



Report on victims of trafficking in mixed migration flows arriving in Italy by sea April 2014 - October 2015



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IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and work towards effective respect of the human dignity of migrants and their well-being.

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Contents

1. Framework of reference	4
2. The case of Nigerian women	4
3. Recruitment in Nigeria and the journey	6
4. Trafficking indicators	7
5. Trafficking victims who have been informed, identified and protected	9
6. Challenges in providing assistance – victims’ mistrust.....	11
7. Information, legal counselling and identification of victims of trafficking upon arrival by sea and in the first reception centers.....	12
8. Victims of Trafficking - Asylum Seekers: IOM’s cooperation with the Territorial Commissions for the recognition of International Protection.....	13
9. Challenges in accessing protection – the double-track.....	16
10. Article 601 of the Criminal Code: a crime difficult to report	16
Conclusions and Recommendations:	18



1. Framework of reference

Since 2006, the International Organization for Migration (IOM) collaborates with the Department of Civil Liberties and Immigration of the Ministry of Interior and the Italian border police to identify victims of human trafficking arriving by sea. In recent years, IOM strengthened its efforts by signing ad-hoc protocols with the Public Prosecutor's Offices of Palermo, Sicily and Reggio Calabria, Calabria. IOM has also established close collaboration with investigating authorities, the national anti-trafficking system and its communities, and the social services centers mainly affected by the phenomenon of maritime migration.

IOM staff is also present since 2006 at the main ports of arrival and in the governmental centers for immigrations to help identify and refer victims of trafficking. In 2014, with the support of the Ministry of Interior the IOM reinforced its field presence by establishing two anti-trafficking teams consisting of anti-trafficking experts and cultural mediators of nationalities mostly represented in migrants' groups. These teams work in collaboration with UNHCR and provide general information on the Italian legal system around migration and asylum matters.

More specifically, the activities of the teams support: (1) migrants that have just arrived by boat and provide them with legal guidance on immigration and asylum law; and, (2) other relevant actors involved in the management of the phenomenon, such as operators and Italian authorities, to whom the teams mainly offer technical support.

In 2014, some 170.000 migrants reached Italian coasts: a considerable increase over previous years and a quadrupling compared to 2013. The rising trend was confirmed in 2015 with 140.987 migrants arrived by sea as of 31 October 2015. The nature of migration flows to Italy is very mixed and involves people moving for economic reasons in search of better job opportunities, improved socio-economic conditions, but also people escaping from conflicts, persecutions, and severe violations of human rights.

The deterioration of security conditions in Libya worsened the already unstable and complicated situation characterized by substantial socio-political changes. The situation of insecurity encourages the criminal activities and strengthens paramilitary groups that profit from smuggling and trafficking also by using it to control territory and generate revenue.

2. The case of Nigerian women

The brutality of traffickers today resembles the ruthlessness of traffickers ten years ago. Namely, IOM has observed increased brutality in the traffickers' means of control and coercion together with an escalation of violence and abuses. Many Nigerian women, recruited for sexual exploitation, are subjected to a much stricter freedom compared to the past, and show deeper fear towards the traffickers themselves.



In the past, the number of arrivals of Nigerian women was not significant. In 2014, however, IOM noticed an unusual rise in the number of Nigerian women coming to Italy, which increased from 433 in 2013¹ to 1.454 in 2014, reaching 4.937 in 2015 (as of 31 October 2015). In this regard, the upward trend is consistent with the overall increase in the number of Nigerian migrants arriving in the country - 19.576² Nigerians as of 31 October 2015, of which 901 are unaccompanied minors.

It is with great concern that **IOM recently noted a substantial increase in the number of under-age victims**. Due to their young age and inexperience, these girls are more easily manipulated and less likely to search for help.

After in-depth interviews with Nigerian women and thanks to the indicators developed over the years, **IOM believes that most of those women are trafficked for sexual exploitation**. Many of them arrived alone or with a fraudulent spouse or boyfriend, sisters, or with trafficker themselves – the so-called ‘madame’. Their arrival in increasingly numerous groups further confirms the suspicion that the irregular routes across the Mediterranean (migrant smuggling) are increasingly intertwined with trafficking of human beings.

Migrant smuggling and trafficking of human beings are substantially favored by the situation of instability affecting many of the transit countries on the way to Italy. The second factor facilitating the trafficking is the persistently high “demand” for sexual services in Europe, which does not seem to have been affected by the economic crisis. However, the crisis has generated a general decrease of the price of sexual services, thereby extending the length of the bondage period during which victims are constrained in order to repay their debts.

A third factor for the increase in human trafficking activities can be found in the links of foreign criminal organizations (including Nigerian) to the local realities in many European countries. Criminal organizations have been able to carve their own space in cooperation with local criminal groups with whom they also carry out other illicit activities such as drug trafficking. Several investigative reports commissioned by Italian judiciary proved the existence of the so-called “forum” – well-established ramifications of Nigerian criminal organizations, like Eye, Aye secessionists, or Black Axe – within Italian cities.

Girls being trafficked within this sex trade do increasingly originate from the poorest areas of Nigeria, predominantly the villages neighboring Benin City, and belong to particularly disadvantaged families. Often, they are orphans or have been raised by relatives far away from their families. Alternatively, they might be the oldest child of a household, which in Nigerian custom means that they are expected to provide for their parents and younger siblings.

Unfortunately, IOM has observed that victims are often sold to traffickers by their own families who see this as an opportunity or their only chance to survive economically.

¹ Data from Italian Ministry of Interior and IOM.

² Data from Italian Ministry of Interior last updated on October 31st 2015.



3. Recruitment in Nigeria and the journey

Female Nigerian migrants are usually recruited in the villages where they live. The recruitment takes the form of an offer for a new job in Europe usually coming from people they already know and trust.

Before leaving, most Nigerian women undergo a voodoo ritual, sometimes quite cruel, in which animal are sacrificed. Nails, hair, and underwear may be taken from the victim. The rituals usually take place in so-called shrines, and the location contributes to burden the woman both symbolically and morally. The ritual aims to scare them into silence and to make sure that they will repay the debt contracted in order to reach Europe. The amount typically owed is between EUR 20,000 and EUR 50,000. This debt needs to be repaid once they arrive in the country of destination.

For some, Libya is the final destination of the journey, but very often also where exploitation starts. IOM staff met many women who were able to free themselves from traffickers' control and, in order to escape the economic instability and personal insecurity of their countries of origin, they decided to continue in their migratory plan and reach Europe on their own.

Upon departure, many women were promised legal jobs as domestic workers, hairdressers, or waitresses. Even though **some were aware of the sexual exploitation they would be subject to, none of them had imagined the level of brutal exploitation and abuses they would suffer. As a result, many women develop mixed feelings towards traffickers, of both fear and gratitude.**

It is quite common, especially when migrants are young women, that trafficker or traffickers' accomplices accompany them along the journey, which, in most cases, starts in Benin City (Edo State, Nigeria) where services and infrastructures – such as public transportation and the possibility to obtain false and/or forged documents – make it easier to organize the journey.

The main routes by used traffickers are through Kano (Nigeria), Agadez (Niger), Tamanrasset (Algeria), Gatron, Sabah, Brach, Tripoli, or Zuwarah (Libya). The journey can last from two to four weeks. During this period it is not uncommon for women to be passed from trafficker to trafficker. The moment that women understand the situation of exploitation that they will face usually coincides with their crossing into Libya. Most commonly, women will be “offered” to militia groups patrolling the border and will be used by traffickers to continue the journey undisturbed. Once they reach Libya, sexual exploitation in the form of prostitution takes place and women are tightly controlled by traffickers, madams and brothel managers.

Due to recent developments in the routes and methods of trafficking, women's stay in Libya is the most difficult part of the journey. While they wait to reach Europe, they are kept in “connection houses” or “ghettos” and are subjected to sexual violence, tortures, kidnappings and arrests. These traumatic experiences are staged as part of the modus operandi of the traffickers, with the aim of “bending” women both psychologically and physically as well as to harden them for the upcoming period of exploitation.

This period leaves permanent psychological and physical scars on the victims.



However, not all women who are trafficked for sexual purposes to Europe are treated in the same way. **Generally, behind the higher debts lay powerful organizations whose backing makes the women's journey less risky.** A woman's length of stay in a country can be used as a trafficking indicator: the longer the stay, the higher the chances of abuse.

Many migrant women reported that they entered Libyan houses as domestic workers while others were brought to detention centers by Libyan police forces. **Even when they were able to free themselves, due to the lack of contacts and resources, many women fall in the hands of other criminal groups.** All those who stayed in a detention center, however, reported that they experienced several sexual abuses throughout their stay.

Finally, **IOM also registered an increase in the number of pregnant women arriving in Italy,** often a consequence of sexual abuse and rape. Traffickers and smugglers abuse the position of vulnerability and take advantage of children and pregnant women who usually receive better treatment upon arrival or the authorization for legal stay in many European countries. This will allow women to be more easily exploited and forced into prostitution. Furthermore, it is quite common that upon arrival women declare being married to one of the traffickers and constituting, together with her accompanying child, a full-fledged family.

When women arrive in Italy unaccompanied by the traffickers or people working with the traffickers, they often bring along an Italian or European telephone number which they call from the reception center. In other instances, women know they have to call a Libyan or Nigerian contact who will provide them with the Italian or European contact only once they are in Italy.

Once in Italy, migrant women are forced into prostitution or begging. Exploiters control every woman either personally or from a distance (for example, by telephone).

Even though migrant women used to concentrate in big or medium-size cities in Italy (such as Parma, Turin, Rome, Naples, Palermo, Catania, Messina, Bari), today **many of them tell IOM that they need to reach fellow nationals in France, Spain, Austria, and Germany. This is a sign of the substantial expansion of the trafficking of Nigerian women in Europe.**

4. Trafficking indicators

IOM Italy has developed a set of indicators to identify potential victims of trafficking among those who just arrived by sea. These indicators are not static: IOM regularly updates them to mirror the evolutions observed both in the trends and in the methods used:

- Gender (most of victims are women);
- Age (victims are usually quite young, between 15 and 24 years old. Many declare to be adults even when they clearly look under-age);
- Nationality (most victims are Nigerian) and the region of origin (especially Edo State, Delta State, Lagos State, Ogun State, and Anambra State);
- The place of departure (Edo State);
- Education level (usually very low)
- Family Background (often they come from poor and needy families);
- Eldest child of big families;



- Orphan (they often declare to be such);
- Difficulties in recalling their journey, and especially the last part from Libya to Italy;
- Group dynamics (often victims are the most submissive and quiet ones)
- Reunification (victims frequently claim they have to reach a relative – brother or sister – or a friend somewhere else in Italy or Europe);
- Behavioral problems (aggressive/introvert)
- Signs of physical violence/abuse

The following are the indicators most commonly appearing during first reception:

- Subject to psychological problems (anxiety, low self-esteem, depression) or behavioral problems (aggressiveness, mistrust, low level of collaboration with the operators of the center and with other migrants, refusal to undergo medical controls);
- Authorized or unauthorized departure from the center
- Controlled by other hosts in the center (partner, relatives, both real and pretended), or via phone;
- Involved in activities such as prostitution or begging.

It is necessary to note that Nigerian women are usually trafficked for sexual exploitation, but cases of men trafficked to Italy both for sexual and labor exploitations have also been registered. IOM also noticed the case of Gambian girls and a Ghanaian woman who arrived by sea and had been recruited with the same methods used with Nigerian women.



5. Trafficking victims who have been informed, identified and protected

In the reference period of the present report, IOM provided information, legal counseling and advice to potential victims of trafficking at the following disembarkation points of arrival: Lampedusa (AG), Porto Empedocle (AG), Augusta (SR), Pozzallo (SR), Messina, Palermo, Trapani, Otranto (LE), Taranto, Brindisi, Reggio Calabria; and in the centers of first reception of Sicily, Puglia, and Calabria.

fig.1 Data on victims of trafficking encountered by IOM Staff in Sicily, April 2014- October 2015³

POTENTIAL VICTIMS OF TRAFFICKING WHO RECEIVED INFORMATIONAL SUPPORT	3057
IDENTIFIED VICTIMS OF TRAFFICKING	2024⁴
VICTIMS REFERRED TO THE ANTI-TRAFFICKING NETWORK <i>15 are under-age</i>	52⁵
VICTIMS DIRECTED TOWARDS OTHER FORMS OF SUPPORT <i>4 are under-age</i>	15⁶
REPORTS TO POLICE	29
PROTECTION ENSURED BY PROSECUTORS	22

³ The numbers refer to potential victims of trafficking met at arrival points and centres of first receptions. They mainly include Nigerian women and few Nigerian and Egyptian men. The numbers indicate the people who met and received informational support by IOM staff. If more encounter occurred, the person was still counted as one. With “identified victims of trafficking”, the authors mean those who presented at least one of the prerequisite required by 601 penal code, and which appeared in one of the trafficking indicators as elaborated by IOM.

⁴ This number refers to the women (and few men) that were identified by IOM as victims of trafficking according to specific trafficking indicators (briefly listed in paragraph 4.)

⁵ This number includes both the victims identified by IOM that decided to report their case to police and those that were given protection regardless their cooperation with police or judicial authorities. According to the Italian anti-trafficking legislation, in fact victims can be given protection even if they do not cooperate with police as long as they are identified as victims of trafficking by selected anti-trafficking associations.

⁶ Victims of trafficking identified as vulnerable categories also with reference to their request of international protection: victims of gender based violence, torture and psychiatric cases.



fig.2 Data on victims of trafficking encountered by IOM Staff in Puglia and Calabria, April 2014- October 2015

POTENTIAL VICTIMS OF TRAFFICKING WHO RECEIVED INFORMATIONAL SUPPORT	895
IDENTIFIED VICTIMS OF TRAFFICKING	754
VICTIMS REFERRED TO THE ANTI-TRAFFICKING NETWORK <i>22 are underage</i>	39 ⁷
VICTIMS DIRECTED TOWARDS OTHER FORMS OF SUPPORT <i>2 are underage</i>	6 ⁸
REPORTS TO POLICE	3
PROTECTION ENSURED BY PROSECUTORS	2

fig.3 TOTAL of victims of trafficking encountered by IOM Staff, April 2014- October 2015

POTENTIAL VICTIMS OF TRAFFICKING WHO RECEIVED INFORMATIONAL SUPPORT	3952
IDENTIFIED VICTIMS OF TRAFFICKING	2778
VICTIMS REFERRED TO THE ANTI-TRAFFICKING NETWORK <i>36 are underage</i>	91 ⁹
VICTIMS DIRECTED TOWARDS OTHER FORMS OF SUPPORT <i>6 are underage</i>	21 ¹⁰
REPORTS TO POLICE	32
PROTECTION ENSURED BY PROSECUTORS	24

*The data is partial and might not include residence permits or favorable decisions received after the victim was sent to the anti-trafficking network through IOM communication. The data on residence permits does not include any other type of legal permit to stay such as, for example, refugee status.

⁷ This number includes both the victims identified by IOM that decided to report their case to police and those that were given protection regardless their cooperation with police or judicial authorities. According to the Italian anti-trafficking legislation, in fact victims can be given protection even if they do not cooperate with police as long as they are identified as victims of trafficking by selected anti-trafficking associations.

⁸ Victims of trafficking identified as vulnerable categories also with reference to their request of international protection: victims of gender violence, torture and psychiatric cases.

⁹ This number includes both the victims identified by IOM that decided to report their case to police and those that were given protection regardless their cooperation with police or judicial authorities. According to the Italian anti-trafficking legislation, in fact victims can be given protection even if they do not cooperate with police as long as they are identified as victims of trafficking by selected anti-trafficking associations.

¹⁰ Victims of trafficking identified as vulnerable categories also with reference to their request of international protection: victims of gender based violence, torture and as a consequence mental health issues.



6. Challenges in providing assistance – victims' mistrust

From a first data analysis, it seems evident that most victims do not wish, at least initially, to reveal their experience or to benefit from the protection system available to them.

The first obstacle is the limited amount of time that IOM staff and the authorities have to establish trust with the victims when they arrive. The presence in ports of arrival of cultural mediators of the same nationalities of the victims has definitely contributed to increase the willingness of many women to speak up. However, the desire to “see what’s next”, the excitement of having reached Europe, and the skepticism towards operators’ words of warning on the risks which might still lay ahead, represent a major barrier to the protection of victims.

In this context, it has clearly emerged that women tend to greatly trust people of their own nationality while deeply mistrusting anyone else. In addition, women usually display a certain gratefulness towards traffickers. Even if this might seem contradictory and counterintuitive, women look at traffickers with gratitude because, in their eyes, it is thanks to them that they were able to reach Europe. The exploitation they faced or will face is just a price they have to pay in order to have better opportunities abroad.

However, in order better understand the feeling of gratitude shown by victims towards traffickers, it is necessary to contextualize it in the environment that women come from, and women’s own understanding of the situation they find themselves in. Quite often, and especially if compared to European citizens, women and girls have a different understanding of what is normal or acceptable. Violence, abuses and exploitation are not perceived in the same way. **Even women who know they will be entering prostitution have no awareness of the level of abuse they will face.**

Furthermore, women often do not understand the terms and conditions of the repayment of their debt (for example, they may believe that they have to repay in Naira, the Nigerian currency). Others, especially those coming from poorer contexts, have a distorted perception of how much they will be earning or of the way exploitation will occur. They believe they will be able to keep a portion of what they earn for themselves, and be more quickly released. In reality, girls have to pay the exploiters for the - often-overpriced - rents and living expenses, which further delays the payback of their debts.

Even if prostitution is widely condemned in Nigeria, Nigerians show great respect towards people who have become successful and rich, regardless of how they reached such status. For this reason, a woman who is able to send money back home enjoys substantial consideration. Once back in the country of origin, those women who have been able to free themselves from prostitution do not necessarily need to hide the way they earned their money. What matters, in the end, is being able to provide wellbeing and economic support their families.

The fear of the voodoo spell and vows made is another element of means of control affecting men and women, boys and girls at any educational level. Still today, voodoo is very much practiced and represents a tool of psychological control. It is a rite of initiation by which victims swear – with a sealed vow in front of a shaman – not to reveal the traffickers’ names or any other possible identification details. If the vow is broken, misfortune will descend upon the victim and his or her



family. Voodoo rites represent a guarantee of fidelity and silence also after victim of trafficking realized the deceit.

Even the biggest obstacles of all, namely the fear of retaliation by the hands of traffickers against victims' relatives, is to a certain extent linked to voodoo. In conclusion, voodoo is the "materialization" of the most horrible fears upon victims and their dear ones. The constraints of voodoo practices are even stronger when the first contact with the traffickers came from the family itself. Denouncing the trafficker would mean betraying and abandoning one's family forever.

7. Information, legal counselling and identification of victims of trafficking upon arrival by sea and in the first reception centers

IOM's counter-trafficking work starts at the disembarkation points with information and legal counselling on the possibility to receive protection as foreseen by Italian legal framework for victim of trafficking. This information is provided to group of people or individually – when conditions of security allow. If necessary, it is possible to conduct the interview in private. IOM is aware that often among the group of women to whom the information is addressed, there are one or more traffickers and for this reason in general the activity ends with the distribution of the phone contact of the National Network's counter-trafficking hotline, which women can use also if they decide to escape from the situation of violence or exploitation only at a later stage.

In most cases, IOM accompanies women considered most at risk or who seem most vulnerable to the temporary medical center established at disembarkation points in order to separate them provisionally from their escorts and to have a private interview with them.

The uniqueness of IOM's activity lies in the access to the potential victims and the timing of the information provided: before exploitation begins in Italy. The value of IOM's prevention work stands out by ensuring the securing of victim prior to her introduction in the exploitation circuit.

If during the activity upon disembarkation a victim of trafficking is identified, IOM contacts the competent Prefecture to transfer the individual to a structure. This aims to ensure an immediate separation from other people from her country and especially from her traffickers. Women identified as victims of trafficking are then interviewed for a second time by IOM at the reception centers where they are transferred. This interview allows for an in depth assessment of the woman's situation and serves to establish whether a protection program is necessary/possible.

Although the primary objective of IOM is the protection of migrants, it also seeks to sensitize women to the benefits of collaborating with the authorities and provide the prosecutor with information on her traffickers (contacts, names, addresses and other details).

However, irrespective of whether the victim decides immediately to denounce her exploiters or to collaborate with the police, IOM provides assistance and protection in close cooperation with the national counter trafficking system and in accordance with art. 18 of the Italian Consolidated Text on Immigration that envisages sheltering, legal, medical assistance and integration in the country.

There are various operational challenges in the identification of victims of trafficking at disembarkation points. Very often the area of disembarkation is not an adequate and safe place for



proper counselling on counter-trafficking, due to the number of other stakeholders present (police forces, healthcare operators, civil protection authorities, journalists, etc...) and the lack of privacy or dedicated space. Immediate transfers of migrants to reception centers in different regions of Italy do also not allow the time or the possibility to interact properly with them.

Another challenge is the lack of “safe houses” to which victims of trafficking identified upon disembarkation could be transferred. IOM often uses all available accommodation, but considering the urgency to separate victims of trafficking from other nationals, it is necessary to have a “safe” place in which migrants could feel secured and assisted from the very first moment of their arrival in Italy.

IOM’s activity in the identification of victims of trafficking in first reception centers and temporary host centers is based on the collaboration with competent Prefectures that inform the Organization about referrals of potential victims of trafficking timely, including all the information on their final destination. Often even the reception centers contact IOM to have specialized staff capable of providing information on counter-trafficking to migrant recently arrived.

The partnership with the principal actors involved in reception on the Italian territory and the sensitization of and technical assistance to operators who manage the first reception centers is allowing the IOM to intervene immediately upon disembarkation, thereby meeting victims of trafficking before their introduction to circuits of violence and exploitation

8. Victims of Trafficking - Asylum Seekers: IOM’s cooperation with the Territorial Commissions for the recognition of International Protection.

Most Nigerian women arrived in Italy in recent years requested asylum and received international protection according to the Italian legal framework on asylum pending their final status determination. In 2010, IOM established a system of referral with the Territorial Commissions for the recognition of International Protection based on the assumption that most of the Nigerian female asylum seekers were de facto also victims of trafficking.

In recent times this cooperation has been strengthened and, notwithstanding that a protocol outlining these procedures still does not exist, many Commissions in the principal Regions subject to arrivals by sea now suspend their auditions and ask IOM to conduct a further interview with the victim to verify if the asylum seeker is entitled to other forms of protection as foreseen by article 18 of the Consolidated Text on Immigration. This is done when there is a suspicion that the person has been trafficked and only with his\her consent.

During the reporting period the following Commissions asked for IOM’s intervention: Bari, Foggia, Lecce, Catania, Palermo, Syracuse, Trapani, Caltanissetta and Agrigento.

Following the interview, IOM sends a report to the Commission with a summary of from the interview and a recommendation on the personal situation of the victims of trafficking or on the vulnerabilities of the asylum seeker. If a woman provides information that suggests she is a victim of trafficking, according to the Consolidated Text on Immigration, IOM contacts the National Counter-Trafficking Network for her/his referral to a reception structure adequate for vulnerable individuals. Asylum seekers, if conditions exist and they consent, should not renounce to their



international protection request, as the insertion in a safe house does not exclude the finalization of asylum request procedure¹¹.

When asylum seekers obtain international protection, they can also decide which type of assistance they want to receive¹². In some cases, when the situation of the victims of trafficking requires special attention on her personal integrity, IOM requests the structures in the National Counter-Trafficking Network to host victims of trafficking recognized as refugees.

If IOM does not consider that there are enough elements to identify the migrant as a victim of trafficking, IOM will specify in its report to the Commission all other needs of protection, including the need to refer the asylum seeker to further assessment of health or psychosocial assistance.

Often migrants interviewed by IOM, upon request of the Territorial Commissions, cannot be identified as victims of trafficking in accordance with the Italian legal framework because although they were trafficked to Libya, they later freed themselves and are no longer in a situation of exploitation nor of fear of any further retaliation. In such cases, though, IOM can find the risk of asylum seekers to be re-trafficked if repatriated in their countries of origin, especially if they have not repaid their debt to the traffickers. This aspect is reported to the concerned Commissions for their consideration.

Fig 4. Data on persons reported to IOM by Territorial Commissions – April 2014-October 2015

Commission of Catania	35 (women)
Commission of Palermo	20 (women)
Commission of Caltanissetta	4 (women)
Commission of Trapani	5 (3 men, 2 women)
Commission of Syracuse	12 (11 women, 1 man)
Commission of Agrigento	1 (woman)
Commission of Bari	13 (12 women, 1 man)
Commission of Foggia	5 (women)

¹¹ For further analysis and comparison of the integration measures dedicated to victims of trafficking in Italy and four additional EU countries (France, Hungary, The Netherlands and the United Kingdom) the reader may refer to the materials published within the earlier IOM project “*FIIT: Foster and Improve Integration of Trafficked Persons*” which aimed to analyse the specific integration needs of victims of trafficking, in order to identify, share and transfer good practices related to the legal, economic, psychosocial dimensions of integration of VoTs. Both the comparative study *Evaluation of the effectiveness of measures for the integration of trafficked persons* and the toolkit *An Overview Of National Integration Schemes Accessible To Victims Of Trafficking And Successful Practices* include detailed overview of the system in place in Italy.

¹² The one envisaged for refugees or victims of trafficking.



Focus on Article 18 – why is the act of exploitation not necessary

Article 18 of the Consolidated Text on Immigration provides the grounds for the issuance of a permit of stay for social protection reasons in favor of foreign persons who, as victims of a situation of violence or grave exploitation, run a concrete risk, grave and imminent for their personal integrity or that of their relatives. It aims to provide immediate protection of the psychophysical integrity of victims: the situation of violence or exploitation shall be linked to the continuation of crimes such as exploitation or the induction to prostitution (article 3, Law 75/1958), or those crimes which are punished with the mandatory arrest in flagrante delicto, such as exploitation of children and begging, reduction or maintenance in slavery, trafficking in human beings, acquisition or sale of slaves.

It should be noted that the first essential condition is the existence of violence or grave exploitation, as alternate, and that this violence does not necessarily consist in physical coercion. The risk, which shall be concrete, grave and imminent, shall derive either from the attempt to escape to from the requirements of the criminal organization dedicated to such serious crimes or from the declarations emerged in the course of a criminal proceeding. The risk of violent retaliations is therefore a decisive element for the recognition of the protection, and this can occur prior to the effective beginning of the exploitation.

According to art. 18 of Consolidated Text on Immigration, the evaluation of the conditions of violence and exploitation are assessed either during the police operations, investigations or in the criminal proceeding initiated by formal complaint. They can also emerge during the interventions of assistance by social services of local entities (so without formal complaint). These two modalities do not co-exist as they determine two differentiated procedures for the issue of the permit of stay: the first, so-called judiciary path with request or advice of the Office of the Prosecutor; the second, the social path, without formal complaint, deriving from the impulse of the social services, associations recognized and IOM (by virtue of the mandate from the Ministry of Interior).

The permit of stay for social protection is issued by the Questura, valid for 6 months, and is renewable for one year or more. Moreover, it is convertible to other type of permit provided it meets the conditions described by the law. It allows for the access to services of assistance, to study, the inscription on the lists of unemployment and the possibility to be employed. The objective of the durable social insertion of the victim is pursued, with the adhesion and active participation to a specific program of integration available on the territory, which becomes a characterizing element and condition of the issue of the permit of stay.



9. Challenges in accessing protection – the double-track

Notwithstanding that the legal framework in force provides the possibility to protect all the victims of trafficking regardless of whether they provide information about the traffickers, the reality is that there are few facilities hosting migrants who choose not to present a formal complaint.

IOM emphasizes the necessity to apply the norms on counter-trafficking in force in a uniform way, ensuring the protection to those fearing retaliations and to those who, for the reasons described in this report, cannot or do not want to denounce their traffickers. Moreover, the adhesion to a social path and the guarantee of a reflection period can create the necessary conditions for the victim to decide to cooperate with prosecutors even at a later stage.

IOM encounters greater difficulties in the protection of minor victims of trafficking, who as stated represent a growing phenomenon. Few are the facilities that assist unaccompanied minors victims of trafficking.

10. Article 601 of the Criminal Code: a crime difficult to report

It is well documented that traffickers and smugglers are unscrupulous in embarking women – including pregnant women – and minors on unsafe and crumbling boats. It comes to a crime and a profitable business. Human trafficking is estimated to be comparable in profits only to drugs trafficking. Lately it seems that this trafficking increasingly involves paramilitary groups and armed forces in disarray, which thanks to such profits gain the control of the territory.

Sub-Saharan migrants experience the most horrid travelling conditions. They are transported in the hold without air nor food, beaten during the journey and are considered the most expendable. Concerning women, as said above, violence and abuses start shortly after the departure to turn into regular brutality and misery inside the Libyan closed houses. According to the testimonies of migrants assisted by IOM, the conditions of the overcrowded boats facilitate violence and gender abuses immediately before (when the “passage” is paid with sexual services) and during the crossing of the sea.

The inclusion of the crime of trafficking in human beings under the competence of the Counter Mafia Investigation Departments clearly shows the importance that legislators place on the fight against this obnoxious crime.

The number of proceedings on the basis of Article 601 of the Criminal Code is however particularly low if it is compared for example to data of proceedings in progress for aiding and abetting to illegal migration and prostitution.

Several reasons explain this circumstance: the transnational nature of this crime and the difficulty in conducting the investigations in the countries of origin of traffickers and in those places where they act. According to the last Annual Report on the Activities carried out by the National Prosecutor on Counter-Mafia and by the National Counter-Mafia Investigation Department on the Dynamics and Strategies of Organized Crime of Mafia-type during the period 1st July 2013 – 30th



June 2014: “concerning Nigerians the investigations can be developed only against those individuals who are identified in Italy, as it is impossible to obtain any concrete judicial collaboration with their country of origin to allow to hit the bosses who manage the various illicit trafficking, while being abroad”.

The lack of resources to conduct the interrogatories as well as the phone and electronic surveillance with the assistance of reliable and competent cultural mediators is another obstacle. The limited collaboration of victims, who if they are not promptly identified and put under protection, could again end up in the hands of unscrupulous traffickers, is another aspect.

Thus it is essential to use the resources and platforms of cooperation that Europol and Eurojust offer in the field of exchange of operational information, joint investigation teams, mutual legal assistance and other important support.

It should be noted further that many magistrates of the Office of the Prosecutor prefer to prosecute the crime of aiding and abetting for illegal migration and avoid referring the investigations and the proceedings to the competence of the Department of Counter-Mafia. The foreign criminal networks managing the trafficking in human beings are indeed also involved in other type of crimes, such as drugs trafficking or money laundry, that also undermine internal and public security.



Conclusions and Recommendations:

Its presence in the main points of disembarkation places the IOM in a privileged position, which allows it to monitor and assess the phenomenon of trafficking in human beings and its evolution. However, it offers only a partial vision, which needs to be complemented by the experience of organizations and associations working on identification and assistance to victims on the whole territory.

Based on its experience IOM formulated the following series of recommendations and proposals for a better response and an early identification and protection of victims:

1. IOM consider necessary to complement the current response to trafficking in human being with an approach centered on the reduction of demand. Consumers and particularly young generations should be sensitized with what can be hidden behind sex work.
2. Response to trafficking in human beings should not be limited to a security and public order approach but rather include a comprehensive assistance to victims, including their physical health and integrity.
3. **IOM reiterates the urgency to adopt a national plan on combatting trafficking** that would render operational and effective the protection of victims and include legal and psychological counselling and healthcare. **It is particularly important to increase the number of the facilities available to host migrant children.**
4. **It is necessary to enhance the hosting capacity for victims of trafficking identified as such upon disembarkation.** This would ensure an immediate protection and separation from exploiters, whom may often find themselves on the same boat. The establishment of safe houses and safe places dedicated exclusively to victims is equally critical.
5. IOM stresses the need to guarantee unconditional access to protection for victims who do not wish to report their case to the Police (as this is set forth by the Italian law). By envisaging protection to all victims of trafficking regardless their willingness to denounce the traffickers or not, the Italian legal framework is certainly one of the most advanced in Europe. However, often, although envisaged by law, authorities are reluctant to issue residence permits for victims of trafficking that do not want to cooperate with the Police.
6. **IOM recommends establishing a permanent referral system between the Territorial Commissions for the Recognition of International Protection and the National System to Counter-Trafficking.** This collaboration would contribute to the identification of the phenomenon and to the protection of victims as foreseen in the legal framework in force. **It is also necessary to envisage a consolidated collaboration between the National System to Counter-Trafficking and the Structure of Mission of the Directorate for Civil Liberties and Immigration of the Ministry of Interior,** which is in charge of managing the reception of unaccompanied minors arriving by sea to guarantee an immediate identification and protection of minor victims of trafficking.
7. Finally IOM deems fundamental to provide a system of constant counter-trafficking training for, border police and operators involved in the management of disembarkation and first reception in order to fully understand the phenomenon, to contribute to an expedite identification and to protect the victims of trafficking promptly and efficiently.