



Presidenza del Consiglio dei Ministri

DIPARTIMENTO PER LE PARI OPPORTUNITÀ

Informal Group on Gender Equality and on Equal Protection
from Trafficking in Human Beings – OSCE (Vienna 22.05.2002)

In 1948 the Universal Declaration of Human Rights proclaimed that “no-one shall be held in slavery and servitude ...” but the trafficking in human beings is a modern day slave trade that affects many countries and has expanded and evolved beyond his historical origin as the realities of the movement changed.

The Italian Department for Equal Opportunities, within the framework of Prime Minister’s Office, co-ordinates the inter-ministerial Commission responsible for the management and implementation of **Article 18 of legislative decree n. 286/98** (the Italian law concerning the provisions on the immigration). Through the introduction of this law, and in particular the article 18, Italy has tried to respond in a timely and efficient manner to the growing problem created by people trafficking. Article 18 in fact allows the granting of a special **residence permit** for victims of the trade, and provides for their participation in a social and integration assistance programme.

Article 18 is therefore a specific tool for action against the trade.

It is important to note that the granting of stay and insertion in a social protection programme does not imply an obligation for the victim to inform the police. This is a very important novelty as it becomes an incentive for consequent co-operation with the authorities. Only if the victims are aware of being the true holders of rights can they co-operate with the authorities by identifying the traffickers.

The duration of the special residence permit is six months and may be extended to one year.

In the framework of Article 18 there is at national level a financial support to implement the following **two different types of programmes** and, on this matter the above mentioned inter-ministerial Commission, gives the guidelines and the policies to be adopted in order to evaluate and select the projects, which criteria, priorities and methodology are set up in D.M. 23/11/99 :

- **Social protection projects** are addressed to foreign women and children victims of trade and the main objective is to provide them with a high level of social protection, like a special residence permit, suitable shelter, information about their human rights, social and health services, medical and psychological care, assistance in finding employment, vocational training, legal counselling and the services of a competent translator in the event of legal proceedings.

This type of support and protection may encourage the victims to co-operate with the authorities by identifying the traffickers especially through the judicial process.

The social protection projects may be submitted by public or private organisations, institutions or associations. The duration of a project is up to one year but in certain cases the activities may be extended to the following year.

From 1999 to 2001 the Department for Equal Opportunities co-funded 154 social protection projects distributed in all the Italian regions. According to the data concerning the nationality of the victims it appears that the majority of them are from Nigeria, followed by Albania.

- **System initiatives** aimed at supporting such programmes through awareness campaigns, investigation and research on this field, training activities for public and private operators involved in the social protection programmes, technical assistance and monitoring of the projects.

The most relevant system initiative is the **Free Phone Number**, a fundamental tool which allows the victims of

the trade to have a first contact with professional operators who can help them.

The Free Phone Number started in July 2000 and is composed of one national point (with twenty operators working 24 hours) and of 14 local points.

It is useful to mention two other important system initiatives:

- a project co-ordinated by the Ministry of Justice for national monitoring of the activities and their results in the inquiries started off by the reports against traffickers;
- a project co-ordinated by the Ministry of Interior with the help of the IOM (International Organization for Migration) of assisted voluntary repatriation and re-integration of women, victim of trade, in their country of origin.

The project started in July 2001 and assisted 41 cases.

The recent Italian Bill “**Measures against trafficking in Human Beings**” presented by the Minister of Department for Equal Opportunities, Stefania Prestigiacomo (already approved by the Chamber of Deputies and still has to be approved by the Senate) focuses on presenting a new definition of the offence of human trafficking, which is made punishable with eight to twenty years’ imprisonment and gives a new drafting to the article 600 of penal code relating to the reduction or keeping in slavery.

The legal framework used for the new definition of the offence follows on the United Nation Protocol signed in December 2000 in Palermo.

The UN Protocol represents a new approach to trafficking in international law, in fact new forms of slavery are considered and correspond to a variety of acts , like “*recruitment, transportation, transfer, harbouring or receipt of persons*” and the means “*threat or use of force or other forms of coercion, of abduction, of fraud, of deception*” and the exploitative purposes “*forced labour or services, slavery of practices*”

similar to slavery, servitude or the removal of organs” (art. 3, letter a of the UN Protocol to “Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children”).

The Italian Bill also foresees provisions that are intended to secure that trafficked people are not treated as criminals but as victims and therefore entitled to specific human social protection, like the “status of victim”.