

Italy needs to rekindle its fight to end human trafficking, especially the unabated exploitation of the prostitution of foreign women and girls

Rome, 20 September 2013

X, a 21 year old Nigerian girl travelled by plane from Nigeria, transiting through Turkey, Serbia, Hungary and Slovenia before arriving in Italy by train. Not only was she trafficked but was held in debt bondage as her father back in Edo State had put up his land as collateral for the down-payment of the 60,000 euro fee demanded to bring her to Europe. The young woman was moved from Turin to Milan and Paris to sell her body in order to repay her debt. She was rescued following a random identification check in Italy where she benefits from assistance. However, X has to lie to her parents about her detention as they are asking her to send money to repay the debt to her traffickers. The traffickers have continued to threaten her family back in Nigeria since her disappearance from their radar.’’

“I met with and listened to the sad tales of several victims of sex and labour trafficking across Italy. I vividly recall the traumatized face of a young Asian woman, trafficked for labour exploitation, who was forced to work in a sweatshop, sewing all day. She was victim of deception and coercion by her so-called boyfriend whose violence and exploitation caused her to lose her sight and suffer severe hand injuries for which she underwent surgery and now recuperating in a shelter. Her determination to survive, despite her traumatizing experience reminds us of a collective responsibility to bring succour to trafficked persons.”

Following an invitation by the Government of the Republic of Italy, I conducted an official visit to the country from 12 to 20 September 2013 to examine the phenomenon of human trafficking, identify challenges and progress made, assess responses taken, and engage constructively with relevant authorities and stakeholders on key issues and possible means of addressing them.

At the outset, I would like to express my sincere gratitude to the Government for its full cooperation extended to me during my visit which took me to Rome, Venice, Turin, Palermo and Naples (and Caserta and Castel Volturno).

During this official mission, I met with government officials from the Ministry of Labour and Social Policies with portfolio for Equal Opportunities; Ministry of Justice; Ministry of Health; Minister of Foreign Affairs; Ministry of Interior, the Minister for Integration as well as the Municipalities of Venice and Turin;. I also met with parliamentarians including the speaker of the chamber of deputies and members of the sub-committees on Human Rights and Foreign Affairs as well as the public prosecution office in Rome and the Anti-mafia National Directorate. I also visited the Le Valette prison in Turin and two Centres of Identification and Expulsion (CIE) for irregular migrants.

I further held meetings with CSOs engaged in the fight against this modern day slavery and visited shelters for women and children. Most importantly, I met with a large number of victims from Africa, Europe, Asia and South America, including women, girls and men

benefiting from assistance and / or awaiting deportation. During my visit to Italy, I also took the opportunity to meet with the Pontifical Council for Justice and Peace of the **Holy See**, which afforded a unique opportunity to learn about its work, especially in providing pastoral care and assistance to victims of trafficking irrespective of religious affiliation.

Context

The phenomenon and scale of trafficking in persons in Italy remains huge and the problem is evidently much larger than officially documented.

Italy is a destination and a transit country for persons trafficked mainly from Africa and Eastern Europe. Nigeria continues to be a major sending country of women and girls trafficked for sexual exploitation. The Arab uprisings affecting Egypt, Tunisia, Libya and Syria, has further exacerbated the problem of migrant inflow, smuggling and trafficking in persons for labour and sexual exploitation. However there is evidence of greater internationalization of the problem of trafficking in Italy with a growing number of victims from Latin Americas and Asia being identified. Depending on their origin and the amount paid for transportation, victims arrive by land, train and air often via a neighbouring European country.

I also learnt that the most prevalent and well-documented end-purpose of trafficking into Italy is sexual exploitation, especially involving women from Nigeria and Eastern Europe. Trafficking for forced labour and labour exploitation (agriculture, construction and textile industry) is insidious, clandestine and receives less attention from authorities. Trafficking for domestic work/care giving, sporting (football) begging and minor thefts involving minors, especially from Romania is on the rise. Moreover, I received evidence of the emergence of a new, highly clandestine type of trafficking in persons, particularly involving the Chinese community engaged on the movement of persons into criminal enterprises, including forced indoor prostitution.

Given the prevalent economic recession, growing unemployment for Italians and public budget cuts, the high unemployment rate for foreign migrant workers leads to desperation and increase in vulnerabilities to trafficking and huge underground exploitation of migrant workers.

Italy's geographic location and extended coastline makes it particularly exposed to trafficking and migrant smuggling. Nevertheless an approach that prioritises border security without adequate consideration of Italy's international human rights obligations is ultimately an ineffective and unsustainable way of dealing with this ugly phenomenon of trafficking in persons, especially women and children. The conclusion of bilateral cooperation agreements aimed at reducing irregular migration holds particular dangers for human rights that must be acknowledged and addressed.

Achievements and Progress made

I would like to recognize Italy's resolve to fight against trafficking in persons, as reflected by the country's **ratification** of the major international and regional human rights instruments including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; Convention on the Elimination of all forms of Discrimination against

Women, Convention on the Rights of the Child; the Council of Europe Convention on Action against Trafficking in Human Beings and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

At the **national level**, Italian legislation is quite comprehensive and covers the phenomenon of trafficking in persons which is considered as serious as mafia, terrorism and subversion crimes. In this regard, I was pleased to learn that the provisions are in place criminalizing the phenomenon of trafficking in Human Beings and establishing mechanisms for social assistance and protection of victims of trafficking, as envisaged in article 18 of the Consolidated Text on Immigration (Legislative Decree no. 286 of 1998) and Article 13 of the Law against trafficking in human beings (Law no. 228 of 2003). Other legislation, including the Penal Code provide further protection against slavery, servitude, illegal recruitment of workers, child prostitution, pornography. In all, the legislative framework around trafficking in Italy is comprehensive and well grounded, providing a strong example for other countries.

I am further pleased with the **anti-trafficking referral system** of the Veneto region which hosts the country's hotline to report cases of trafficking, provides identification and assistance to victims of trafficking and foresees social inclusion or repatriation of victims while adopting a human rights based and multi-sectorial approach, involving the central and regional authorities, law enforcement, judiciary and CSOs. Moreover, **at the regional level**, I commend the government's initiative, particularly in the piedmont region (Turin) to fund its anti-trafficking initiatives with financial contribution from the banking sector, thus fostering a public- private partnership to overcome the prevailing economic situation that has resulted in cuts to some public funding.

I would also like to commend the high level of success recorded in prosecution of cases of organized crime, including trafficking in persons by the Anti-Mafia Directorate which demonstrates that Italy can end the impunity of traffickers with continuing political and economic will. Moreover, Italy has adopted good practices in witness protection, including in-camera hearing and video recording evidence.

I also learnt about the steps taken by the Government to strengthen cooperation with source countries to combat the trafficking phenomenon in the region, particularly within the European Union framework and particularly welcome the bilateral cooperation agreement on human trafficking entered into with the Government of Romania.

Furthermore, I commend the exemplary partnership of the Government with CSOs which includes coordinated provision of legal, social and psychological assistance, as well as funding of some anti-trafficking initiatives implemented by CSOs such as shelters run by CSOs with government support and also faith based shelters run independently by Catholic congregations and organizations.

Area of concerns

However, despite these positive steps I noted a number of challenges that must be addressed by the Government if it is to succeed in effectively combating trafficking in persons and protecting the human rights of trafficked victims.

My encounters with different stakeholders involved in the fight against human trafficking revealed a persistent shortfall in the identification of victims of trafficking, especially minors. Despite efforts made to detect such victims in the first reception centres, such as Lampedusa,

it appears that much remains to be achieved. Overall, the capacity to engage in rapid and accurate victim identification appears to be manifestly inadequate. Further, there seem to be very few specialized professionals with capacity to intervene and provide victim-centred assistance to trafficked persons. In one of the Centres for identification and Expulsion that I visited, I met a group of young girls who had just arrived from Lampedusa. Although all had declared being over 18, it appeared to me that some of them were indeed minors. According to those I interviewed, border agents only asked basic identification details and did not provide information on available options. I am further concerned that the migration laws represent a real danger of criminalization of unidentified victims of trafficking. Moreover, it appears that the CIEs around the country have become a prison yard for irregular migrants where conditions of detention are made hard by poor sanitation, harsh environment, sporadic care and assistance.

A centralised mechanism to monitor and evaluate the delivery of services is crucial in the fight against trafficking. In this regard it is relevant to note that Italy lacks a **national strategy** to combat trafficking. The absence of a coordinated approach among all the different stakeholders impacts the efficacy of the measures taken. Moreover, the absence of a comprehensive and harmonized **statistical information** gathering system, disaggregated by sex, age, nationalities of victims and traffickers as well as the purpose of trafficking, detrimentally affects the overall understanding of the phenomenon and obstructs the adoption of inform policies and programmes of intervention.

The focus on human trafficking in Italy has largely been on sexual exploitation of women and girls, with little attention paid to the growing trend of trafficking for **labour exploitation** notably in Southern Italy in the agricultural and construction sectors. As a consequence **men and boy** victims of trafficking are not being identified and have thereby received little attention in terms of assistance. I have only received information on the existence of one shelter for male victims in the area of Caserta which was set up recently and so far with maximum capacity to assist only four victims. Despite the comprehensive legal framework, understanding of obligations of the State under articles 13 and 18 are not always clear among the different stakeholders and I noticed systematic discrepancies in the implementation of the law in the different cities and regions I visited. For example, in Naples I was informed that stay permits were issued to victims without requiring their cooperation with the investigation while in Turin local officials informed me that stay permits were contingent upon victim's cooperation in such investigations. Although I am aware of the two channels through which the social protection stay permit can be issued, I am concerned that in some places victims may be pressured to denounce their traffickers in exchange for protection. This can be a deterrent for victims who are often afraid to denounce their exploiters. While recognizing the autonomy of the different regions that make up Italy, cooperation within and across regions and with the central government is essential and at present remains incoherent.

With regard to the implementation of the social protection programs, social services provided by CSOs under art 18 and 13 lack consistent funding which jeopardizes the provision of these fundamental services aimed at rehabilitating and reintegrating victims of trafficking. I am gravely alarmed by the prospect of further cuts to the already meagre funds allocated for provision of assistance and support to victims.

Finally, I would like to recall that in order to efficiently fight against trafficking in human beings it is necessary to address its root causes. Here in Italy, there is a need to raise awareness among those who constitute the demand - mainly for sexual services and

exploitative labour - so that there is a common understanding that those providing these services are victims of degrading and inhuman exploitation.

Recommendations

In view of the above observations and concerns, I would like to make a number of interim recommendations to Italy:

In terms of the **national legal framework**, I encourage the Government to implement existing laws on trafficking in persons and accelerate the transposition of EU directive 36 on preventing and combating trafficking in human beings and protecting its victims. Further, the implementation of existing legislation on trafficking should be extended to all forms of trafficking, including labour exploitation so that it provides adequate protection to all victims. At the international level, I urge the Government to ratify both the ILO Convention 189 on Domestic workers and the International Convention of the Protection of the Rights of All migrants and Members of their families.

Concerning **policy responses** to trafficking in persons, the Government of Italy should accelerate the elaboration of a national action plan that identifies objectives, delineates responsibilities, provides sufficient funding and sets out clear indicators to measure progress and impact of policy response, in consultation with all stakeholders, including CSOs and Faith Based Organisations.

To ensure effective implementation of anti-trafficking efforts, the Ministry of Labour and Social Policies with portfolio for Equal Opportunities should consider establishing and coordinating an **inter-institutional cooperation-coordination mechanism** or network of government authorities at national and regional levels and involve CSOs in order to address anti trafficking issues through a coordinated and multi-sectoral approach. The Government should also consider appointing a **national rapporteur** tasked with overseeing such coordination, monitoring progress against the National Plan and evaluating human rights impacts of anti-trafficking legislation and policy responses.

In order to address trafficking effectively, the existing **identification system** must be homogeneously implemented and well-resourced throughout the country. This should be done through creating and reinforcing specific tools and protocols for identifying victims of trafficking, building institutional capacities and providing training for relevant officials especially police, immigration, labour inspectors and social workers including in the Centres of Identification and Expulsion (CIE). Such training should seek to enhance the ability of relevant officials to identify trafficked persons quickly and accurately, and to make referrals to appropriate services, particularly when minors are involved.

The **referral mechanism** needs to be strengthened and properly understood by stakeholders, including law enforcement and the civil society organizations involved in anti-trafficking initiatives of the Government.

Direct assistance to victims of trafficking requires **resources** and where the government is not directly providing such services (including shelter, compensation to victims as part of access to justice and right to effective remedy) it should continue to commit adequate funding to non-governmental organizations that can provide them. Overall longer term and adequate resources should be allocated to enhance the effectiveness and sustainability of anti-trafficking initiatives by moving from a project based support to a service based one.

Moreover, recovery and reintegration of victims of trafficking should also benefit from a continuous and adequate Government funding. Finally, a concerted effort must be made to ensure that Italy's extensive experience and expertise in combating trafficking and the successes that have resulted, are not eroded in the current economic climate.

While promoting **safe migration options** the government must protect all persons from exploitation including migrant workers. It must also meet the "safe and preferably voluntary" standard with respect to return of trafficked persons. This may require individualized risk assessment to ensure, for example, that trafficked persons who are being returned are not at risk of persecution or re-trafficking.

Given the conflicting statistics on trafficking available in Italy, there is a clear need to create a centralised mechanism for the collection of **statistical** information on trafficking as well as forms, trends and manifestations of trafficking. This is essential for designing informed policy responses to address trafficking in persons.

Prevention efforts for tackling trafficking should be scaled up and should strategically target individuals who are at particular risk of being trafficked both in Italy and in the country of origin. This essentially requires close cooperation with source countries: a multilateral assessment of the salient characteristics of human trafficking vulnerabilities and flows.

Widespread campaigns should be launched (within Italy and jointly with stakeholder in source countries) to **raise public awareness** and change attitude about migrants and trafficked victims using traditional and social media and other channels of communication in order to send a strong message against all forms of human trafficking. Government prevention strategies must also address demand as a root cause and ensure that interventions address the factors that increase vulnerability of victims of trafficking, including inequality, poverty and all forms of discrimination and prejudice.

In terms of **international cooperation**, the Government should strengthen serious development partnership with source countries such as Nigeria, including through bilateral and multilateral agreements. The Government should further cooperate with source countries in exchange of information, mutual legal and investigation assistance as well as in jointly addressing root causes of trafficking. Moreover, the Government should continue and extend its cooperation with relevant UN agencies and international organizations I also urge the Government to promote public-private partnership to ensure the availability of sufficient funds to combat all forms of trafficking.

Conclusion

The phenomenon of trafficking in persons in Italy is unfortunately expanding in scale and impact. Traffickers are demonstrating a growing capacity for violence, exploitation and abuse of their victims. The anti-trafficking measures initiated by the Government require continuing monitoring and evaluation if significant progress is to be made and the vicious cycle broken.

Preventing and combating all forms of trafficking in persons and protecting trafficked victims within Italian territory is the responsibility of the Government. As such, there is a need for a well-coordinated national approach and also, an equal emphasis on combating all forms of trafficking not just trafficking for sexual exploitation.

There is a need to develop a comprehensive anti-trafficking approach based on 5Ps (protection, prosecution, punishment, prevention, promoting international cooperation and partnership), 3Rs (redress, recovery and reintegration) and 3Cs (capacity, cooperation and coordination), guided by international human rights law and standards.

I wish to reiterate my gratitude to all my interlocutors. I will present my full report to the United Nations Human Rights Council in June 2014.

For use of the media; not an official record.

Full text of the press statement delivered by the United Nations Special Rapporteur on trafficking in persons, especially women and children, Ms. Joy Ezeilo