

Organization for Security and Co-operation in Europe
HUMAN DIMENSION IMPLEMENTATION MEETING

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Addressing factors contributing to the cycle of trafficking in persons

**The Italian system to combat trafficking against human beings
and to identify and protect victims**

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1. PREAMBLE

Italy in the last decades has faced the increasing trafficking of human beings, both as hosting country of victims of trafficking and as “opening door” towards other European destinations.

Due to its geographical position, coastal extent and multiple arrival possibilities on the Mediterranean, Italy has tackled the clandestine immigration problem from which derives trafficking.

As consequent, immigration legislation contains all legislative tools to combat trafficking and guarantee adequate victims protection.

Moreover, national legislation provides effective tools to contrast organized criminality which has plagued and is still plaguing our country. Such tools seem to be a big support in combating human beings trafficking, often controlled by trans-national criminal organizations.

Other than the adoption of the above-mentioned tools, Italy has developed a multi-year experience in the field of victims protection through special legislative measures - compared to other countries - which recognizes and guarantees fundamental rights of victims of trafficking and contributes effectively to combat the phenomenon.

1.1 Trafficking assessment in Italy

It's often very difficult to monitor criminal trafficking , because official sources are not capable to collect information of a hidden phenomenon.

Italy has two available data sources relating to trafficking in human beings: those provided by the trafficking victim assistance inter-ministerial Commission, depending on projects yearly co-financed by the Dipartimento per i Diritti e le Pari Opportunità - Presidenza del Consiglio dei Ministri- together with Regions and other bodies; secondly those provided by the National Prosecutorial Direction which since 2003 has collected all information concerning penal procedures in this field.

In both cases, data do not reflect the global range of reference because they concern trafficking victims assisted by social services and Attorney offices (Procure).

Studies attempting a global evaluation process have indeed proposed different numerical results. Besides to methods quality, the first difficulty arises from the chance of distinguish between the global number of trafficking victims (forced prostitution, forced labour, forced begging, etc.) and the wider migrant prostitution phenomenon (only partly involving women forced to prostitute and minors where coercion is structurely connected to the age). According to a quite approximate annual average it has been appraised 1000/2000 trafficking victims of the global migrant phenomenon which goes over 10000 units.

2. THE ITALIAN SYSTEM

2.1 Immigration legislation

Article 18 of the Immigration Unique Text (legislative decree n. 286 of 25 July 1998) has represented the first tool through which the Italian State has offered protection to trafficking victims.

At the moment of its approval – previous to the Protocol of Palermo and the European Union decision - an agreed definition of trafficking phenomenon was still missing and the juridical and social experience was still limited.

Nevertheless Italy has given primary attention to victims protection and assistance, besides to combating human beings traffickers activities.

In other words, the traditional prospectus plan based on “rewarded mechanism” depending on the victim judicial collaboration has been inverted: a central position in the law has been given to the protection of the victim violated in his/her fundamental rights. Therefore it

has been guaranteed not only the juridical civilization principle, coherent with international directives, but it has also been given a great support to repression activities, taking into consideration that the victim, benefiting from assistance and help, acquires a trusty relationship with associations and institutions combating trafficking.

Article 18 consents the exploited foreigner to escape from the violence of the criminal organizations participating to an assistance and social integration program. Moreover, the exploited foreigner can obtain a permit of stay for of social protection reasons.

This measure has had many encouraging results - as I will explain later -.

The advantage for the victim is not depending by his/her collaboration: human rights protection is guaranteed, at least in the first phase of the procedure.

It deals with the “social path”, which offer to the victims the possibility to ask for an assistance to an association, before the denounce.

The same association taking care of the victim, presents, on his/her behalf, the request of permit of stay. Only afterwards, the victim must provide a deposition.

As demonstrated by all experiences, when the victim feels protected and realizes that he/she can obtain the permit of stay, he/she offers his/her support to penalize the criminal who has exploited/raped/bitten/ him/her, depriving him/her of the self-determination.

In addition to the “social path”, the legal system also recognizes also the so-called “judicial path”, set up by the Police forces or by the Attorney General for the victims who cooperate to the inquest.

2.1.1. The inter-ministerial Commission of the Department for Rights and Equal Opportunities

The inter-ministerial Commission of the Department for Rights and Equal Opportunities, coordinates, monitors and plans all national resources allocated to social assistance and integration programmes for victims of trafficking. The Commission is chaired by a member of the Department for Rights and Equal Opportunities, and is composed by representatives of the Ministry of Interiors, the Ministry of Justice and the Ministry of Social Solidarity.

2.1.1.1 Assistance programs

Assistance programs can be implemented by local bodies or private agencies working with them. They are financed 70% by the State and 30% by the local body.

In Italy the stable NGOs involvement in this programs, has created a networking system of experts operating for the assistance of victims of trafficking.

The Department for Rights and Equal Opportunities from 2000 to 2006 has published 7 call for proposals for the presentation of projects relating to assistance of victims of trafficking, participating to the funding of 448 projects covering the whole Italian territory .

According to the available data of the Department for Rights and Equal Opportunities, 37.716 victims have been contacted and addressed to social services (medical, psychological and legal services); 9398 of them (482 minors) have been introduced to the social protection projects; 7039 have been involved in literacy and training courses; 4.625 have obtained a job opportunity.

The implemented interventions have been complex and ticklish, considering the victim psychological segregation, in particular affecting women or children.

The one year social protection project depends by the needs and requirements of victims, and it aims to give the possibility to victims to acquire his/her self-sufficiency through a social and work programme.

The social protection project is usually composed by the following interconnected phases:

- the first phase is focused on the physical and psychological assistance of the victim. It consists on assistance and social protection programmes, which offer (through: police station, free number, participation of the police force, etc.) different models of protection to victims, such as shelters, families or residences to be independent. . During this period all necessary preliminary investigation are set up in order to obtain the permit of stay (ex art. 18) . It is guaranteed a legal assistance and a psychological support to victims, in order to find again autonomy their own independence and cultural identity.
- the second phase aims to integrate and to reach the social inclusion of victims. It consists on specific interventions finalized to orient and insert victims in the social and working context through training courses, Italian language courses and business tutorship etc.
- during the fist and second phases, victims can launch the legal case

2.1.1.1 System actions

In addition to calling announcements of selection, choosing projects, following and monitoring their fulfillments, the Interministerial Commission functions as a tool of connection for all the initiatives in this field. Among its competences, the Commission has the power to promote the “system actions”.

Within this perspective the Commission has contributed to finance::

- A free number that victims, prostitute clients and citizens can call to point out cases of trafficking. The listening stations have a highly qualified staff, and are managed by not-for-profit organizations on behalf of local authorities; they are placed in different regional and interregional areas, where the projects of social protection are contextually carried out: an important activity of connection between the services and the victims is therefore accomplished. From August 2000 until March 2006, 494372 phone calls were received.
- The monitoring of the inquiries resulting from the complaints against the traffickers. In conformity with this research, the number of people involved in the inquiries/accused/convicted because of offences concerning trafficking aimed at exploitation was about 7582, in the period between June 1996 and June 2001.
- A programme aimed at ensuring the voluntary return and the reintegration of the victims of trafficking in their countries of origin, with the assistance of the International Organisation for Migrations (IOM). In particular, this programme aims at making feasible the option of assisted voluntary return among the protected ways of social and working reintegration in the victims' countries of origin. From July 2001 till 2005, there were 160 cases of assisted repatriation.

2.2 Modifications of the legislation as a result of the ratification of the Palermo Protocol.

With law 228 of August 11th 2003, Italy introduced further and even more effective instruments to oppose the phenomenon of human beings trafficking, in accordance with the UN Protocol annexed to the UN Convention against transnational organized criminality open to ratification at the international Conference of Palermo on December 12th 2000, as well as with the Decision of the Council of the European Union on July 19th 2002.

In accordance with these international instruments, law 228/2003 accurately defined the crimes related to the trafficking of human beings, assimilating them to offences in the slavery field, already present in our penal code (articles 600, 601, 602).

2.2.1 The regulations of incrimination

Italy has not only made penalties stricter (imprisonment from eight to twenty years), but also radically reformulated slavery crimes, adjusting norms (originally promulgated in 1930) to the modern characteristics of trafficking and to its manifestations.

The main merit of the new text consists in covering situations in which the victim is not subjected either to the privation of the possibility of moving or to cruel forms of violence. Instead, the victim is subdued through abuses, intimidations, and deception. This choice is coherent with the Palermo Protocol, making the victim's vulnerability central.

2.2.2 The modifications of procedure

At the same time, this law extended some Italian current provisions for Mafia, terrorism, and subversion crimes to human trafficking and slavery ones, on the clear assumption that they occur with similar characteristics of seriousness and of social alarm.

In this field, it is now possible to make use of collaborators of justice, and of the undercover activities of infiltrated agents; to omit, or to delay actions of seizure, arrest, provisional arrest, or application of precautionary measures; to have a wider use of taps of talks and communication; to apply particular types of seizure and confiscation of estates.

The public prosecutor role for these crimes was then attributed to the against-Mafia County Offices.

Finally, it was introduced an administrative responsibility of economic type for the companies involved in the human beings trafficking.

2.2.3 The widening of victims' protection

Law 228/2003 further reinforced the victims' protection.

It has been created a special programme of assistance in order to guarantee adequate lodging, board, and medical assistance to the victims of the crimes provided for.

This programme, directed at the victims of the crimes provided for by article 600 (Reduction into, or maintenance in slavery or servitude) and article 601 (Trafficking of human beings) of the penal code, constitutes an addition to what is already provided for in the Italian ordinance. In the case of foreign victims, it is indeed possible to enforce the social protection measures established by article 18 of the immigration unique text.

The selection and financing model of the assistance projects copies the one of the above mentioned article 18.

The Interministerial Commission, integrated by representatives from local authorities, is called to evaluate the projects, and to let them receive the public contribution, to express an

opinion about the outline of the conventions drawn up by regions and local authorities with privates who carry out the assistance projects, and to check their implementation.

3. CONCLUSIONS

The results accomplished thanks to the protection projects justify some optimism and undoubtedly certify the wisdom of the legislative choice made by the national Parliament in 1998 and confirmed in 2003.

The normative system is appropriate to challenge each trafficking form, either related to sexual exploitation or to forced labor and to begging (the minors' phenomenon, called "argati" from the idiom of the Rom community, pushed to beg or to commit crimes).

Without doubts Italy had developed a particular experience of assistance to the forced prostitution victims, while the other fields are still at an initial stage.

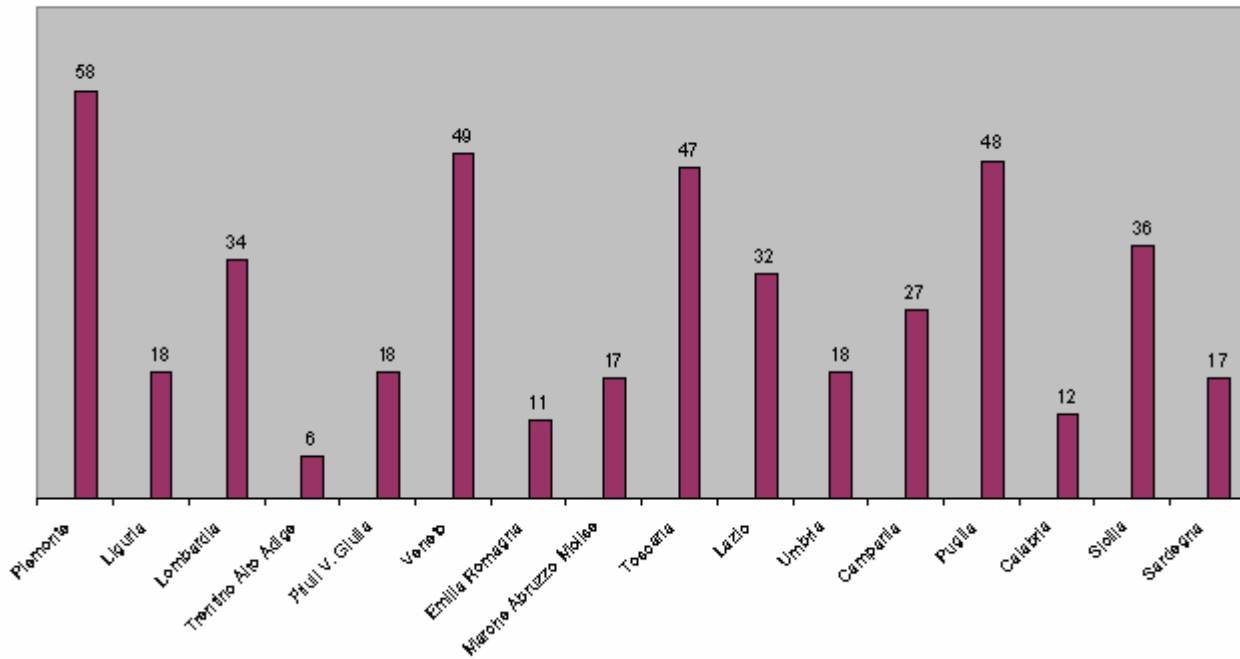
The assistance programmes financed by the government and the local authorities are indeed shaped on this need; that is offering an unconditional protection to the victims of any sort of trafficking.

The unconditional protection of the victim and the steady involvement of the private sector aimed at social purposes are without doubt the main features of the Italian model, and represent decisive factors for the action effectiveness.

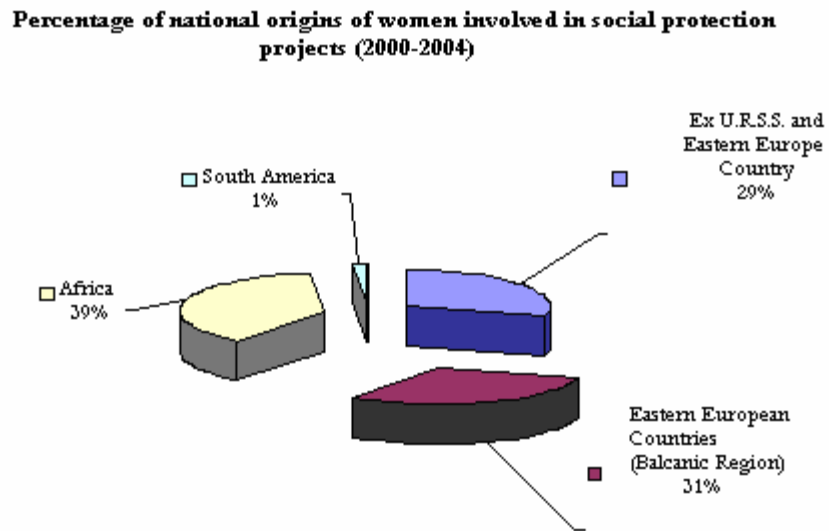
ATTACHMENT

Graph n. 1

**Regional Distribution of social protection Projects - art 18 D.lgs. 286/98
(number of projects: 448 number of call for proposals: 7 from 200 to 2006)**

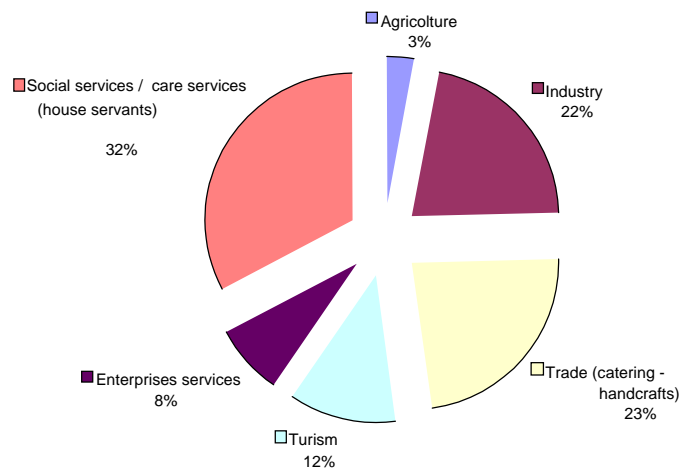


Graph n. 2



Graph n.3

Percentage on work engagement (2000 - 2005)



Graph n.4

