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2019 Trafficking in Persons Report: Italy

ITALY: Tier 2

The Government of Italy does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included increasing funding for victim assistance and international cooperation on prosecutions. However, these efforts were not serious and sustained compared to the efforts during the previous reporting period. Despite government commitments and efforts to crack down on trafficking rings in Italy, there was a decline in the number of trafficking arrests and investigations compared to the previous reporting period. While NGOs and international organizations referred many victims for government assistance, the government did not consistently assess risks to potential victims prior to forced returns or expulsions to countries where victims would face retribution or hardship. The government did not have legal protections from penalties against victims for unlawful acts traffickers compelled them to commit. Therefore Italy was downgraded to Tier 2.

PRIORITIZED RECOMMENDATIONS

Consistently assess risks and provide legal protections to all potential victims prior to any forced returns or expulsions, including where such persons have entered Italian territorial waters, and during operations assisted by the Italian government in Libyan search and rescue areas. • Ensure victims who would face hardship or retribution in returning to their home country have the legal status and right to remain in Italy. • Improve and fully implement the national referral mechanism for trafficking victims across the country, including for vulnerable children, which should consider the special circumstances and needs of child victims. • Improve security standards in and around reception centers to limit contact between traffickers and victims or potential victims. • Vigorously investigate and prosecute trafficking cases and convict and sentence traffickers with adequate sentences. • Increase international cooperation with source and transit countries, especially Nigeria, Tunisia, and Libya, on information sharing and countering trafficking rings. • Intensify efforts to effectively screen for labor trafficking victims through increased inspections and improved training of labor inspectors to spot trafficking indicators and refer victim for services. • Consolidate data among different ministries and agencies that gather it, and make public a database on investigations, prosecutions, and convictions, including sentencing data.

PROSECUTION

The government decreased law enforcement efforts. The 2003 Measures Against Trafficking in Persons law criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 20 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious offenses, such as rape. Article 600 of the penal code criminalized placing or holding a person in slavery or servitude and prescribed the same penalties. In 2018, authorities investigated 314 persons for trafficking, compared to 482 in 2017. Police arrested 99 suspected traffickers, compared to 133 in 2017. The government indicted 139 defendants under the trafficking law, compared to 73 in 2017. Trial courts and appellate

courts convicted 46 traffickers under the trafficking law, compared to 28 in 2017, and the government also investigated 340 persons under Article 600 for slavery, compared to 412 in 2017, and indicted 119, with 81 convictions, compared to 108 convictions in 2017.

The government did not maintain a consolidated database on investigations, prosecutions, convictions, and sentencing of traffickers, or of their victims, a deficiency noted by GRETA. The data contained in the various government databases was not made public. In a notable case during the reporting year, a court in Palermo sentenced a Nigerian defendant in December to life in prison for sex trafficking, by bringing victims from Libya, and for other crimes committed at an illegal migration camp inside Libya. This was the first extraterritorial conviction in Italy for trafficking and related crimes committed by a foreigner in Libya. Specialized anti-mafia units handled trafficking prosecutions. Whenever investigators found clear evidence of trafficking, they referred the case to the anti-mafia unit, which triggered relaunching the investigation, extending the timeframe for prosecution and trial. To avoid this delay, non-specialized investigators and prosecutors sometimes charged perpetrators with crimes other than trafficking. Anti-mafia units prioritized investigations of criminal networks over individual cases, citing limits on available resources. The reduction in arrival and admission of irregular migrants by 80 percent compared to 2017 may have contributed to the lower number of investigations and arrests in 2018.

High-level officials met with representatives from Niger, Libya, Tunisia, Sudan, Ghana, and Nigeria, but Italian prosecutors and police continued to cite insufficient cooperation in investigations from officials in source and transit countries. Prosecutors cited continued cooperation with the Libyan Government of National Accord (GNA), as evidenced by the GNA-issued arrest warrants in 2018 for 200 suspected traffickers in Libya that stemmed from a joint trafficking investigation. Trafficking networks and gangs continued to grow more sophisticated and more violent, particularly Nigerian gangs linked to the Black Axe, Supreme Viking Confraternity, and the Eiye syndicate. Prosecutors continued their program with 22 African countries bringing African prosecutors to work alongside Italian prosecutors for six months of training, enhancing cooperation between Italy and source countries. Law enforcement agencies received training on victim identification and investigation of trafficking crimes within their standard curriculum. There were no investigations or prosecutions of government employees complicit in trafficking offenses.

PROTECTION

The government decreased overall protection efforts. The Department of Equal Opportunity (DEO), which coordinates protection efforts, reported government-supported NGOs assisted 1,373 trafficking victims in 2018, of which 597 were new cases, compared to 1,354 trafficking victims assisted in 2017. Of the trafficking victims NGOs assisted, 89 percent were victims of sex trafficking or exploitation, six percent labor trafficking, one percent forced begging, one percent forced criminality, and four percent other forms or unidentified. To reduce the flow of migrants from Libya, Italy continued training operations with the Libyan Coast Guard, and provided additional patrol vessels, as did other EU member states. However, many European and international NGOs criticized this coordinated effort of turning migrant vessels immediately back to Libyan shores, citing severe security and human rights conditions inside Libya and Libyan detention centers, and a heightened risk of trafficking for migrants forced to remain in Libya. To reduce the Mediterranean migrant flow, government policy barred NGO rescue ships carrying migrants from the Libyan search and rescue waters from docking at Italian ports. The government continued accepting a small number of pre-screened potential victims of trafficking, via UNHCR-approved “humanitarian corridors,” some via direct flights from Libya and Niger. The government continued

discussions with the EU on equitable burden-sharing for processing of arriving migrants. The government also funded four voluntary repatriation programs to source countries and provided support for similar repatriations by international organizations from Libya.

NGOs coordinated with law enforcement and immigration officials at both the arrival points and the longer-term reception centers. The government observed standard UNHCR procedures to screen for trafficking victims among asylum-seekers, although according to NGOs, authorities did not properly identify many of the victims on arrival and instead classified victims only as asylum-seekers or undocumented immigrants subject to deportation. Often victims, controlled by their traffickers, refused self-identification as a victim of trafficking. GRETA reported the government did not ensure that officials conducted individualized assessments of risks in all cases prior to any forced returns or expulsions, and noted such cases of returns to Tunisia and Nigeria. NGOs continued to stress the need for longer time periods for screening of migrants at arrival ports to more accurately ascertain victim status, but they acknowledged conditions were not conducive to a stay there beyond one or two days. NGOs also reported improvements in coordination with immigration officials and law enforcement on processing new arrivals. UNHCR trained 230 officials charged with reviewing asylum claims, as well as 70 interpreters, on methods of identifying victims of trafficking. IOM also trained reception center staff on victim identification.

NGOs, the EU, and the Catholic Church projected that the government's September decree tightening the availability of humanitarian protections for certain asylum-seekers could result in increased trafficking risks for irregular migrants already residing in Italy. Although persons already officially recognized as trafficking victims remained in a protected category, NGOs reported that many of these irregular migrants were either victims or potential victims, with most at risk of labor trafficking.

There was sufficient capacity of reception centers to meet demand due to stricter humanitarian protection qualifications and the overall reduction in irregular migrant arrivals. International organizations, however, continued to assert most centers remained under-equipped to fully address the unique needs of trafficking victims. The government often housed victims and potential victims with irregular migrants, and such housing lacked adequate security against traffickers inside and outside the centers seeking to recruit victims or remove those already under their control. With the 80 percent decline in numbers of irregular migrant arrivals compared to 2017, NGOs and international organizations found initial identification of victims improved, and thus the most acute need shifted to assistance to victims already in Italy. NGOs observed an increase in cooperation and information-sharing by law enforcement with NGOs, particularly in Rome, and particularly regarding new arrivals and minors from other European countries, although the level of police-NGO cooperation varied by region.

The government allotted €24 million (\$27.52 million) to trafficking victim assistance programs implemented by NGOs in 2018, increased from €22.5 million (\$25.8 million) in 2017 and €15.5 million (\$17.78 million) in 2016. The government extended the availability of government-funded programs for assistance for victims to 15 months duration. Local governments provided additional funds to victim assistance programs, although the government did not report the amount. The government cooperated with NGOs and international organizations to provide shelter and services to victims. NGOs welcomed increased government funding for adding facilities, including for men, and for unaccompanied minors. However, funding levels remained insufficient to assist the number of trafficking victims present in Italy from past years. NGOs reported inconsistent quality standards of assistance programs across regions. The government did not implement a formal referral mechanism, for adults or for children, as recommended by GRETA and NGOs. NGOs and the DEO recognized inconsistencies in the efficiency and effectiveness of the current

referral process between regions and found that quality standards were lower in the south. Availability of interpretation services for lesser-known African dialects, with victims coming from as many as 15 different language groups, remained a significant challenge.

Foreign victims received assistance for up to 12 months and were eligible for temporary residency and a work permit. Upon identification by authorities during initial screening upon arrival, trafficking victims were eligible for shelter in specialized facilities and could extend their temporary residence permit if employed or enrolled in a job training program. The government granted 270 residence permits to victims in 2018 under Article 18, a decline from 418 in 2017 and 340 in 2016. According to NGOs and pro bono lawyers, many victims applied for asylum upon arrival rather than protection as a victim of trafficking, either through pressure from their trafficker or believing that asylum status afforded greater freedoms, more immediate access to employment and services, and long-term residency.

Children represented nearly 11 percent of all victims receiving assistance, many being boys forced to beg or commit robbery. The Ministry of Interior formed a working group focused on support for unaccompanied minors at risk of trafficking under a 2017 law strengthening their protection. Many unaccompanied Nigerian minor victims misrepresented their age to gain placement in an adult reception center, giving greater freedom to leave the center unnoticed with their trafficker. NGOs, however, welcomed increased scrutiny by authorities of these age-claims, and authorities more often sent victims into child protection if unable to confirm adult age-status. NGOs estimated more than 5,000 minors in Italy were victims of sex trafficking in 2018. Foreign child victims automatically received a residence permit until age 18 and accommodations in a general children’s center or a designated center for trafficking victims who were also asylum-seekers. NGOs cited shelters for unaccompanied minors were insufficient in number given the large need. Children received counseling and enrolled in public schools with the support of mentors. However, by the end of 2017, an estimated 32 percent of unaccompanied children had left the centers voluntarily, which greatly increased their vulnerability to trafficking.

The government did not require victims to cooperate with law enforcement to obtain assistance and a residence permit, although NGOs and international organizations reported authorities did not consistently implement this policy and sometimes gave preference to those who cooperated. The government also offered a single payment of €1,500 (\$1,720) to victims, although NGOs noted the application procedure was overly complex and the amount insufficient. GRETA also reported the guarantee of compensation for victims was inadequate and cited insufficient criminal and civil legal options for victims to pursue restitution from traffickers. GRETA further recommended the government increase the use of existing legal remedies to provide restitution to victims and more proactively seize assets and pursue forfeiture against perpetrators.

Italian criminal law lacked a provision prohibiting punishment of victims for unlawful acts traffickers compelled them to commit. Current law required proof of exploitation in a criminal action against the perpetrator, which left victims and potential victims at risk of prosecution and conviction when a court did not first convict the perpetrators. NGOs also cited continued challenges in adapting to changing dynamics and methods of traffickers and the need for improved coordination on anti-trafficking strategies between national government ministries, international organizations, and ground-level NGOs, as well as increased cooperation by local police and prosecutors. NGOs, prosecutors, and local officials praised the contribution of trained cultural mediators hired by the government or provided by government-funded NGOs, for their skill in communicating with migrants and victims.

PREVENTION

The government maintained prevention efforts. The DEO, as coordinator of the interagency steering committee on trafficking, was responsible for drafting the national action plan. The government had not completed its updated plan for 2019-2021, although it engaged NGOs and other stakeholders for input. The government had not appointed a rapporteur.

In 2018, officials inspected 116,846 sites, of which 7,146 were agricultural, and identified 33,800 unregistered workers, of which 1,332 were illegal migrants.

This compared to inspection of 160,347 sites, including 7,265 agricultural companies, and identification of more than 48,000 unregistered workers in 2017. The government did not report the extent to which it screened or identified potential trafficking cases in the inspections. The government allotted €11.1 million (\$12.73 million), in addition to €11.9 million (\$13.65 million) from the European Commission, for initiatives aimed at preventing and fighting labor exploitation and combating illicit labor brokers. GRETA recommended the government intensify efforts to more effectively screen for trafficking victims through increased labor inspections, expanded training of inspectors, and in monitoring of recruitment practices including in agriculture, domestic labor, hospitality and food service.

The DEO's hotline for victims of trafficking received more than 3,802 calls for information, of which seven percent were potential trafficking cases, compared to 4,033 calls in 2018. Local authorities and NGOs continued to distribute brochures, posters, bumper stickers, and media advertisements providing information on victim assistance. There was no coordinated national government effort to reduce the demand for commercial sex. The government did not make efforts to reduce the demand for child sex tourism by Italian citizens or for forced labor. Italy and Libya's GNA maintained agreements on judicial cooperation and extraditions. In March 2018, Italian police launched a two-year program based in Egypt training 360 law enforcement officials from 22 African countries on immigration and border control, including combating human trafficking. The government continued an awareness program across the Horn of Africa and West Africa to inform potential migrants of the risks of trafficking.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Italy. Victims originate primarily from Nigeria and other African countries, China, and Eastern Europe, and include ethnic Roma. Italy has an estimated 1.5 million unregistered workers, who were particularly vulnerable to labor trafficking. Labor traffickers operate in agriculture, predominantly in southern Italy, and in construction, household labor, hospitality, and restaurants mainly in the north. Textile factories exploit Chinese and other victims in Milan, Prato, Rome, and Naples. Chinese criminal elements force victims to work in apartments and in massage parlors. Approximately 80 percent of trafficking victims are from Nigeria. International organizations estimated up to 75 percent of the Nigerian women and unaccompanied children who arrived in 2018 were trafficking victims. Nigerians represented nearly 36 percent of the victims who received residency permits in 2018, primarily women and girls subjected to sex trafficking through debt-based coercion and many coerced through voodoo rituals. Several Nigerian trafficking networks have expanded operations across Italy and reportedly receive protection from Italian crime syndicates. Of an estimated 40,000 to 45,000 individuals in prostitution on the streets, NGOs reported approximately 60 percent are trafficking victims or vulnerable to trafficking; the majority come from Nigeria or Romania, and between five and eight percent are minors. Italy has accommodated more than 700,000 seaborne migrants since 2011, although the rate dropped precipitously in 2018, due in part to government policy tightening the intake of irregular migrants

and the government’s assistance to the Libyan Coast Guard. Italy received 23,370 irregular arrivals by sea in 2018 and just more than half (12,977) via Libya, where many reported experiencing extortion, torture, and rape by militias or traffickers while awaiting passage.

Traffickers frequently target unaccompanied children, including boys forced to work in shops, bars, restaurants, bakeries, or in forced begging. Of the 61,000 persons requesting asylum in 2018, authorities estimate up to 30 percent are vulnerable to sex or labor trafficking while waiting for adjudication of their petition. According to the government, 3,534 unaccompanied children arrived in 2018, mostly boys and the majority from Africa, a significant decline from 15,731 arriving in 2017 and 25,846 in 2016. Asylum-seekers may legally work beginning two months after filing their application, although many seek illegal employment immediately in informal sectors, increasing their vulnerability to trafficking. Many also attempt passage to other European countries. However, under the European Commission’s Dublin Regulation, countries may repatriate victims to the EU country of their arrival. This regulation likely increased the number of asylum seekers or trafficking victims now forced to remain in Italy, or return to Italy from another EU country.

ecoi.net summary:

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