



**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**

**Recommendation CP(2014)16
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Italy**

*adopted at the 15th meeting of the Committee of the Parties
on 5 December 2014*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Italy on 29 November 2010;

Having examined the Report concerning the implementation of the Convention by Italy, adopted by GRETA at its 20th meeting (30 June - 4 July 2014) in the framework of the first evaluation round;

Having examined the comments of the Italian Government on GRETA's report, submitted on 12 September 2014;

Welcoming the measures to combat trafficking in human beings taken by the Italian authorities, and in particular:

- the development of the national legal framework related to action against trafficking in human beings, including the recent legislative amendments providing, *inter alia*, for the setting up of a State compensation fund for victims of trafficking;
- the adoption of legislative provisions in 2011 aimed at combating labour exploitation of migrants;
- the efforts made at local and regional level to create networks for detecting and assisting victims of trafficking with a strong involvement of civil society;
- the possibility of issuing residence permits to victims of trafficking both on the basis of their personal situation and when co-operating with the investigation authorities;
- the support given to a high number of victims of trafficking by means of assistance and social integration projects which have allowed many victims to stay in Italy and integrate into Italian society;

Taking note of the areas where further action is required in order to improve the implementation of the Convention by Italy, in particular:

- strengthening the institutional framework for action against human trafficking by improving co-ordinating between public bodies and civil society actors involved in anti-trafficking action and adopting a national action plan against trafficking in human beings;
- raising public awareness on different types of trafficking and stepping up efforts aimed at discouraging demand for services provided by victims of trafficking;
- taking further measures to ensure that all victims of trafficking are properly identified and assisted, in particular by introducing a national referral mechanism for the identification and assistance of victims of trafficking and providing long-term funding to civil society organisations that run victim assistance projects;
- strengthening action to combat trafficking for the purpose of labour exploitation by involving civil society, trade unions, labour inspectorates and the private sector, and improving the identification of and assistance to victims of trafficking for the purpose of labour exploitation;
- improving the identification of child victims of trafficking and creating specific assistance projects and shelters for child victims of trafficking;
- adopting measures to ensure that avenues for compensation are effectively accessible to trafficked persons;
- taking additional measures to ensure that human trafficking offences are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions.

1. Recommends that the Government of Italy implement the proposals of GRETA listed in Appendix I to the Report concerning the implementation of the Convention by Italy (see addendum);

2. Requests the Government of Italy to inform the Committee of the Parties of the measures taken to comply with this recommendation by 5 December 2016;

3. Invites the Government of Italy to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

Addendum

List of GRETA's proposals concerning the implementation of the Convention by Italy

Definition of trafficking in human beings

1. In order to be fully consistent with the definition of THB in the Convention, GRETA considers that the Italian authorities should ensure that "receipt" as one of the actions for committing trafficking in human beings is covered by the definition of THB in the CC.
2. In order to be fully consistent with the definition of THB in the Convention, GRETA considers that the Italian authorities should ensure that "abduction" as one of the means for committing trafficking in human beings is covered by the definition of THB in the CC.
3. GRETA considers that stating explicitly the irrelevance of the consent of a victim to the intended exploitation could improve the implementation of anti-trafficking provisions and provide victims with greater confidence in self-reporting to NGOs and public authorities.

Comprehensive approach and co-ordination

4. GRETA urges the Italian authorities to strengthen the institutional framework for action against THB in order to improve co-ordination and ensure a more effective involvement of all public bodies having a role in combating and preventing THB and protecting its victims.
5. Further, GRETA considers that if the Department for Equal Opportunities is to fulfil the role of a co-ordinating structure in the fight against THB in Italy, investment should be made in its human and financial resources so that it can effectively carry out the full range of tasks related to THB.
6. Moreover, noting that the new National Action Plan envisages the establishment of an Inter-institutional Committee which will include civil society representatives, GRETA considers that the Italian authorities should strengthen co-ordination between public bodies and NGOs engaged in anti-trafficking action and involve NGOs and other members of civil society in the development and implementation of anti-trafficking policy, including the evaluation of anti-trafficking efforts.
7. GRETA also urges the Italian authorities to take steps to ensure that national action to combat THB is comprehensive, in particular by:
 - addressing all victims of trafficking for all forms of exploitation in the anti-trafficking legal and policy framework, while taking into account the gender-dimension of trafficking and the particular vulnerability of children, including through a comprehensive national action plan against THB;
 - developing guidelines on the identification and referral to assistance of victims of trafficking, building on existing expertise at local and regional level;
 - strengthening action to combat THB for the purpose of labour exploitation by involving civil society, trade unions, labour inspectorates and the private sector, and improving the identification of and assistance to victims of THB for the purpose of labour exploitation;
 - strengthening prevention and protection measures that address the particular vulnerability of children to trafficking;
 - reducing the particular vulnerability of irregular migrants to THB.

8. In addition, GRETA invites the Italian authorities to consider the establishment of an independent National Rapporteur or designate another independent mechanism for monitoring the anti-trafficking activities of State institutions (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).

9. Further, GRETA invites the Italian authorities to study the implications of the immigration legislation, in particular the offence of illegal entry and stay, for the identification and protection of victims of trafficking, and the prosecution of offenders.

Training of relevant professionals

10. GRETA considers that the Italian authorities should continue to invest in the continuous training on issues related to THB for different forms of exploitation and the rights of victims of trafficking, for all professionals who may come into contact with victims of THB, in particular immigration officials, law enforcement authorities, labour inspectors, police investigators, prosecutors, judges, social workers, staff of identification and expulsion centres for irregular migrants (CIEs), members of NGOs and lawyers. Training programmes should be designed with a view to improving the knowledge and skills of relevant professionals to enable them to identify victims of trafficking, to assist and protect them, to facilitate compensation for victims and to secure convictions of traffickers.

Data collection and research

11. For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA considers that the Italian authorities should further develop a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, internal trafficking). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

12. GRETA invites the Italian authorities to continue conducting and supporting research on THB-related issues as an important source of information on the impact of current policies as well as a basis for future measures. Areas where further research is needed, in order to shed more light on the extent of the problem of THB in Italy, include trafficking for the purpose of labour exploitation, internal trafficking, domestic servitude and child trafficking.

International co-operation

13. GRETA commends the efforts made by the Italian authorities in the area of international co-operation and invites them to continue developing international co-operation, including through finalising the adoption of legislation regulating the setting up of JITs and exploring further possibilities for co-operation with governmental and non-governmental actors in countries of origin and transit, with a view to prosecuting offenders, assisting victims and preventing THB.

14. Further, GRETA invites the Italian authorities to continue contributing to awareness-raising prevention activities in the main countries of origin of victims of THB found in Italy.

Measures to raise awareness and discourage demand

15. GRETA urges the Italian authorities to develop country-wide awareness-raising activities on all forms of THB. The Italian authorities should plan future information, awareness-raising and education campaigns with the involvement of civil society, on the basis of research and impact assessment. Further, awareness-raising activities should systematically be implemented through the education system.

16. GRETA urges the Italian authorities to continue their efforts to discourage demand as a root cause of THB, bearing in mind that such measures should be balanced and not lead to the criminalisation of victims of trafficking. Efforts to discourage demand for the services of victims of trafficking for the purpose of labour exploitation should include reinforcing labour inspections, in particular in sectors at high risk such as agriculture, construction, textile industry, the hotel/catering sector and domestic service, and effective penalties for those who exploit victims of trafficking.

17. Further, GRETA invites the Italian authorities to consider adopting legislative and other measures to criminalise the use of services provided by victims of trafficking with the knowledge that the person is such a victim.

Social, economic and other initiatives for groups vulnerable to THB

18. GRETA urges the Italian authorities to strengthen the aspect of prevention through social and economic empowerment measures for groups vulnerable to THB, in particular people of Roma and Sinti origin, undocumented migrants and asylum seekers.

Border measures to prevent THB and measures to enable legal migration

19. GRETA considers that the Italian authorities should make further efforts to detect and prevent THB through border control measures, and in particular:

- introduce a checklist to identify potential THB-related risks during the visa application system and provide training to relevant staff on the detection of possible victims of THB;
- provide written information to foreign nationals planning to travel to Italy, in a language that they can understand, in order to alert them about the risks of THB, inform them of their rights and where to turn for advice and assistance.

Identification of victims of trafficking in human beings

20. GRETA urges the Italian authorities to ensure that all victims of trafficking are properly identified and can benefit from the assistance and protection measures contained in the Convention, in particular by:

- strengthening multi-agency involvement in victim identification by introducing a clear national referral mechanism, defining the roles of all frontline staff who may come into contact with victims of trafficking;
- providing frontline staff with operational indicators, guidance and toolkits to be used in the identification process and train them to use those identification tools in order to ensure that they adopt a proactive and harmonised approach to detecting and identifying victims of trafficking; these indicators should be regularly updated in order to reflect the changing nature of human trafficking and types of exploitation;
- ensuring that law enforcement officials, social workers, labour inspectors, border officers and other relevant actors adopt a more proactive approach and increase their outreach work to identify possible victims of trafficking, in particular as regards forms of exploitation other than sexual (labour exploitation, forced begging);
- paying increased attention to detecting victims of THB among unaccompanied minors and setting up a specific identification mechanism which takes into account the special

circumstances and needs of child victims of trafficking, involves child specialists and ensures that the best interests of the child are the primary consideration;

- taking steps to address the problem of disappearance of unaccompanied foreign children by providing suitable safe accommodation and assigning adequately trained legal guardians;
- developing age assessment tools and effectively implement the presumption and the measures foreseen in Article 10, paragraph 3, of the Convention when the age of the victim is uncertain and the measures foreseen in Article 10, paragraph 4, of the Convention if an unaccompanied child is identified as a victim of trafficking;
- improving the identification of victims of trafficking among irregular migrants and asylum seekers, including through clear, binding procedures to be followed and through training of immigration police officers and staff working in first assistance and reception centres (CPSAs), reception centres for migrants (CDAs), identification and expulsion centres (CIEs) and reception centres for asylum seekers (CARAs).

Assistance to victims

21. GRETA urges the Italian authorities to:

- ensure that the provision of assistance to victims of THB is not linked to the victim's co-operation with the investigation and participation in criminal proceedings;
- create specific assistance projects and shelters for child victims of THB, taking due account of their special needs and the best interests of the child.

22. Moreover, GRETA considers that the Italian authorities should:

- evaluate the funding needs of assistance programmes and adapt the respective resources if necessary;
- provide long-term funding for civil society organisations that run victim assistance projects, subject to quality controls and evaluation in order to ensure the continuity of assistance;
- ensure that there are sufficient places in shelters for male victims across Italy.

Recovery and reflection period

23. GRETA urges the Italian authorities to review the legislation in order to ensure that the recovery and reflection period provided for in Article 13 of the Convention is specifically defined in law and that all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention are made available during this period. It should be made clear that victims benefiting from the recovery and reflection period cannot be expelled from the Italian territory, that the enforcement of expulsion orders need to be suspended in the meantime, and that the recovery and reflection period is not conditional on the victim's co-operation with the law enforcement authorities.

Residence permits

24. GRETA invites the Italian authorities to take steps to ensure that victims of THB can fully benefit in practice from the right provided under Italian law to obtain a renewable residence permit regardless of the form of exploitation they have suffered, including by systematically informing victims, in a language they understand, about the two paths leading to a residence permit and offering both paths in an equal manner.

Compensation and legal redress

25. GRETA urges the Italian authorities to adopt measures to facilitate and guarantee access to compensation for victims of trafficking, and in particular to:

- ensure that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;
- ensure that victims have effective access to legal assistance;
- enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid by derogation from the income limit.

26. GRETA also invites the Italian authorities to reconsider whether the envisaged maximum amount of 1 500 euros of compensation from the state fund corresponds to the severe human rights violations victims of THB suffer and the cumbersome procedural path they have to follow until they are granted compensation.

Repatriation and return of victims

27. GRETA urges the Italian authorities to adopt a clear legal and policy framework for the return of trafficked persons. In this context, the Italian authorities should take steps to:

- ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the person and the status of legal proceedings; this implies informing victims of trafficking about existing programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child;
- make efforts to develop co-operation with countries of origin of victims of trafficking in order to ensure proper risk assessment and safe return of victims, as well as their effective reintegration;
- ensure compliance with *non-refoulement* obligation under Article 40, paragraph 4, of the Convention.

Non-punishment of victims of trafficking in human beings

28. GRETA urges the Italian authorities to ensure compliance with Article 26 of the Convention through the adoption of a provision on non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, or by developing relevant guidance. Public prosecutors should be encouraged to be proactive in establishing if an accused person is a potential victim of trafficking and to consider trafficking in human beings as a serious violation of human rights. While the identification procedure is ongoing, potential victims of trafficking should not be punished for immigration-related offences.

Investigation, prosecution and procedural law

29. GRETA urges the Italian authorities to strengthen their efforts to ensure that crimes related to THB for all types of exploitation are proactively investigated and prosecuted promptly and effectively, leading to proportionate and dissuasive sanctions.

Protection of victims and witnesses

30. GRETA considers that the Italian authorities should make full use of all measures available to protect victims and witnesses of THB and to prevent intimidation during the investigation and during and after the court proceedings.