prevention and the protection of and assistance to the victims. Each set of actions if taken by itself is not enough. I often like to resort to the image of a two-wheeled cart — if only one wheel turns, the cart moves but will never move forward.

Prosecution through the courts, if ineffective, will have negative impact also on the trust and safety of the victims, who may in fact suffer revenge or retaliation by those exploiters who were identified but not successfully prosecuted. On the other hand, however, a failure to identify persons as victims of trafficking and the absence of any information would pose a fundamental obstacle to the suppression of the crimes, which, as often happens, would remain a hidden reality.

## Italian legislation

Italian legislation deals with both these aspects in what I believe to be a complete manner, even though the practical application of a law always requires adjustments to experience and to the further unfolding of the phenomena in question.

Since its entry into force in September 2003, the Italian law on trafficking, in full accord with the Palermo Convention and the attached protocol and in advance of the principles that inspired the Convention of the Council of Europe, has used, at both the penal and the procedural level, all the instruments and countermeasures that have already been used to good effect in combating mafia-type criminal organizations. Specifically, this law:

- (A) Provides, in accordance with the principles of the trafficking protocol, for all the ways in which trafficking may start (exercise of powers based on property rights or the placing or holding of a person in a state of subjection through deception, violence, threats or abuse of authority, or by taking advantage of a situation of physical or emotional inferiority or need, or by promising or giving a sum of money or other advantages to a person exercising parental authority), and for the various purposes of sexual or labour exploitation or begging (with more severe penalties in the case of minors, trafficking in human organs and abetting of prostitution);
- (B) Provides, furthermore, for the possibility of combating the further offence of participation in a criminal association (conspiracy in trafficking), whose purpose is to commit crimes of trafficking, enslavement, alienation or the sale of slaves;
- (C) Provides, in accordance with the principles of the Palermo Convention, that, in addition to the usual means of investigation, special techniques may also be used, such as electronic surveillance, undercover operations, monitored consignments, simulated acquisitions and infiltrations into criminal associations, delayed arrests and confiscations, interception of conversations or communications, persons acting as witnesses and collaborators with the justice system, i.e., persons who, having previously been involved in a trafficking network, provide information in return for lighter sentences, more favourable trial conditions or assistance and protection. The last two instruments (interceptions and justice-system collaborators), together with impoundment and the confiscation of illicit profits, have shown themselves to be the most powerful instruments for effectively suppressing mafia-type criminal organizations, as revealed by the successes achieved in the capturing of mafia bosses (such as Provenzano) and in the convictions of Mafiosi responsible for the deadly events in which judges Falcone and Borsellino lost their lives;
- (D) Provides, under the heading of assistance to victims as part of prevention activities by the police, for the issuing of a special residence permit for reasons of social protection to foreigners (today extended also to citizens of the European Community as a result of the recent admission to the Community of Romania and Bulgaria) whose safety is in danger because of their status as victims of violence or severe exploitation by a criminal organization. The effect is to allow the holder of such a permit to take part in a programme of social assistance and integration. A recent circular issued by the Ministry of the Interior provides guidelines of great humanitarian value for the provincial police authorities (*Questore*), to the effect that the application may

originate from the social services of local agencies or from non-governmental associations, bodies, or private individuals who, in the course of their activities, have become aware of a situation of real danger for the safety of the foreigner as a result of his or her efforts to escape from the clutches of a criminal organization. Such situations are evaluated, for the purpose of determining whether or not a residence permit should be granted, regardless of the applicant's willingness to inform on the traffickers or to collaborate with the police or the justice authorities, taking into account also the risks to which the victim or his or her family members might be exposed were they to return to their country of origin. In cases in which the foreigner has made statements as part of a criminal trial, it will be the Public Prosecutor of the Republic who will provide the information necessary when assessing the seriousness and the imminence of the danger. Experience has shown that the work of non-governmental organizations has been of fundamental importance in identifying victims of trafficking, in making them aware of their rights, in overcoming their reluctance to co-operate with the police, in urging them to inform on traffickers and in preparing them for programmes to bring about their integration into society and the workplace. As of 31 July 2008 a total of 3,919 residence permits had been issued for "humanitarian reasons and social protection", since 1998, the year in which the law came into force, the trend being as indicated in the attached table.

### **Action by the justice system against trafficking**

As regards the measures taken by the justice system to combat trafficking, the National Anti-Mafia Bureau under my direction has the task of co-ordinating all the investigations conducted by 26 district anti-mafia bureaus, spread over the entire territory of Italy, which specialize in combating mafia crimes and organized criminality. As a consequence, the Bureau is able to gather in its centralized databank all the information on judicial proceedings having to do with trafficking in human beings and with crimes connected with enslavement, alienation or the sale of slaves.

As may be easily seen from the data on judicial matters collected by my office, there have been important results at the investigatory level, making it possible for us to analyse this phenomenon in Italy.

The data that have been collected and processed refer to the period from September 2003 (when the law entered into force) to 30 June 2008 and concern:

**Number of trials:** (60 in 2003, 195 in 2004, 201 in 2005, 214 in 2006, 200 in 2007, and 109 in the first half of 2008). After a peak in 2004, which is understandable in the light of the entry into force of the law, the figures have levelled off fairly constantly to around 200 a year. This means that the phenomenon is continuing to be effectively combated. It is also interesting to note that the phenomenon is more widespread in the more prosperous areas of the country, whether in the North or in the Centre.

**Number of persons investigated:** 2,833 (230 in the first six months of 2008).

**Areas from which the persons investigated originated:** Eastern Europe and the Balkan area, Western Europe, Africa, Asia and South America.

**Nationalities of the persons investigated (the most representative):** The foreign groups most involved in the phenomenon are Romanians (785), Albanians (360), Nigerians (289), Bulgarians (148), particularly as regards minors, Chinese (126), and other variously represented ethnic groups (393). Very often the criminal group is composed of persons of various ethnic backgrounds so that the investigations are directed towards different countries. The Italians involved, while numerous (785), are not members of criminal organizations. They are mainly taxi drivers, club operators, persons who rent rooms, and the like.

The relationship that can be identified between the Italian criminal organizations and the ones operated by foreigners is limited to business relations reflected in an exchange of services.

One example involved an Italian organization facilitating the landing of clandestine refugees on the Southern coast of the country by monitoring the territory in such a way as to prevent possible interference by the law enforcement authorities and by providing logistic assistance in return for consignments of drugs or, as an alternative, for monetary compensation as agreed for each disembarkation or as a fee for the use of the territory for the purpose of prostitution. An actual situation of this kind has been identified involving relations between Calabrian and Puglian organizations and Albanian groups and between the *Camorra* and Nigerian criminal circles.

One thing that is certain is that those who are at the head of these organizations remain abroad.

As can be seen in the attached table, there are signs of a trend on the part of the public prosecutors, presumably because of difficulties in collecting evidence, to favour the charge of enslavement rather than that of trafficking and to rarely bring charges for the crime of association.

By excluding trafficking of victims from abroad and prosecution for crimes of association, the end effect will be to limit the phenomenon to the national rather than the transnational level and to eliminate it as an expression of transnational organized crime.

It must be understood, however, that, since what is involved essentially concerns transnational offences, unless investigations are stepped up in the countries of origin it will always be the lower-ranking criminal underlings who are punished without ever getting at those who head and organize this vile market in human beings and their enormous profits.

The traffickers, however, have already taken countermeasures to escape conviction. For example, in order to get around the new legal definitions of the crimes of trafficking, they are, while still keeping their victims under control, becoming physically less aggressive or are allowing their victims to return to their country of origin from time to time. In this way, they provide their defence counsellors during their trials with arguments that cast doubt on whether they have actually held these persons in a state of continuous subjection, a constituent element of the crimes in question.

**Number of victims:** 1,884, including 204 minors (392 in the first six months of 2008, including 24 minors).

**Areas from which the victims originated:** Eastern Europe and the Balkan area, Western Europe, Africa, Asia and South America.

**Nationalities of the victims:** The countries most involved are Romania (695), Nigeria (275), Albania (199), Italy (170), China (121), Bulgaria (110), and others (203) that are less represented, such as the former Yugoslavia, Poland, Bosnia and Herzegovina, Thailand, Brazil and the Dominican Republic.

Not always do the nationalities of the persons investigated and the victims coincide in the same investigation. Frequently Albanians have been found trafficking girls from other Eastern European countries.

The Italian victims have evidently not been trafficked but are persons who have suffered the crime of enslavement.

Many Nigerian prostitutes are made slaves through the complicity of women of the same ethnic group, called “madams”, who, in order to force them to sell themselves, subject these girls to terrifying magic rites known as “voodoo” (more correctly: “juju”). This can be seen from a very recent investigation carried out in Naples with the co-operation of other countries, especially the Netherlands, and which resulted in the capture of 75 persons, almost all of them of Nigerian or Ghanaian origin, now under investigation for the crimes of trafficking in narcotic drugs and human beings, with the active participation of women who were part of the criminal organization.

In Italy, we have succeeded in identifying a large number of criminal groups that are involved in the organization of trafficking whose victims are sometimes transported from very distant countries. We have established close relations with the justice authorities of many countries and intend to expand and intensify these contacts in order that even the persons at the top of these organizations can never feel secure.

In recent years, the most important operations have been carried out thanks to transnational investigations conducted with the collaboration of the police forces of the traffickers’ and victims’ countries of origin.

### **Principal operations involving different ethnic groups**

- Against the Calabrian *‘ndrangheta* and Albanian criminal circles involved in trafficking women from Eastern Europe for the purpose of sexual exploitation and in the trafficking of drugs and arms: operation HAREM;
- Against a Roma criminal group involved in trafficking minors from Bulgaria for exploitation in the form of small-scale theft and begging: operation ELVIS;
- Against a Chinese organization involved in kidnapping, extortion and trafficking for the purpose of sexual and labour exploitation, against other Chinese citizens: operation NUOVA ERA;
- Against a criminal group involved in the trafficking of migrants from North Africa, some of whom were kidnapped and subject to extortion after their escape from temporary assistance centres had been organized: operation ABID;

- Against a criminal group responsible for trafficking in workers of Polish origin for exploitation in agriculture in the Foggian region, recently convicted for mafia-type association: operation TERRA PROMESSA.

## **Trafficking routes**

Trafficking routes change according to the different countermeasures taken and the evolving political situation in the countries of origin or transit. At present, the most widely used routes are the following:

- The Balkan route, over land, through the countries of the former Yugoslavia;
- The route that, beginning in Turkey and Greece, brings the victims to Italy by sea;
- The route from North Africa, by sea, whereby the victims, who are mainly from Nigeria and the countries of Central Africa and who depart almost without exception from Libya, reach Europe and, in particular, Italy by disembarking at Lampedusa, an island in the Sicilian Straits, and in the Netherlands and France.

## **Exploitation for the purpose of labour**

Human beings are trafficked not only for the purpose of prostitution but also for the purpose of forced labour, which also involves a form of subjugation of the victim and his or her enslavement with a view to exploiting his or her work, whether of a criminal nature or on the black market.

In reality, there is a “grey zone” here between traffickers and victims, which often eludes observation and control. We are referring here to the mass of clandestine immigrants who, almost like living ghosts, have no rights and are extremely vulnerable to persons wishing to exploit them.

The clandestines are in turn caught between two needs: on the one hand, the need typical of each of them to flee their country of origin in the hope of bettering their economic situation in the country of destination, and, on the other hand, the need of so many citizens in this second country who require labourers and want to get them at bargain prices. This situation, which involves at the same time both agreement and resistance, frequently gives rise to the oppressive use or exploitation of a person in a working capacity.

This is why the links between illegal immigration and human trafficking are obvious and why investigations into clandestine immigration must be carried out in order to reveal, through the use of specific indicators, hidden crimes of trafficking.

A constant characteristic of the worker who is being illicitly exploited or who has been reduced to a status of slavery is his or her total isolation, imposed by the exploiter, from the reality of the country in which he or she is living. The worker has no knowledge of the local language, lives in accommodation provided to him or her by the exploiter, is no longer in possession of his or her passport and is constantly too frightened to turn to the authorities for help.

As regards labour exploitation, which is already covered by the provisions regarding trafficking, the Government recently approved provisions that provide for more severe penalties for employers who employ for themselves clandestine foreign workers under working arrangements not characterized by particularly onerous conditions in terms of working hours or remuneration.

## **International co-operation**

Because of its seriousness, the trafficking phenomenon is certainly at the centre of attention of the international community. However, if we are to achieve the results intended through the use of international instruments, there is a need for concrete and effective international co-operation to make it possible to intervene in a timely manner in the countries of origin, transit and destination.

Many countries from which the traffic originates, even if they have ratified the Palermo Convention and Protocols, have not yet brought their legislation into line, either in substantive or in procedural terms. It also frequently happens that because of their inability to mount investigations into associated phenomena, they limit their investigatory attention to individual episodes, thereby losing sight of the overall picture and without even trying to identify the places of origin and destination of the victim.

And this international collaboration is still far from being adequate, whether it be because of the lack in some States of the kind of internal provisions that would permit an ongoing and spontaneous exchange of investigation files and information, or whether it be because the responses they receive from other countries are either negative or incomplete or arrive only after excessively long periods of delay.

It is my view that there will be a better future for international co-operation in this area only following the establishment of joint investigative teams or of specific forms of collaboration between the police and the magistrates offices in the course of investigations.

The need for standard norms in this area has been particularly noted also by the European Union, which in a number of documents has stressed the importance of introducing effective criminal penalties that are both proportionate and dissuasive and of emphasizing the training of police officers, prosecutors and judges.

## **Interdisciplinary training**

Magistrates from my Bureau have on more than one occasion taken part in European projects or the training, as regards trafficking, of investigatory personnel from countries of the Balkan area and from Central and Eastern Europe.

Moreover, the National Anti-Mafia Bureau, following the guidelines that have been developed within the OSCE, has played an active part in the Agis Project, which is financed by the European Union and is being carried out by a team composed of personnel from the Italian Ministry of the Interior, the International Organization for Migration, the National Co-ordination Bureau for Reception Centres and other bodies, the aim being to provide interdisciplinary training for all persons working in this area (magistrates, police officers, members of international agencies and staff of non-governmental organizations) so as to create operational synergies to make it possible to gather, with the necessary speed and using

trafficking indicators, evidence of the existence of crimes, to identify the victims, to involve them in assistance and protection programmes and to facilitate the acquisition of the kind of information that will make possible effective countermeasures against the traffickers.

It is therefore highly desirable that, as I have formally requested, the Higher Council of the Judiciary, the body that governs Italian magistrates and oversees their training, include this subject matter in professional refresher courses for magistrates (inquiring magistrates and judges), using also as speakers representatives of agencies working in the NGO sector so as to create multi-disciplinary synergies and make possible an effective exchange of experience in the search for best practices.

Much remains to be done whether in terms of national and international co-operation or as regards the cultural understanding of the phenomena involved, an understanding that must necessarily be multi-disciplinary and integrated, open to debate between the various professional disciplines involved.

Also decisive in this regard is the contribution of the non-governmental organizations, with which, within the terms of their respective roles, the magistrates offices and law enforcement agencies must collaborate, primarily with regard to the identification, assistance, protection and social reintegration of the victims. The need, therefore, is to work together to overcome the victim's isolation that is often encountered and to establish a relationship of confidence so as to encourage him or her to co-operate with the justice system.

## **Exploitation of minors**

Lastly, it should be pointed out that the exploitation of minors is almost always for the purpose of begging, theft or work on the black market and is in the hands of Romanians or Bulgarians of the Roma ethnic group, while no case of trafficking in human organs has ever been encountered.

In recent years, there have been around 400 cases of unaccompanied minors who, after having landed in Lampedusa and having been accommodated in private homes or social institutions, have after a few days departed as if they already knew where they were going (I hope for their sake that these are cases of family reunification).

The spread of the odious phenomenon of the exploitation of minors has led Italian lawmakers to introduce new categories of crime involving harsh punishment for the sexual exploitation of minors in the various forms that such exploitation may assume, such as prostitution, pornography (including virtual pornography) and sex tourism, considering these offences to be essentially genuine forms of enslavement.

The United Nations speaks of some 200 million minors used, throughout the world, for forced labour: from child soldiers in certain African countries, to child prostitutes in South-East Asia, to Bulgarian Roma children sold or leased for theft and begging or, lastly, to all the other children used for base practices such as prostitution, organ trafficking or sexual violence (the latter estimated, again by the United Nations, at well over one million).

These figures alone indicate the extreme gravity of the phenomenon, posing as it does a risk to the future of humanity.

Whoever robs a child of the joy of a happy childhood and the prospects of a future lived in complete freedom extinguishes “the light of the world”.

## **Conclusion**

In conclusion, if we are to regard as reliable the information according to which nearly two million persons, mainly of African origin but of other ethnic groups as well, are massing near the coasts of Africa, ready to make the leap towards Europe, while a larger number of migrants, ready to use any means and face any risk, is preparing to cross the Community borders by land, the problem has already assumed so vast a dimension as to require the intervention not only of Europe but of the entire international community, not so much from the point of view of prevention as of improving the conditions for survival in the countries of origin of these populations.

For my part, I shall continue to wage an indefatigable war against those who would reduce their fellow human beings to a state of slavery, against those slave-owners of the third millennium who offend human dignity and rights and whom I shall seek to bring to justice wherever they may be in the world.