

This document is the “Protocol for the Identification of and the Approach to Potential Victims of Trafficking in Human Beings” jointly drawn up by the Public Prosecutor's Office in Teramo, the Associazione On the Road, the Immigration Office at the Teramo *Questura* and the other Law Enforcement Agencies, also through the Seminar on this subject held on 30th June 2005. The Protocol was circulated by the Public Prosecutor's Office in Teramo to all the Law Enforcement Agencies within the province.



PUBLIC PROSECUTOR'S OFFICE Teramo Court of Justice

To The Chief of Police of Teramo

To The Provincial Chief of the Teramo Carabinieri

To The Provincial Chief of the Teramo Financial Police

To Officers of the Judiciary Police Divisions - Headquarters

Subject: Guidelines for the approach to potential victims of trafficking in human beings or exploitation, and of aiding and abetting illegal immigration.

Considering the proceedings of the conference held in Teramo on 16 June 2005 on the subject of integrated actions to combat trafficking in human beings and further victim protection within the province of Teramo, in which various criminal police forces took part, divided also into specific working groups;

Having sought the opinions of the representatives of the various criminal police forces and the Head of the Immigration Office at the Teramo *Questura* (Police Headquarters), who took an active part in the aforementioned seminar;

Considering the Chief Prosecutor's Directive ***** at the L'Aquila Court of Appeal, Prot. ***** , dated *****;

Considering the Protocol ***** between the Public Prosecutors' Offices of the Appeal Court district of L'Aquila and the District Anti-Mafia Prosecutor's Office, signed and dated *****;

Considering the existence of a further district policy project on how to carry out the investigations and develop “good practices” with regard to the subject of trafficking in human beings and the aiding and abetting of illegal immigration, intended to standardise investigative procedures;

Acknowledging that it is necessary to identify common and consistent coordination criteria for the various stages of the approach to potential victims, as well as the subsequent related investigations

The following has been agreed:

Appointment of responsible officers and contact persons

A) The appointment of one or more contact persons (and their substitutes) within the Teramo *Questura* Immigration Office is a matter of priority – in line with Ministerial Circulars. Under the umbrella of and in line with the objectives set out in Art. 18 of Legislative Decree No. 286/1998, this person or persons would be responsible for:

- a) ensuring that all organisational procedures and administrative regulations are fully explained to the entire staff of the various law enforcement agencies who, by nature of their office, come into contact with potential victims of trafficking and exploitation. To this end, the afore-mentioned contact person may also hold meetings for the purposes of information and planning;
- b) coordinating the activities of the aforementioned members of staff (in relation to the identification and initial support of potential victims of trafficking and exploitation) and any needs and requirements of an administrative nature under Legislative Decree No. 286/98;
- c) maintaining contacts with the referring Counsel for the Prosecution's Office and the accredited public and private social services within their own area of competence.

B) The provincial chiefs of the State Police, the *Carabinieri* and the Financial Police, each within their own sphere of competence, shall identify one or more officers to be responsible for: 1) procedures for identifying potential victims of trafficking and exploitation; 2) managing inquiries into crimes as detailed in Articles 600, 600 bis, 601, 602 of the Criminal Code, Art. 12 of Legislative Decree No. 286/1998, Art. 3 of Law No. 75/1958 (and related crimes).

The aforementioned officers should always work in tandem with the contact person under Art. 18 of Legislative Decree No. 286/1998 (Immigration Office Contact Person), with a view to planning investigative requirements that dovetail with those of an administrative nature, undertaken by the Immigration Office.

They should, furthermore:

- deal directly with the Counsel for the Prosecution;
- conduct relationships with the accredited public and private social services, heedful of victim management obligations during on-going investigations,

and mindful of victim protection and the latter's active collaboration with these investigations.

Criteria for approaching potential victims:

A) When the first contact with a potential victim of trafficking in human beings or exploitation is initiated by members of the law enforcement agencies on the street or in indoor locations, officers shall:

1. not lose sight of the fact that they may be dealing with potential victims of extremely serious crimes;
2. bear in mind the possibility that behind even the simplest case of "illegal" immigration there may lie a story of trafficking, exploitation or aiding and abetting these crimes;
3. avoid intimidating behaviour;
4. keep the Immigration Office contact person fully informed about the person being watched and keep him/her up to date;
5. inform the investigative contact person from the criminal police force in question (obviously the need for this will be obviated when the official contact persons in question are working directly and in the front line such as, for example, where a victim is being accompanied to a police station by one of the protection agencies to make a report);

In any case, moreover, the investigative contact person attached to the criminal force has a duty to:

1. inform the person concerned that information and help are available 24 hours a day on Toll Free Hotline - *Numero Verde* Number 800.290.290, where female mediators who speak all the languages of the victims' main countries of origin are available;
2. inform the social services (accredited public or private services) operating in the field so they can verify whether there are possible situations of exploitation or trafficking;
3. set the victim identification procedures in motion, based on the "interview" models, subject to contact with the cultural mediator (as per the registers provided by the Immigration Office reporter). *The interview procedures* shall be adopted as the standardised model to be used by the Immigration Office at the *Questura* and, therefore, by all the criminal police forces. They should be drawn up in writing and kept among the official records;
4. should they consider the person to be a possible victim of trafficking, they shall make contact with an accredited association or the social service. Once contact has been made, the aforementioned referent, subject to agreement with the contact person under Art. 18 of Legislative Decree No. 286/98, should accompany the potential victim to the accredited bodies or invite them, in writing, to appear before the Immigration Officer;

5. simultaneously, they shall **inform, also in writing, the Counsel for the Prosecution (in charge of an existing procedure or whosoever is on duty)** for the adoption of instructions in the case, both in terms of the immediate instigation of the investigations and in terms of the provisions of Art. 18 of Legislative Decree No. 286/98.

B) When the first contact with a potential victim of trafficking or exploitation takes place inside the Questura involving members of the Immigration Office staff.

The Immigration Office staff shall:

1. **Inform the contact person at the Immigration Office immediately,** who should then:
 - a) take the possible victim away from the place in which potential traffickers/exploiters or persons who might make contact with them may be found. To this end, a room should be assigned inside the Police Headquarters, possibly free of distinguishing features and in which the victim can be sure that his or her primary needs will be satisfied (possibly overseen by the accredited social services);
 - b) inform the possible victim, in easily-understood language, about the provisions offered by the Italian legal system;
 - c) contact the cultural mediator (on the basis of the aforementioned lists), together with whom a preliminary interview with the possible victim will be conducted, based on the agreed procedures;
 - d) depending on the outcome of the interview, the contact person under Art. 18 of Legislative Decree No. 286/98 shall agree the potential victim management procedure and referral with the accredited association or the social service, in order to plan the follow-up visit to the Immigration Office to submit the relevant documentation in conformity with Art. 18 of Legislative Decree No. 286/98.

The contact person and the Immigration Office employees shall, however:

2. bear in mind the fact that despite appearances they could be dealing with a possible victim of extremely serious crimes;
3. bear in mind the possibility that behind even the simplest case of "illegal" immigration there may lie a story of trafficking, exploitation or aiding and abetting these crimes;
4. set the victim identification procedures in motion in line with the aforementioned interview protocols, above all when dealing with "at risk categories" (children, prostitutes, etc.);
5. within the bounds of the investigation, where there is strong evidence of the distinguishing signs of trafficking or exploitation, advise the investigative contact persons at the flying squad without delay, advising

in writing the Counsel for the Prosecution so that the investigative procedures can be instigated.

The following steps shall be followed even outside the interviewing environment:

- a) inform the person about the provisions of the Italian legal system: the workings of "Social Protection" Art. 18 (and the correlative legalisation, which carries no obligation to denounce the trafficker) and assisted voluntary return; inform the person that information and help are available 24 hours a day on Toll Free Hotline - *Numero Verde* Number 800.290.290, where female mediators who speak all the languages of the victims' main countries of origin are available;
 - b) where possible, pamphlets dealing with legal matters and information in several languages should be circulated to and made available in the Immigration Office centres where the desks dealing with the receipt of applications and the consignment of permits are located, as well as in other places that foreign citizens may frequent for whatever reason;
 - c) inform detainees that they have a right to the services of a lawyer and possibly also to free legal aid;
- There is clear evidence, even at this stage, that there is a need for (six-monthly) meetings to be organised, on the initiative of any one of the participants, among the Immigration Office contact persons, the responsible investigating officers in each law enforcement agency, the officers of the accredited associations and social services involved to the greatest extent, in order to monitor the results of activities carried out in line with this directive and suggest any updates and/or amendments.

The same directives apply to all cases, whether the potential victim is referred to the Public Prosecutor's Office or to the Immigration Office by the accredited public or private social services.

Teramo, 2nd September 2005

Public Prosecutor