

EMN FOCUSSED STUDY 2013

Identification of victims of trafficking in human beings in international protection and forced return procedures

Top-line “Factsheet”
(National Contribution)
Executive Summary
(Synthesis Report)

National contribution (one page only)

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

Italy, as well as many other EU Member States, is increasingly affected by the phenomenon of trafficking in human beings, an extremely serious crime implying the commodification of the human person as well as the oppression of its dignity and fundamental rights¹.

The Department for Equal Opportunities is responsible for the coordination of interventions to prevent and combat trafficking in human beings, both at a national (anti-trafficking toll-free number, assistance programmes, monitoring) and transnational (researches, development of a Transnational Referral Mechanism) level. All activities carried out to prevent and combat human trafficking are inspired by fundamental principles – such as the protection of human rights – and a multidisciplinary and integrated approach, which is necessary to deal with such a complex and evolving phenomenon.

The Italian protection system, operating since 2000, is coordinated and co-financed by the Department for Equal Opportunities. It consists in a series of means of intervention, that will be examined in the course of this study along with the evolution of the national legislation on the subject.

Since 1998, victims of human trafficking receive protection and assistance through different ways of protection provided for by law, regardless of their cooperation with the authorities for the purpose of prosecuting their exploiters. Although there is no relation between the procedure for the identification of victims of human trafficking and that for the recognition of international protection, the upcoming implementation of the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims will ensure better coordination.

In addition, a training project for local operators of the National System for the Protection of Asylum Seekers and Refugees (SPRAR) is being implemented. This project will culminate in the development of guidelines and standard procedures to be adopted at the national level in order to facilitate the identification of victims of human trafficking within reception facilities hosting applicants for international protection. The associations operating in these centers and the social services, in fact, may report any suspicious case to the Police Commissioner – if authorized by the victim.

Furthermore, the officials in charge of carrying out the expulsion order pay particular attention to identifying exploitation cases which could turn into human trafficking. After having drawn-up a detailed report, the officials are required to promptly report such cases to the competent authorities, in order to ensure immediate assistance.

This study reveals that Italy boasts a very advanced legislation that guarantees a special

¹ www.pariopportunita.gov.it/index.php/component/content/article/70-traffico-di-esseri-umani-/2295-controllo-la-tratta-di-persone.

residence permit to victims of human trafficking (mostly women forced into prostitution, but also minors as well as male adult workers subject to labor exploitation). Good practices adopted at the national level allow the protection of more and more victims, and represent a starting point for a constructive dialogue at the EU level on preventing and combating such serious crime.

Synthesis Report (up three pages)

Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.

Section 1

Residence permits, protection statuses and national programmes available to victims of trafficking in Member States

(Maximum ½ page)

This section briefly outlines the residence permits and protection statuses available to victims of trafficking in human beings in Member States. The aim of this section is to contextualise the section on referral. Information on rights should not be provided in detail, as it falls outside of the scope of this Study.

Q.1 What residence permit(s) specifically for victims of trafficking in human beings are available in your Member State? (list them here)

According to art. 18 of the Consolidated Act on Immigration (T.U.I. – “Testo Unico sull’Immigrazione”) approved by Legislative Decree no. 286/1998, a residence permit for social protection is issued by the Police Commissioner (Questore) to victims of human trafficking in the following cases:

- a) on proposal by the local authorities’ social services or private social entities registered in a special register and accredited with the local authority;
- b) on proposal by the Prosecutor of the Republic, when the foreigner is involved in a criminal proceeding relating to acts of violence or serious exploitation.
- c) at the initiative of the victim him/herself.

The residence permit is valid for 6 months and may be renewed for one year or for the longer period needed for reasons of justice. Upon its expiry, it can be converted into a residence permit for employment or study if the applicant has an ongoing working relationship or is enrolled in a regular course of study.

The permit is issued to foreign citizens who are victims of violence and abuse or whose safety is in danger (due to the attempt to escape from a criminal organization, or because of statements made during preliminary investigations or a pending criminal proceeding). The permit allows the foreign citizen to participate in a mandatory project of assistance and social integration carried out by local authorities, associations or other accredited bodies.

Q1a. Are they conditional on cooperation with the authorities?

No. Art. 18 of the T.U.I. states that protection and rehabilitation of victims of human trafficking may not be conditional on their cooperation with the authorities (which is considered an independent variable). There are two different paths of protection:

- the judicial protection, for those who want to collaborate with the authorities even before the court;
- the social protection for those who, for lack of information or due to serious retaliations by criminal networks, cannot effectively cooperate with the judicial authorities.

*Identification of victims of trafficking in human beings in international protection and forced return procedures**Q1b. In which year was it/were they introduced?*

The first law authorizing a special residence permit for foreign nationals who are victims of human trafficking (or serious crimes) was the Law Decree no. 447 of September 13, 1996, which amended art. 3 of the Law Decree no. 416 of December 30, 1989 (ratified by Law no. 39 of February 28, 1990). Such a permit, however, was issued by the Police Commissioner only as a reward to non-EU nationals who were in a dangerous situation due to either their cooperation with the authorities or their statements made during preliminary investigations (provided that their contribution led to the identification and capture of those responsible). The maximum duration of this residence permit was one year, but it could be extended for security or procedural reasons.

Art. 18 of the Consolidated Text on Immigration (T.U.I.) – introduced in 1998 – is based instead on balancing the protection of victims’ rights with the need to prosecute criminal offences, although favoring the first aspect. In addition, with the issuance of a non-temporary residence permit, the current law aims at facilitating the social integration of the victims – thus completing the protection system.

Furthermore, in order to strengthen the fight against human trafficking, Italy also enacted the Law no. 228 of 2003 containing “measures against human trafficking”, which introduced a clarification of the crime of human trafficking and enslavement, as well as the creation of a second fund for the assistance and social protection of victims (first assistance measures, as per art. 13 of the Consolidated Act).

Q.2 Are international protection status(es) granted to third-country nationals for the reason of being a victim of trafficking in human beings in your Member State? Yes / No

No, because the requirements for the recognition of international protection are different from those for the issuance of a residence permit for social protection.

*Q2a. If yes, please name which statuses are granted here**Q3. Does your Member State have a national referral mechanism? Yes / No*

Italy has a national protection system which has been operating since 2000. It is coordinated by the Department for Equal Opportunities, the central administrative agency responsible for the prevention and combat of trafficking in human beings, and in particular the assistance and social reintegration of its victims. In order to promote and monitor such activities, the Department relies on the Interministerial Commission, an inter-institutional body which coordinates the various interventions in support of victims of human trafficking, violence and serious exploitation.

The main measures undertaken by the Department for Equal Opportunities (surfacing, identification and first assistance, social inclusion) are carried out through various means of intervention:

- a national anti-trafficking toll free Number (800.290.290);
- a first assistance program, pursuant to art. 13 of the Law no. 228/2003 (“measures against trafficking in human beings”) with the “creation of a special assistance program for victims of crimes provided for by articles 600 and 601 of the Penal Code”;
- a Social Assistance and Integration Programme, provided for by art. 18 of the Legislative Decree no. 286/98 (T.U.I.).

Moreover, the Department for Equal Opportunities is in charge of conducting research on the phenomenon of human trafficking and developing a system of data collection.

Since 2011, the Department coordinates the work of an inter-institutional group aiming to develop the first national action plan against trafficking in human beings.

Italy is also on the verge of completing the implementation of the Directive 2011/36/EU of the European Parliament and of the Council of April 5, 2011 on preventing and combating trafficking in human beings and protecting its victims². The new laws will facilitate the coordination between the institutions involved in the protection and assistance of victims of human trafficking and those responsible for asylum, by creating referral mechanisms between the two systems of protection, if necessary.

Section 2

Detection, identification and referral of victims in International Protection Procedures

(Maximum 7 pages)

This section first examines the mechanisms that are used to detect and identify victims in the procedure for international protection,³ It then explores how identified victims are given access to appropriate assistance and support and specifically looks at mechanisms for coordination and referral between procedures.

*Where relevant, please distinguish between first instance and appeal procedures, where applicable.*⁴

1.1 Legislative framework

Q.4 Are there established mechanisms for detecting and identifying victims of trafficking in human beings in the procedure for international protection?⁵

Currently in the procedure for international protection there are no official practices or guidelines for detecting and identifying victims of trafficking in human beings. This is mainly due to the fact that since 1998 Italy has adopted a very advanced legislation to protect victims of human trafficking: in fact they receive protection and assistance regardless of their complaint against the exploiters or their cooperation with the authorities in criminal investigations (art. 18 of the T.U.I. and law 228/2003). This system, which applies to a significant number of requests for protection, is probably one of the reasons why the procedure for international protection is less used in Italy; this is also due to the conditions for the recognition of international protection, which differ from those that activate the mechanisms of assistance and protection for victims of human trafficking. This seems confirmed by statistical data provided by the Commission for the support of victims of trafficking, violence and serious exploitation, which show that in 2012, out of about 1,650 cases submitted to the protection system for victims of human trafficking, only 16 had also requested international protection and only 10 of them obtained recognition of subsidiary protection. There is no data available from the Italian asylum system indicating the number of applicants for international protection who have been identified as victims of human trafficking during the procedure for the recognition of international protection.

The following are two transnational projects – managed by the Department of Rights and

² www.senato.it/leg/17/BGT/Schede_v3/Ddliter/40746.htm.

³ In **Ireland**, this would imply covering both procedures for asylum and subsidiary protection, as no single procedure is in place.

⁴ For example, in **Ireland** there is no appeal procedure for subsidiary protection application, and this is decided on the basis of papers submitted. (The implications of CJEU Judgment of 22/11/12 and Irish HC Judgment of 23/1/13 in *MM v Min. for J&E* case that applicants for Sub/Protection have ‘a right to be heard’ are currently being considered in *DJ&E.*)”

⁵ (Member) States should here **only** refer to mechanisms for detection/identification used in international protection procedures – i.e. they should not refer to those used specifically by law enforcement, NGOs or other persons coming into contact with victims in situations outside of international protection procedures.

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Equal Opportunities – which represent a concrete example of development of guidelines.

The first project, “Development of a Transnational Referral Mechanism for victims of trafficking between countries of origin and destination – TRM-EU” (carried out between May 2008 and February 2010 by a pool of associations such as On the Road onlus, Expat Italia, Cooperativa sociale Dedalus, Associazione Mimosa and Comunità Oasi 2), aimed at creating a comprehensive mechanism for the assistance and protection of victims of trafficking, by promoting good anti-trafficking practices from participating countries and enhancing the co-operation between governmental and non-governmental actors, both nationally and transnationally.

In addition, the project “Transnational, cross-sector action to combat trafficking for the purpose of labour exploitation. Identifying and assisting victims – FREED” had similar goals already in the period 2008-2009; in particular, the promotion and creation of networks of intersectoral collaboration (at a local, national and international level) aimed at combating labour exploitation, assisting and protecting victims of human trafficking, as well as fostering the exchange of knowledge and good practices among all the actors involved. The project benefited from the collaboration of a number of important international partners – such as the Ministry of Labour, the CNEL – National Council of the Economy and Labour, the General Command of the Carabinieri Police Force, CGIL – Department of Immigration Policies, CISL – Department of Migration Policies, UGL-SEI, UIL – Department of Migration Policies, the Municipality of Venice, the association “On the Road”, the social cooperative “Parsec”, ILO, Romania’s National Agency against Trafficking in Persons, Poland’s National Labour Inspectorate and Portugal’s General Labour Inspectorate.

All these projects referred to EU guidelines, but also to the international guiding principles elaborated by the UNHCR.

In addition, in order to obtain support for the identification and management of cases of human trafficking, the SPRAR⁶ (the body responsible for the reception of asylum seekers) has organized several training seminars for staff members of the Prefectures, the Police Headquarters and the institutions managing the CARA centers, suggesting also to develop specific guidelines.

Lastly, the Association Save the Children, with the involvement of the Central Operations Service of the State Police, implemented the EU Project “AGIRE Austria, Greece, Italy and Romania. Acting for stronger private-public partnerships in the field of identification and support of child victims and at risk of trafficking in Europe”, aimed towards the development of good practices on identification, support and assistance to increase children’s protection.

Q4a. If yes, please state whether one of the scenarios below or a combination thereof applies in your (Member) State:

- a. Process for detection and identification of victims in the procedure for international protection is outlined in legislation (if yes, provide reference*

⁶ The System for the Protection of Asylum Seekers and Refugees (SPRAR) is the central body coordinating all the reception centers of the System throughout the Italian territory which provide interventions of “integrated reception” to asylum seekers and holders of international protection. Upon recommendation of local projects or third entities and bodies (prefectures, police headquarters, associations), the Central Service of the SPRAR network authorizes the accommodation in a reception centre of the System, if available.

to the legislation)

- b. *Process for detection and identification in the procedure for international protection is outlined in soft law – e.g. a ‘protocol’ (if yes, provide the reference)*
- c. *Process is not outlined in official documents, but there is a working system or standard practice in place, which is understood and used by the actors concerned.*

c) During the hearing, the interview aims to identify the condition of international protection, but does not imply a specific intervention to determine if the person is victim of human trafficking (a judgment that is left to the judicial process); besides, there is no standard set of indicators to be used by all the actors involved in the process of identification. The identification of a victim of human trafficking, therefore, is based on the personal experience of the various members of the Commission on the subject of asylum (for example, the description of the migratory paths, personal conditions or specific knowledge of the country of origin. Nigerian immigrants, for instance, often share similar histories, migration paths and a well-defined model of exploitation).

Currently there is no structured process or joint protocol allowing the identification of a victim of human trafficking seeking asylum or an equal treatment by the various Commissions.

Q5. Are there different protocols and/or practices for children and adults? Yes

Children seeking international protection are interviewed in the presence of the parent having parental responsibility or the guardian. In case of unaccompanied minors, the interview takes place in the presence of the guardian appointed by the court (Legislative Decree no. 25 of January 28, 2008, article 13).

Q6. Are there different protocols and/or practices for men and women?

If a woman is suspected of being a victim of human trafficking or sexual abuse, appropriate precautions are taken to protect her; also, in order to provide the necessary assistance, support staff may be present during the interview (Legislative Decree no. 25 of Jan 28, 2008, article 13).

1.2 Detection and identification of victims

Q7. How are (potential) victims of trafficking in human beings detected in procedures for international protection?

Q7a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State. For each, state Yes / No and (if yes) give a brief description of how this works:

- a. *The competent authority⁷ proactively screens all applicants for indications of trafficking in human beings;*

No.

⁷ Here, “competent authority” refers to the authority competent for examining the merit of the third-country national’s case for international protection. In many (Member) States, this is a ‘case worker’.

- b. *The competent authority proactively screens applicants with a particular profile⁸ for indications of trafficking in human beings.*

Special attention is usually paid to Nigerian women, especially those coming from Benin City.

- c. *Victims self-report;*

Yes, although these cases are extremely rare.

- d. *Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed)*

When the applicant for international protection is hosted at a Reception Center (CARA) or at a reception facility of the SPRAR network, he/she is constantly in touch with specialized operators who, if they believe the applicant to be a victim or a potential victim of trafficking in human beings, report the case to the reception facility managers in order to find another accommodation for “vulnerable” subjects, or activate a different protection procedure (art. 18 of the T.U.I.).

- e. *Other (please specify).*

Q7b. Is there a stage the applicant for international protection can no longer be screened (e.g. after the first negative decision)?

No.

Q8. If the competent authority detects that an applicant may be a victim of trafficking in human beings, what are the next steps in terms of assessment?

Q8a. Does the Member State apply a standard set of indicators to assess whether the person is a (potential) victim?

No.

If yes, please give further details, provided the information is not considered of a sensitive nature. How have these been developed? Are they based, for example, on international standards?

b. Are other mechanisms⁹ used by the competent authority to assess whether a person detected as a (potential) victim should be identified as such (or referred onto formal identification procedures)?

Yes.

- a. *If yes, what are these?*

There is no law or protocol establishing a link between the procedure for the recognition of international protection and that for the protection of victims of human trafficking (art. 18). When suspecting a case of a victim (or potential victim) of human trafficking, the Territorial Commission adopts the most appropriate decision for each specific case. The Commission may suspend or terminate (with a decision of lack of jurisdiction) the procedure for requesting international protection. In this case, the Commission will inform either the Police Headquarters (Questura) or the Public Prosecutor’s office (Procura della Repubblica) or any

⁸ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

⁹ E.g. interviews.

of the organizations authorized to provide assistance to victims of human trafficking, allowing them to activate a protection procedure. In other cases, the Commission may decide to conclude the procedure with the recognition of international (or subsidiary) protection, and then report the case to the Police Headquarters (Questura) or the Prefecture in order to decide whether to alert the SPRAR network, so that the subject (only if woman or minor) may be hosted at a sheltered facility. At the same time, the Commission reports the case to the Police Headquarters (Questura) and/or the Public Prosecutor's Office (Procura della Repubblica) in order to identify and prosecute those responsible for trafficking in human beings; etc.

*b. If no, why not?*¹⁰

Q8c. If, following detection, the third-country national concerned is not assessed as a (potential) victim, what happens? Can the third-country national seek an alternative assessment elsewhere?

If the Territorial Commission for the recognition of international protection does not assess the applicant as a victim of human trafficking, the latter may turn to an association that works in this field or directly to the Police Headquarters (Questura) or the Public Prosecutor's Office (Procura della Repubblica) in order to explain his/her case and request the specific protection provided for by the law (art. 18) in favor of victims of human trafficking.

Q9. Have methods for the detection and/or identification of victims in international protection procedures been evaluated in your Member State? No

Q9a. If yes, how well are they considered to be working? Is there any evidence to suggest that (potential) victims are going undetected / unidentified? Provide evidence.

Q9b. If no, please provide any other evidence of the effectiveness (or otherwise) of detection / identification in international protection procedures.

One of the members of the Territorial Commission is also an officer of the Questura and is usually responsible for protection procedures (art. 18). For this reason, he/she is usually able to adopt procedures and protocols to identify the victims of human trafficking. The UNHCR representative within the various Territorial Commissions also has a key role in promoting the implementation of international guidelines.

1.3 Referral

Q10. If an applicant is identified as a (potential) victim, can s/he access tailored statutory assistance and support whilst remaining in the international protection procedure (i.e. without referral to other procedures)?

Yes.

Q10a. If yes, please briefly describe how the assistance is provided (e.g. state programme, access to general state welfare services, government-funded assistance provided by NGOs, etc.).

Assistance is provided through specific state programs as well as by welfare benefits. There are many projects financed at the central level in favor of victims of trafficking, such as those described in Q4. The Ministry of Interior and the Department of Rights and Equal

¹⁰ E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

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Opportunities finance many projects and interventions, which are entrusted to private social organizations with a long experience in the sector.

All SPRAR reception centers provide board and lodging as well as activities of social support (aimed at improving knowledge of the territory and the actual access to local services – including health and social care), Italian language courses, courses for adults, compulsory education for children, as well as legal assistance on both the procedure for the recognition of international protection and rights and duties of beneficiaries, in relation to their status.

Q10b. If yes, describe under what conditions the assistance can be provided (without referral to other procedures) – specifically, does the (potential) victim have to be formally identified by a competent authority (e.g. law enforcement) in order to access the assistance? (Yes / No) – if yes, state which authorities are competent.

During the SPRAR reception stage, the Ministry of Interior arranges specialized facilities for the reception and support of particularly vulnerable categories: people with disabilities or health problems (physical and/or mental), unaccompanied minors, victims of torture, single-parent families, single pregnant women. Applicants for international protection identified as victims of human trafficking who have not been assigned to a specific protection system (art. 18) are usually accommodated in these facilities, but only if the level of safety and confidentiality is compatible with the degree of protection that such specific categories must receive. In some limited cases, on the basis of local protocols, the SPRAR centers may benefit from staff from facilities specialized in the treatment of victims of trafficking, in order to provide them with psychological assistance and sometimes a sheltered accommodation. A new procedure of identification is not requested.

Q10c. What mechanisms are in place to facilitate this type of referral (to assistance, whilst remaining in international protection procedures)? Are there any agreements in place? Does it form part of a National Referral Mechanism?

Rules and protocols for the assistance of “vulnerable” groups do not provide for specific measures in favor of victims of human trafficking.

Q10d. Are there any obstacles to this type of referral?

Q11. If an applicant is identified as a (potential) victim and there is the possibility to change to (or participate in parallel in) procedures as foreseen under Directive 2004/81/EC or national equivalent measures ?

Yes.

how does this work in practice?

Q11a. Does the applicant have to withdraw from the procedure for international protection in order to do so?

No.

- a. If yes, can s/he re-open the procedure for international protection if s/he is not granted a residence permit under Directive 2004/81/EC? Yes/No, please elaborate the process.*
- b. If no, please elaborate – how does this work in practice? Does the victim have to be formally identified by a different competent authority? – if yes, state which authority*

There is no authority responsible for the reflection period but just for the stay permit release.

The Territorial Commission for the recognition of international protection, as well as the

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public body or the private organization that have come in contact with the victim, may report the case to the Police commissioner or any organizations specialized in assisting victims of human trafficking, if they consider the specific procedure for victims of human trafficking to be a more effective means of protection. The case is usually reported to the Police Commissioner if the victim is able to cooperate in identifying the traffickers. In such cases the competent officials (police agents/officers or social workers) carry out a special interview to determine if the subject is a victim (or potential victim) of human trafficking and is therefore entitled to receive protection. The main duty of the Police Commissioner, however, remains the assessment of identity.

Q11b. How is referral to the procedure as foreseen under Directive 2004/81/EC organised? Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. *The victim is given information on his/her rights and possibilities, but has to initiate the procedure on his/her own (where applicable with the help of his/her legal representative).*

Yes.

- b. *The competent authority contacts the authorities responsible for issuing a reflection period or residence permit.*

Yes.

In both cases, the victims – even if beneficiaries of the specific protection system (art. 18) – may keep the original residence permit for international protection until its expiry date. If the Commission decides to grant international protection, a new residence permit relating to the granted status (refugee, subsidiary or humanitarian protection) is issued. In case of a negative decision, if the conditions are met, a residence permit for “social protection” labeled “humanitarian reasons” is issued, in order to avoid that the holder is identified as a victim of human trafficking (art. 18).

- c. *There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).*

No.

Q11d. Can the applicant's dossier /evidence gathered to date in the procedure for international protection (e.g. personal interview) be transferred to and used in the new procedure for a reflection period or residence permit as foreseen under Directive 2004/81/EC? Yes / No / in some cases (please elaborate).

Information gathered by the Territorial Commission for the recognition of international protection may be transferred to the Police Commissioner or the Public Prosecutor of the Republic for investigation purposes.

Q12. If an applicant is identified as a victim and there is the possibility to change to obtain a residence permit (other than that described in Q11) or international protection status on grounds of being a victim of trafficking in human beings, how does this work in practice?

No, because there is no different procedure for the recognition of international protection on grounds of being a victim of human trafficking. However, during the interview by the Commission, the applicant may integrate his/her application by providing new documents relating to his/her status as a victim of human trafficking; the procedure, however, remains the

same.

Q12a. Can the applicant (where relevant, with the support of his/her legal representative) decide whether or not s/he wishes to apply for the residence permit / international protection on these grounds?

Non applicable.

Q12b. If yes, please name the title of the residence permit / protection status and the conditions under which (potential) victims of trafficking in human beings can apply for it.

Non applicable.

Q12c Does the (potential) victim have to be formally identified by a competent authority (e.g. law enforcement) in order to apply for the residence permit / protection status? (Yes / No) – if yes, state which authorities are competent. Can the authorities responsible for processing applications for international protection formally identify in these circumstances?

Non applicable.

Q12d. When can the application procedure be started?

Non applicable.

Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. When a first instance decision has been made as to whether the applicant can be granted asylum;*
- b. When a first instance decision has been made both in regard of whether the applicant can be granted asylum and, if not, whether s/he can be granted subsidiary protection;*
- c. When the third-country national has received a (final) negative decision on his/her application for asylum;*
- d. When the third-country national has received a (final) negative decision on his/her applications for (other types of) international protection;*
- e. Other, please specify.*

Q12e. How is referral to the procedure for the residence permit / international protection on grounds of being a victim of trafficking in human beings organised?

Non applicable.

Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. The victim is given information on his/her rights and possibilities, but has to initiate the procedures on his/her own (where applicable with the help of his/her legal representative).*
- b. The competent authority starts up the procedure for the other form of protection. (If yes, please elaborate)*
- c. There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).*

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Q12f. Can the applicant's dossier /evidence gathered to date in the procedure for international protection (e.g. personal interview) be transferred to and used in the new procedure? Yes / No / in some cases (please elaborate)

Non applicable.

Q13. Have systems of referral of (potential) victims of trafficking in human beings from international protection procedures to other procedures been evaluated in your Member State?¹¹

No.

Q13a. If yes, how well are they considered to be working? Provide evidence.

Q13b. If no, please provide any other evidence of the effectiveness (or otherwise) of referral here.

An intense debate on establishing a law which links the two systems of protection is currently underway.

1.4 Detection and identification and referral in relation to Dublin procedures

Q14. If, in accordance with Council Regulation 343/2003, the competent authority decides that another Member State is responsible for examining the application for international protection (i.e. Dublin procedures apply) and the applicant is detected as a (potential) victim of trafficking in human beings, does this trigger Article 3(2)¹² and/or Article 15¹³ of the Regulation – i.e. can the Dublin transfer be suspended? Yes/No/other response
Yes.

If yes, please answer the following questions:

Q14a If yes, how are (potential) victims subject to Dublin transfers detected? Please specify which applies:

- a. The competent authority¹⁴ proactively screens all applicants subject to Dublin transfer for indications of trafficking in human beings;*
- b. The competent authority proactively screens applicants subject to Dublin transfer with a particular profile¹⁵ (please provide information on the type of profile);*

¹¹ For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

¹² Article 3(2) states that “each Member State may examine an application for asylum lodged with it by a third-country national, even if such examination is not its responsibility under the criteria laid down in this Regulation.”

¹³ Article 15(1) states that, “Any Member State, even where it is not responsible under the criteria set out in this Regulation, may bring together family members, as well as other dependent relatives, on humanitarian grounds based in particular on family or cultural considerations. In this case that Member State shall, at the request of another Member State, examine the application for asylum of the person concerned. The persons concerned must consent.” Article 15(3) refers specifically to Unaccompanied Minors and states, “If the asylum seeker is an unaccompanied minor who has a relative or relatives in another Member State who can take care of him or her, Member States shall if possible unite the minor with his or her relative or relatives, unless this is not in the best interests of the minor”.

¹⁴ Here, “competent authority” refers to the authority competent for examining the merit of the third-country national’s case for international protection. In many (Member) States, this is a ‘case worker’.

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- c. *There is no systematic screening, but victims can self-report / other actors can draw attention to the potential victimisation (cf. section 3.4 if (optionally) completed);*
- d. *Other (please specify).*

If the individual seeking international protection is also identified as a victim or potential victim of human trafficking, the suspension request is usually submitted by the Public Prosecutor's Office or the judicial authorities, in order to avoid that the expulsion from the national territory may compromise the investigation.

Q14b. If a (potential) victim is detected, what are the next steps in terms of assessment and identification? Is there a specific level of evidence needed to suspend a Dublin II transfer?

There are no cases, but, in principle, evidences may be relating to investigations or trial proceedings.

Q15. If being a victim of trafficking in human beings does not trigger Article 3(2) or Article 15 in your Member State can Dublin II transfers be suspended anyway? Yes / No / in some cases. Please elaborate on your answer.

There are no cases, but, in principle, Dublin II transfers may be suspended only for investigations or trial proceedings.

Q16. Are third-country nationals subject to Dublin procedures informed of possibilities offered under Directive 2004/81/EC or national equivalent measures, or other residence possibilities?

Usually, only if the subject was already identified as a victim of human trafficking and included in a program of protection and assistance.

1.5 Future measures

Q17. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for international protection? Yes/No

Yes.

Q17a. If yes, please briefly describe the anticipated measures here: what type of mechanisms to be covered, actors involved, etc.

Yes, the SPRAR is currently carrying out a training project for all personnel involved in the procedures for international protection, in order to develop guidelines and procedures to be adopted nationally.

Q17b. If no, are there any obstacles to the introduction of measures?

Section 3

Detection, identification and referral of victims in Forced Return Procedures

(Maximum 4 pages)

¹⁵ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country of origin to the EU Member State, refer to a known route used by traffickers.

Identification of victims of trafficking in human beings in international protection and forced return procedures

This section first examines the mechanisms that are used to detect and identify victims who have received a (final) negative decision on their application(s) in international protection, or who have abandoned the procedure, i.e. “rejected applicants”, who are subject to a forced return procedure. It then explores how (potential) victims are given access to appropriate assistance and support and specifically looks at mechanisms for coordination and referral between procedures.

*Please note that wherever reference is made to forced return in this section, it relates to the **forced return of rejected applicants for international protection** only rather than other persons subject to forced return measures (e.g. irregular migrants).*

2.1 Legislative framework

Q18. Are there established mechanisms for detecting and identifying victims of trafficking in human beings in forced return procedures¹⁶? Yes/No

Q18a. If yes, please state whether one of the scenarios below or a combination thereof applies in your (Member) State:

- a. Process for detection and identification in forced return procedures is outlined in legislation (if yes, provide the reference)*
 - b. Process for detection and identification in forced return procedures is outlined in soft law – e.g. a ‘protocol’ (if yes, provide the reference)*
 - c. Process is not outlined in official documents, but there is a working system or standard practice in place, which is understood and used by the actors concerned (if yes, provide a brief description)*
- a) Art 19, par. 2 bis of the Consolidated Act on Immigration (T.U.I., Leg. Decree no. 286/1998) states that an expulsion order for victims of serious psychological, physical or sexual violence must be carried out compatibly with each individual’s personal circumstances (duly verified). It is a law of general application which refers – without distinction – to any individuals subject to expulsion orders, regardless of their status of applicant for international protection (denied) or irregular migrant.

Even without specific directives, however, this law requires the officials in charge of carrying out the expulsion order to assess the presence of such impediments.

In any case, an expulsion order – since it affects the freedom of a person – must be validated by a court. Usually, it is precisely before a court that evidences against the expulsion decision (or elements worthy of a deeper investigation for the purposes of protecting a victim of human trafficking) which had never emerged before, come to light for the first time. Both the person involved and his/her lawyer, in fact, must necessarily be present at the validation hearing. The foreign national may be assisted by a trusted lawyer or a court-appointed attorney, as well as by an interpreter if needed.

Q19. Are there different protocols and/or practices for children and adults?

Q19a. If yes, please briefly describe how these differ and why.

Minors cannot be deported until they come of age, except for the right to follow their parent.

¹⁶ (Member) States should here **only** refer to mechanisms for detection/identification used in forced return procedures – i.e. they should not refer to those used to detect/identify in situations outside of forced return procedures.

Q20. Are there different protocols and/or practices for men and women?

Q20a. If yes, please briefly describe how these differ and why¹⁷

Expulsion of women is usually carried out by female staff, but this is not mandatory.

2.2 Detection of victims

Q21. How are (potential) victims of trafficking in human beings detected, amongst rejected applicants, in forced return procedures?

Q21a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State. For each, state Yes / No and (if yes) give a brief description of how this works:

- a. The competent authority¹⁸ proactively screens all rejected applicants for indications of trafficking in human beings;*
- b. The competent authority proactively screens all rejected applicants with a particular profile¹⁹ for indications of trafficking in human beings (please provide information on the type of profile);*
- c. Victims self-report;*

Yes.

- d. Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed);*

Yes; an international organization or association may be informed about the particular condition of the victim (or alleged victim), thus reporting the case to the responsible bodies (usually the court, during the validation hearing).

- e. Other (please specify).*

Q22. If the competent authority detects that a rejected applicant may be a victim of trafficking in human beings, what are the next steps in terms of assessment?

Q22a. Does the Member State apply a standard set of indicators to assess whether the person is a (potential) victim?

No.

- a. If yes, please give further details, provided the information is not considered of a sensitive nature. How have these been developed? Are they based, for example, on international standards?*

Q22b. Are other mechanisms²⁰ used by the competent authority to assess whether a person detected as a (potential) victim should be identified as such (or referred onto formal identification procedures)?

Yes.

¹⁷ E.g. only female officers can screen / assess women.

¹⁸ Here, "competent authority" refers to the law enforcement official or other authority competent to supervise and enforce forced return process of applicants for international protection who are subject to a return order.

¹⁹ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

²⁰ E.g. interviews.

c. *If yes, what are these?*

Pursuant to the above-mentioned law (art. 19, par. 2 bis Leg. Decree no. 286/1998) (See Q 18), if the officials in charge of carrying out the expulsion order have good reasons to believe that the person is a victim of human trafficking, they draw up a report describing the circumstances and inform the competent authorities for a final assessment of his/her alleged condition as a victim.

d. *If no, why not?*²¹

Q22c. What happens if, following the assessment, the competent authority decides that the third-country national concerned is not a (potential) victim? Can the third-country national seek an alternative assessment elsewhere?

No.

Q23. Have methods for the detection and/or identification of victims in forced return procedures been evaluated in your Member State? Yes/No

No.

Q23a. If yes, how well are they considered to be working? Is there any evidence to suggest that (potential) victims are going undetected / unidentified? Provide evidence.

Q23b. If no, please provide any other evidence of the effectiveness (or otherwise) of detection / identification in forced return procedures here.

Both institutional and private actors are currently working together to define standard procedures for the identification of potential victims of human trafficking. The result should be a joint directive signed by the various competent ministries (Interior, Justice, Equal Opportunities).

2.3 Referral

Q24. If a rejected applicant is identified as a (potential) victim and there is the possibility to open up a procedure as foreseen under Directive 2004/81/EC, how does this work in practice?

Q24a Can the rejected applicant (where relevant, with the support of his/her legal representative) decide whether or not s/he wishes to access the provisions of Directive 2004/81/EC or national equivalent measures?

Yes.

Q24b. How is referral to the procedure as foreseen under Directive 2004/81/EC organised?

Please highlight which one option, or a combination thereof, is applicable in your Member State:

a. *The (potential) victim is given information on his/her rights and possibilities, but has to initiate alternative procedures on his/her own (where applicable with the help of his/her legal representative).*

²¹ E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

Identification of victims of trafficking in human beings in international protection and forced return procedures

- b. *The authorities competent for implementing the forced return procedure contact the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate)*

The authority competent for implementing the forced return procedure (the Police Headquarters) is also responsible for issuing the residence permit for “social protection”, either on its own initiative or on proposal of the associations, social services or the Prosecutor’s Office. In any case, the person must adhere to a specific integration and assistance program.

- c. *There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).*

Q24c. Can the applicant’s dossier /evidence gathered to date by the law enforcement authorities be transferred to and used in the new procedure for a reflection period or residence permit as foreseen under Directive 2004/81/EC?

Yes, in some cases.

Q25. Have systems of referral of (potential) victims from forced return procedures to other procedures been evaluated in your Member State?²²

No.

Q25a. If yes, how well are they considered to be working? Provide evidence.

Q25b. If no, please provide any other evidence of the effectiveness (or otherwise) of such referral mechanisms.

The authority responsible for implementing the forced return procedure (the Police Headquarters) is also responsible for issuing the residence permit for “social protection” to the victims of human trafficking. Since the law establishes that the competent Police Headquarters for the issuance of residence permits is the nearest to the foreigner’s residence, the change from a forced return to a protection procedure (or the assessment of the victim’s condition) is established within the same police office.

2.4 Future measures

Q26. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for forced return?

Yes.

Q26a. If yes, please briefly describe the anticipated measures here: what type of mechanisms to be covered, actors involved, etc.

Both institutional and private actors are currently working together to define standard procedures for the identification of potential victims of human trafficking. The result should be a joint directive signed by the various competent ministries (Interior, Justice, Equal Opportunities).

Q26b. If no, are there any obstacles to the introduction of measures?

²² For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

Section 4
Detection, identification and referral of victims by other related actors
(Maximum 2pages)

This section looks at detection, identification and referral of (potential) victims who are residing in (i) reception centres; and (ii) detention facilities awaiting forced return. It optionally looks at detection and referral by other actors.

3.1 Detection and identification of victims in reception centres / detention facilities

Q27. How are (potential) victims of trafficking in human beings detected in the following situations:

- a. Whilst residing in reception centres for applicants of international protection (where these exist in Member States)?*

Yes, because both the victims themselves and the staff of reception centers may report the case to the local authorities' social services or directly to the Police Headquarters.

- b. Whilst detained in detention facilities for irregular migrants awaiting return (where these exist in Member States)²³?*

Yes, because both the victims themselves and the staff of reception centers may report the case to the local authorities' social services or directly to the Police Headquarters.

Q27a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State:

- a. All residents / detainees are screened for indications of trafficking in human beings;*
- b. All residents /detainees with a particular profile²⁴ for indications of trafficking in human beings;*
- c. Victims self-report;*

Yes.

- d. Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed);*

Yes.

- e. Other (please specify).*

Q28. Is the practice described above based on established guidelines / protocol (if yes, please provide a reference / information)

No.

Q29. Are there different protocols and/or practices for children and adults?

No.

²³ In some (Member) States, third-country nationals awaiting return are not detained at all, whereas in some (Member) States, returnees are detained in regular prisons or in migration reception centres. These cases fall outside of the scope of this Study, and only detention facilities will be covered.

²⁴ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country of origin to the EU Member State, refer to a known route used by traffickers.

Q29a. If yes, please briefly describe how these differ.

Q30. Are there different protocols and/or practices for men and women?

No.

Q30a. If yes, please briefly describe how these differ²⁵

Q31. What are the next steps in terms of assessment and identification?

Q31a. Is there a standard set of indicators used to assess whether the suspected victim should be identified as a victim?

No.

a. If yes, please give further details, provided the information is not considered of a sensitive nature.

Q31b. Are other mechanisms²⁶ used to assess whether a suspected victim should be identified as such?

No.

a. If yes, what are these?

b. If no, why not?²⁷

So far, the existing laws that impose greater attention to vulnerable groups (in particular women and children, who are more frequently victims of human trafficking) have been considered sufficient.

3.2 Referral of (potential) victims in reception centres / detention facilities

Q32. What are the next steps in terms of referral?

a. The (potential) victim is provided information on his/her rights and possibilities, but s/he has to initiate alternative procedures on his/her own (where applicable with the help of his/her legal representative).

Yes.

b. The reception centre / detention facility manager or other contact point in these institutions contacts the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate)

The social services or the associations providing assistance in reception centers may contact the Police Headquarters in order to issue a residence permit for “social protection”. The permit, however, is issued only on the will of the victims, who must adhere to a rehabilitation and integration program and – depending on the circumstances – must cooperate with the authorities, by testifying in court about the crimes committed against them.

There is a centralised national referral / coordination mechanism/contact point that helps him/her. (If yes, please elaborate).

²⁵ E.g. only female officers can screen / assess women.

²⁶ E.g. interviews.

²⁷ E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

No.

Q33. Have systems of detection and referral by actors in reception centres or detention facilities to procedures for victims of trafficking in human beings been evaluated in your Member State?²⁸

No.

Q33a. If yes, how well are they considered to be working? Provide evidence.

Q33b. Please provide any other evidence of the effectiveness (or otherwise) of such referral mechanisms here.

3.3 Role of other actors (optional)

Q34. Do other actors coming into contact with applicants and rejected applicants – e.g. legal representatives, civil society organisations, medical staff – formally detect detection (potential) victims amongst third-country nationals in international protection and/or forced return procedures and refer them onto other authorities competent to identify and assist²⁹?

This possibility, although not provided for by law, is not explicitly excluded. Staff members of organizations and associations authorized to provide assistance in reception centres, in agreement with the manager of the centre and respecting the privacy of individuals, can make interviews in order to detect victims or potential victims of human trafficking. Suspected cases of human trafficking (usually with the approval of the victims themselves) are referred to the Police Commissioner or, if locally available, to an organization or association authorized to help victims of trafficking in human beings.

Q34a. If yes, describe the mechanisms for detection.

Usually, staff members of organizations and associations providing assistance to applicants for international protection and victims of human trafficking operate according to the guidelines developed internationally (by organizations such as the UNHCR) or nationally (on the basis of specific protocols). These practices, however, are not yet widespread.

Q34b. If yes, describe what happens in terms of referral.

If there are any doubts during the procedure of identification of potential victims of human trafficking, the specific cases are referred to either institutions, associations or organizations which are expressly authorized to carry out support activities in favor of victims of human trafficking (such entities must be registered in a special national register), or to the Police Commissioner, who is responsible for deciding whether to suspend or not the forced return procedure. If the Police Commissioner decides to suspend the procedure and if the case concerns a person willing to give testimony before a court against the (alleged) perpetrators of human trafficking, the victim is entrusted by the Police Headquarters to one of the organizations authorized to manage a sheltered facility. If the victim is clearly unwilling to cooperate, instead, the procedure of forced return (being ordered by the judge after verifying its legitimacy and the absence of impediments) is generally not suspended – except for very exceptional cases, such as when the subject is clearly and definitely identified as a victim of human trafficking and

²⁸ For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

²⁹ **Only** describe detection amongst third-country nationals in international protection / forced return procedures; not for detection in general.

therefore the return may put him/her in danger.

Section 5 Training

(Maximum 2 pages)

Q35. What guidance and training do competent authorities (and optionally other actors) receive regarding the detection and identification of victims? Please specify the following for each type of training described:

- a. *Content of training, specifically:*
 - i. *Indicators for detecting / identifying victims*
 - ii. *Profiling techniques*
 - iii. *Gender-sensitive approaches for engaging with victims*
 - iv. *Building trust and engaging with (potential) victim*
 - v. *Others (please briefly describe)*
- b. *Type of stakeholder trained*
- c. *Type of training / guidance (e.g. Training module, Training workshop, Examination, Guidelines, Brochure, Other (please describe))*
- d. *Authority / organisation providing the training*
- e. *Frequency of the training (e.g. annually, one-off, induction training, etc.)*
- f. *Whether the training is obligatory. Yes / No.*

*Q36a. Specifically please describe whether your Member State has organised **joint training sessions** of trainees from different backgrounds – e.g. personnel involved in procedures for international protection, forced return and those for victims of trafficking in human beings.*

*Q36b. Specifically please describe whether your Member State has organised **multi-disciplinary training** – i.e. as provided by a range of experts.*

The fight against human trafficking carried out through transnational cooperation was the main topic of the Euro-African Conference on Irregular Migration, Human Trafficking, Drug Trafficking and Terrorism, which was held in Naples on February 9th, 2011. The conference was attended by the former Ministry of Interior Mr. Roberto Maroni, the former Chief of Police Mr. Antonio Manganeli, as well as by top police officials from various African and European countries, who worked to define common indicators in the analysis of criminal activities linked to irregular migration.

After sharing their know-how and experience achieved at the regional level, the attendees outlined the need to further improve international cooperation between the various police forces by strengthening the involvement of the countries of origin and transit, even by means of training seminars aimed at both harmonizing methods of fighting against the phenomenon and protecting its victims. These multilateral and bilateral initiatives, with the support of the European Commission and various other international organizations, are aimed at improving the operational capacity of the countries involved.

Of particular relevance are the topics discussed by the group “Human Trafficking and Organized Crime – Criminal Networks Involved in Smuggling: prevention and law enforcement investigative techniques, with particular reference to flows from Greece, Turkey and Central Africa to Europe. Good practices for combating the phenomenon”. This group

was made permanent in order to act as a coordinating body for future international law enforcement investigations and exchange of information.

Based on these premises, the Communication of the European Commission (COM(2012)286 final) of June 19th, 2012 (containing the EU strategy towards the Eradication of Trafficking in Human Beings and a series of measures to be adopted between 2012 and 2016) was well received at the national level – in particular as regards the necessary response to the need for training in a multidisciplinary context.

Specialization and updating courses for police officers and personnel contain specific sessions relating to the identification of victims of trafficking. The overall duration of the training courses varies between 2 and 12 weeks, depending on whether it is a basic, specialization or requalification course. The Central Directorate for Immigration of the Department of Public Security of the Ministry of Interior, in collaboration with the Central Directorate for Institutes of Education, determines the amount of personnel to be trained every year at the Police Training Center in Cesena.

In addition, in May 2009 the Joint Research Centre on Transnational Crime (Transcrime) – which, on behalf of the Department for Equal Opportunities, provides expertise on monitoring, data gathering, experimental researches, and elaboration and implementation of an informative system to support the National Observatory on Trafficking in Human Beings – developed a specific training model for police personnel, aimed at identifying victims of human trafficking. The website of the Department contains several texts used for this training, such as:

- Anti-Slavery International, Protocol for Identification and Assistance to Trafficked Persons and Training Kit, London, 2005.
- Ecpat, *Manuale per la formazione congiunta di esponenti delle Forze di Polizia, della Magistratura e dei Servizi di protezione sociale (Training Manual for police forces, the magistrature and social protection services)*, Rome, 2007.

In addition, training modules have been created for other actors actively involved in the fight against trafficking:

- persons responsible for the national and local policies;
- judicial authorities;
- staff operating in the social, education and health sector;
- persons carrying out various duties in local communities.

In particular, training modules for the personnel of the Department of Equal Opportunities and NGOs include the use and management of the computerized System for the Collection of Information on Trafficking in Human Beings (SIRIT).

More generally, the training models for the personnel of the court, the personnel of the police forces and the persons active in local communities (such as journalists, for example) are structured in two parts: the first one (“Introduction to trafficking”) provides an overview of the phenomenon and its diffusion, whereas the second one (“Identifying trafficking cases”) is different for each category and contains specific insights.

Moreover, in 2007 and 2009 the Central Operations Service participated in two EU Projects (Framework Programme for Police and Judicial Cooperation in Criminal Matters - AGIS) implemented by the IOM, for multidisciplinary training of judicial authorities, law enforcement agencies, NGOs and International Organizations involved in the prevention and combating of trafficking in human beings, as well as the protection of its victims.

On the whole, conferences and seminars have significantly improved the vocational training for police personnel, also thanks to the participation of specialized professionals.

Lastly, as far as irregular migration is concerned, international cooperation with law enforcement agencies in the countries of origin and destination has been enhanced, through an improved exchange of information between the Interpol, Europol and S.i.r.e.n.e. In particular Europol, through specific work-groups (*Analytical Working Files*), collects the data and information resulting from surveys in the Member States, in order to find common goals and investigative activities in the various territories. Thanks to the cooperation with foreign investigative agencies, Italian authorities were often able to successfully conduct complex investigative operations.

Section 6 Statistics

(Maximum 3 pages)

This section provides statistics that indicate the scale and scope of (potential) victims detected and identified in procedures for international protection and forced return.

Q37. Has your Member State conducted any research into the scale of victims of trafficking in human beings in international protection procedures and/or procedures for forced return? Yes / No

Italy has no statistical archive meeting the specifications of this study. However, the scope of the phenomenon of human trafficking can be established through different tools of quantitative analysis.

The Eurostat database provides useful statistics: in the European Union, both the confirmed and unconfirmed victims of human trafficking were 23,632, 6,426 of whom (more than 25%) in Italy, which is the country with the highest number of cases in absolute terms (1,624 identifications in 2008, 2,421 in 2009 and 2,381 in 2010).

As stated by Mr. Michele Cercone, spokesperson of the EU Commissioner for Home Affairs Mrs. Cecilia Malmström, “the record number of cases of human trafficking registered in Italy means two things: on the one hand, that the police authorities and bodies combating human trafficking are working very well, but, on the other hand, that there are too many victims in Italy. This is also caused by the fact that criminal organizations like the Mafia, the ‘Ndrangheta and the Camorra are also active in human trafficking. We must also not forget that Italy is a country of transit for migrants, and therefore for victims of human trafficking as well.”³⁰

The phenomenon is constantly changing, therefore research is particularly complex. In order to facilitate the integration and coordination of the various phases (combating the phenomenon and protecting the victims), in 2010 the judicial authorities, the police and social associations signed a joint Memorandum of Understanding.

As at October 13, 2012, 392 residence permits for humanitarian reasons and 74 permits related to labor exploitation were issued by the competent authorities – pursuant to art. 18 of the Leg. Dec. 286/98 (T.U.I.) – compared to 380 arrests for trafficking in human beings³¹.

Data of the Ministry of Interior for 2011 show that the total number of people arrested and charged for aiding and abetting irregular immigration was equal, respectively, to 479 and 1,499 units, a sharp decline compared to the 2010 figures (704 arrests and 2,329 charges).

³⁰ www.agenzia.redattoresociale.it/Notiziario/Articolo/431455/Ue-traffico-di-esseri-umani-in-crescita-Italia-prima-per-vittime-identificate.

³¹ EMN Italy (edited by), *Annual Policy Report 2012*, IDOS ed., Rome 2013.

Identification of victims of trafficking in human beings in international protection and forced return procedures

Among those arrested, Egyptian (95) and Italian (85) citizens were the most numerous, whereas the majority of people reported were Italians (522) and Chinese (264).

For a comprehensive overview of this phenomenon from a historical perspective, please refer to the 2011 Statistical Dossier on Immigration published by the Idos Studies and Research Centre, which contains an in-depth analysis of the evolution of this complex issue over the last decade.

ITALIA. Residence Permits for Social Protection (ex art. 18 T.U. 286/98), in absolute figures (2000-2010)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
First issuance	705	524	643	599	165	111	214	422	664	810	527

SOURCE: 2011 Statistical Dossier on Immigration. Elaboration on data from Ministry of Interior/Department for Civil Liberties and Immigration

The Report “Little invisible slaves - 2013” edited by Save the Children Italy on August 2013, confirms that Italy is the EU Member State with the largest number of victims of trafficking in human beings. Among children, victims are mostly girls from Eastern Europe and Nigeria, who are exploited in prostitution. Labor exploitation of young Egyptians and Chinese is also alarmingly increasing, whereas Romanian children of Roma origin are often subject to trafficking and serious exploitation, then turning into prostitution, begging and crime networks. Other unaccompanied minors, like the Afghans for example, are also at risk of exploitation and trafficking.

*Q38. Please complete the table in **Annex 1** as far as possible, based on statistics available in your (Member) State.*

Section 7 Conclusions (Maximum 2 pages)

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.

Since 1998, Italy has adopted a very advanced legislation to protect victims of human trafficking: in fact they receive protection and assistance regardless of their complaint against the exploiters or their cooperation with the authorities in criminal investigations (art. 18 of the T.U.I. and law 228/2003).

There are two different paths of protection:

- the judicial protection, for those victims who are willing to collaborate with the authorities;
- the social protection for those victims who, for various reasons, are unwilling to cooperate.

Regardless of the path of protection, the Police Commissioner issues a residence permit for social protection to any victim of human trafficking (on proposal by the Police Commissioner himself, the social services or the Prosecutor of the Republic in case the foreigner is involved in a criminal proceeding), provided that the foreign citizen participate in a mandatory project of assistance and social integration carried out by local authorities, associations or other accredited bodies.

The permit is valid for 6 months and may be renewed for one year or for the longer period needed for reasons of justice. Upon its expiry, it can be converted into a residence permit for either employment or study, in order to allow the social insertion of the victim and complete his/her protection path.

Statistical data provided by the National anti-trafficking committee show that in 2012, out of about 1,650 cases submitted to the protection system for victims of human trafficking, only 16 had also requested international protection. The effectiveness of the national system of protection for victims of human trafficking, therefore, is one of the reasons why the procedure for international protection is less used in Italy. This is also due to the different conditions required for the recognition of this specific protection.

Italy has no law or protocol establishing a link between the two procedures. However, the Territorial Commission for the recognition of international protection, as well as the public body or the private organization that have come in contact with the victim, may report the case to the Police commissioner, if they consider the specific procedure for victims of human trafficking to be a more effective means of protection.

The same applies to procedures for forced return, in case of denial of international protection. As already seen, the competent authority responsible for carrying out a forced return procedure, as well as issuing a residence permit for social protection to victims of human trafficking, is the Police commissioner. Usually, it is precisely before a court that evidences against the expulsion decision (or elements worthy of a deeper investigation for the purposes of protecting a victim of human trafficking) which had never emerged before, come to light for the first time.

In Italy, an out-and-out centralised referral system is still not available, however better referral mechanisms between the two protection systems (asylum and human trafficking) will be possible thanks to the implementation of the Directive 2011/36/EU of the European Parliament and of the Council of April 5, 2011 on preventing and combating trafficking in human beings and protecting its victims. However, since 2000, a national protection system is coordinated by the Department for Equal Opportunities, the agency responsible for the prevention and combat of trafficking in human beings, and in particular the identification, assistance and social reintegration of its victims.

ANNEX 1**Table 1– Statistics on third-country national victims of trafficking in human beings identified in procedures for international protection and forced return**

	2008	2009	2010	2011	2012	Source / further information
<i>Third-country nationals identified as (potential) victims and who have withdrawn from or stopped procedures for international protection</i>						
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures (or – where relevant – have stayed in international protection procedures) ³² and who have (later) been granted a reflection period as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC, Directive 2011/36/EU or other national provisions). Where possible, please disaggregate for: - Gender, age, nationality of the person identified	N/A	N/A	N/A	N/A	N/A	
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures and who have (later) applied for a (temporary or permanent) residence permit as a victim of trafficking in human beings cooperating with the authorities (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive ³³). Where possible, please disaggregate for: - Gender, age, nationality of the person identified	N/A	N/A	N/A	N/A	N/A	

³² The measure provided here depends on the (Member) State's response to Q11a – i.e. whether the applicant has to withdraw from the procedure for international protection in order to be granted a reflection period and/or residence permit under Directive 2004/81/EC.

³³ Denmark, **Ireland** and the **United Kingdom** are not signatory to and therefore do not transpose Directive 2004/81/EC; however, each of these offers alternative procedures for granting residence permits.

Identification of victims of trafficking in human beings in international protection and forced return procedures

<p>Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures and who have (later) been granted a (temporary or permanent) residence permit as a <u>victim of trafficking in human beings</u> (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).</p> <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> - Gender, age, nationality of the person identified 	N/A	N/A	N/A	N/A	N/A	
<i>Third-country nationals identified as (potential) victims and who have <u>been rejected</u> from procedures for international protection <u>following a (final) negative decision</u></i>						
<p>Number of third-country nationals who have been <u>rejected</u> from (EU harmonised) international protection procedures <u>following a (final) negative decision</u> on their application and who have (later)³⁴ been granted a (non-EU harmonised) protection status or residence permit (e.g. on humanitarian grounds)³⁵ as a victim of trafficking in human beings (e.g. due to humanitarian reasons).</p> <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> - Gender, age, nationality of the person identified 	N/A	N/A	N/A	N/A	N/A	
<p>Number of third-country nationals who have <u>been rejected</u> from (EU harmonised) international protection procedures <u>following a negative decision</u> and who have – following official identification procedures - (later) been granted a reflection period as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU or other national provisions).</p>	N/A	N/A	N/A	N/A	N/A	

³⁴**Note:** in some (Member) States, where all third-country nationals applying for international protection are assessed against all categories of international protection simultaneously in the same process, this reference to two separate processes may not be relevant. (Member) States with single procedure are not required to provide an answer here, and can state “Not Applicable” in the box.

³⁵ Where possible, please specify the type of protection status / residence permit.

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Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
Number of third-country nationals who have <u>been</u> rejected from (EU harmonised) international protection procedures <u>following a negative decision</u> and who have – following official identification procedures - (later) been granted a residence permit as a <u>victim of trafficking in human beings</u> (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).	N/A	N/A	N/A	N/A	N/A	
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
<i>Statistics on referrals to national referral mechanisms (where existing in (Member) States)</i>						N/A
If an national referral mechanism (NRM) exists in your (Member) State, please provide statistics on: - Number of third-country nationals referred by the authorities responsible for <u>examining and deciding upon applications</u> for international protection to the NRM - Number of third-country nationals referred by the authorities responsible for <u>enforcing forced returns</u> to the NRM - Number of third-country nationals referred by the authorities responsible for <u>managing reception centres</u> to the NRM - Number of third-country nationals referred by the authorities responsible for <u>managing detention facilities</u> to the NRM - Number of third-country nationals referred by <u>legal representatives</u> to the NRM	N/A	N/A	N/A	N/A	N/A	

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<ul style="list-style-type: none"> - Number of third-country nationals referred by <u>civil society</u> to the NRM - Number of third-country nationals referred by <u>other actors</u> to the NRM <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> - Gender, age, nationality of the person identified 						
General statistics ³⁶						
Number of third-country nationals who have been granted a (non-EU harmonised) protection status or residence permit as a victim of trafficking in human beings (e.g. due to humanitarian reasons). ³⁷	N/A	N/A	N/A	N/A	N/A	
Number of third-country nationals who have been granted a reflection period as a victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU).	N/A	N/A	N/A	N/A	N/A	
Number of third-country nationals who have been granted a residence permit as a victim of trafficking in human beings (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).	N/A	N/A	N/A	N/A	N/A	
Number of third-country nationals referred to procedures for victims of trafficking in human beings through the NRM	N/A	N/A	N/A	N/A	N/A	

³⁶ The purpose of presenting these general statistics is to allow for the possibility to present the statistics above as a proportion of wider groups of (potential) victims of trafficking in human beings.

³⁷ Where possible, please specify the type of protection status.