

G R E T A

Group of Experts on Action
against Trafficking in Human Beings

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Report on Italy

under Rule 7 of the Rules of Procedure
for evaluating implementation of the
Council of Europe Convention on
Action against Trafficking in Human Beings

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1. Introduction

1. Pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”), the Group of Experts on Action against Trafficking in Human Beings (GRETA) monitors the implementation of the Convention by the Parties. GRETA’s Rules of procedure for evaluating the implementation of the Convention by the Parties, which were adopted in 2009 and amended in 2014, specify the modalities and means of evaluation. Under Rule 7 of these Rules, when GRETA receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may make an urgent request for information to any party or parties to the Convention. Taking into account the information submitted by the party or parties concerned, as well as any other reliable information available to it, GRETA may designate rapporteurs to assess the specific situation and, if necessary, carry out a visit to the party or parties concerned.

2. In its first evaluation report on Italy,¹ GRETA raised a number of issues as regards the identification of victims of trafficking in human beings (THB). GRETA noted, *inter alia*, that there was neither a clear procedure for the screening of persons placed in Identification and Expulsion Centres (*Centro di Identificazione ed Espulsione* - CIE) for trafficking indicators nor qualified personnel with the necessary skills to identify victims of trafficking. GRETA urged the Italian authorities to adopt a clear legal and policy framework for the return of trafficked persons, to ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the person, to inform victims of trafficking about existing programmes protecting them from re-victimisation and re-trafficking, and to ensure compliance with the *non-refoulement* obligation.

3. Since the adoption of the first report on Italy in July 2014, as part of its mandate to monitor the implementation of the Convention, GRETA has continued to follow developments related to trafficking in human beings in Italy. At its 25th plenary meeting (7-11 March 2016), GRETA was made aware of reports according to which possible victims of trafficking in human beings were being returned from Italy to Nigeria on forced return flights. For example, according to different sources, on 17 September 2015, during a joint return operation by air from Rome to Lagos (Nigeria), organised and co-ordinated by the European Agency for the Management of Operational Co-operation at the External Border of Member States of the European Union (Frontex), about 20 Nigerian women detained at the CIE Ponte Galeria, Rome, some of whom were described as victims of trafficking, were forcibly returned to Nigeria.² This case was closely followed by civil society representatives and lawyers who were present at the CIE on the day of the forced return flight and alerted the media, politicians and international organisations about violations of the human rights of the Nigerian women concerned.

4. On 25 April 2016 GRETA sent a letter to the Italian authorities pursuant to Rule 7 of the Rules of procedure for evaluating implementation of the Convention by the Parties, requesting the following information:

- What measures are being taken to screen asylum seekers and persons detained pending deportation for indicators of human trafficking, with a view to identifying victims of trafficking among them and referring them to assistance as required by the Convention? What measures were taken as regards the Nigerian women subjected to forced removal by air on 17 September 2015, to ensure full and effective screening for indicators of human trafficking and identification of possible victims of trafficking?

¹ GRETA, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Italy: First evaluation round*, GRETA(2014)18, adopted on 4 July 2014, published on 22 September 2014, available at: <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631cc1>

² See, for example, Serena Chiodo, *Vittime di tratta, rimpatriate*, Il Manifesto, 18 settembre 2015; Valeria Costantini, *17 ragazze nigeriane vittime di tratta a rischio rimpatrio nel CIE romano*, Corriere della Sera, 17 settembre 2015, available at: http://roma.corriere.it/notizie/cronaca/15_settembre_17/ragazze-nigeriane-vittime-tratta-rischio-rimpatrio-cie-romano-999cfc3c-5d47-11e5-ae5-7e436a53f873.shtml; <http://barbara-spinelli.it/wp-content/uploads/14ottobre2015LetteraaViminaleeFrontex-ALLEGATO1.pdf>

- What follow-up is given following removal operations by air to avoid re-trafficking and re-victimisation of returned persons and to assist with their reintegration into society in their country of origin? Specifically what follow-up actions were taken concerning the persons that were returned on 17 September 2015 to Nigeria?
- How many forced return flights to Nigeria or other countries have taken place in 2015 and the first four months of 2016, and when are the next such flights planned?

5. By letter of 25 May 2016, the Italian Ministry of the Interior provided responses to GRETA's urgent requests for information, which are reproduced and discussed in later parts of the report. At its 26th plenary meeting (4-8 July 2016), GRETA considered the information received from the Italian authorities and noted that it only partially addressed GRETA's concerns. In particular, the letter contained little information about the procedure for identifying victims of trafficking among persons detained pending deportation and no information about follow-up action to avoid re-trafficking and re-victimisation of persons returned to their country of origin. In the meantime, GRETA was seriously concerned by reports about the increased arrival of women and girls from Nigeria to Italy, many of whom appeared to be victims of human trafficking, and about the situation of unaccompanied children who soon after disembarking in Italy disappeared from the reception centres.³

6. In application of Rule 7 of the Rules of procedure for evaluating the implementation of the Convention by the Parties, at its 26th meeting (4-8 July 2016), GRETA decided to appoint Mr Nicolas Le Coz, President of GRETA, and Ms Siobhán Mullally, First Vice-President of GRETA, as rapporteurs to assess the specific situation of forced returns of victims of trafficking in human beings from Italy and, more generally, any difficulties encountered by the Italian authorities in ensuring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in the context of increased migration flows. With a view to performing this assessment and pursuant to its mandate, GRETA decided to carry out a visit to Italy.

7. The visit, organised pursuant to Rule 7 of the Rules of procedure for evaluating implementation of the Convention on Action against Trafficking in Human Beings by the Parties, took place from 21 to 23 September 2016. It was carried out by Mr Nicolas Le Coz, President of GRETA, and Ms Siobhán Mullally, First Vice-President of GRETA, who were accompanied by Ms Petya Nestorova, Executive Secretary of the Convention.

8. During the visit, GRETA's delegation held meetings with relevant officials, in particular from the Ministry of the Interior (Central Directorate for Immigration and Border Police and Central Directorate of Civil Services for Immigration and Asylum), the Prefecture of Rome, the National Commission for Recognition of International Protection and the Territorial Commission for Recognition of International Protection in Rome. GRETA would like to put on record the high level of co-operation provided by the Italian authorities during the visit.

9. Further, the delegation visited the Identification and Expulsion Centre (CIE) Ponte Galeria, Rome, as well as the First Aid and Reception Centre (*Centro di primo soccorso e accoglienza* - CPSA) or so-called "hotspot" in Pozzallo, Sicily. During these visits, GRETA held meetings with officials from the competent Police Headquarters (*Questure*) and Prefectures and interviewed persons held in the facilities visited.

³ *La tratta delle Nigeriane gestita in Italia*, Repubblica, 27 June 2016, http://inchieste.repubblica.it/it/repubblica/rep-it/2016/06/27/news/la_tratta_delle_nigeriane_gestita_dall_italia-142510895/?refresh_ce ; IOM, *Rapporto sulle vittime di tratta nell'ambito dei flussi migratori misti in arrivo via mare*, <http://www.italy.iom.int/sites/default/files/news-documents/RapportoAntitratta.pdf> ; *Minors in the Pozzallo Hotspot. On the "unwelcoming road"*, MigrantSicily, 22 June 2016, <http://migrantsicily.blogspot.fr/2016/06/minors-in-pozzallo-hotspot-on.html>

10. The GRETA delegation held separate meetings with representatives of non-governmental organisations (NGOs) and lawyers in Rome and Sicily. It also met officials of the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and Frontex. GRETA is grateful for the information provided by them.

11. The present report was considered by GRETA at its 27th meeting (28 November – 2 December 2016), following which it was sent to the Italian authorities for comments on 19 December 2016. The Italian authorities' comments, received on 13 January 2017, are reproduced at the end of this report.

2. Trends in Italy in migration flows and trafficking in human beings

12. Italy has been at the forefront of migration flows into Europe. The number of migrants arriving by sea to Italy was 42 925 in 2013, 170 100 in 2014, 150 317 in 2015, and 163 989 until 6 November 2016.⁴ At the time of GRETA's visit in September 2016, the Italian authorities indicated that there were a total of 159 441 migrants accommodated in different facilities. Overall, the number of asylum applications in 2016 (until 16 September) was 78 314, of whom 11 422 were from female applicants. The main countries of origin of the applicants were Nigeria (nearly 15 000 applicants) and Pakistan (nearly 10 500 applicants), followed by Gambia, Ivory Coast, Senegal, Eritrea, Mali, Guinea, Bangladesh, Ghana, Afghanistan and Ukraine.

13. As noted in GRETA's first report, the principal country of origin of victims of THB in Italy has been Nigeria. The number of Nigerian women and girls arriving in Italy and seeking international protection has grown over the last years. Between 1 January and mid-September 2016, a total of 27 083 Nigerian citizens landed in Italy, of whom 7 737 were women and 2 319 were children.⁵ According to the National Commission for Recognition of International Protection, the number of asylum applications from Nigerian citizens was 9 870 in 2014 (of which 18% from female applicants), 17 989 in 2015 (27% female applicants) and 14 681 up to 15 September 2016 (27% female applicants). From the applicants in 2016, 344 had received refugee status (3%), 649 subsidiary protection (5%), 2 162 humanitarian protection (16%), 9 477 were not granted international protection (72%) and 610 could not be traced (5%). There is no information on the grounds for granting asylum or other form of international protection.

14. IOM's survey of 2 783 migrants who had arrived in Italy along the Central and Eastern Mediterranean routes between December 2015 and September 2016 revealed that 71% of those interviewed showed at least one indicator of having been trafficked or exploited for profit by criminals at some point on their journey.⁶ Nearly half of those questioned reported being held in a location against their will, often for ransom. The majority of these cases had occurred in Libya. Half of the interviewees said they had worked without pay, with many being threatened with weapons by an employer or labour broker. Others said that forced labour was the only way of being freed from captivity or securing a place on a boat to Europe.

⁴ IOM data, <https://www.iom.int/news/mediterranean-migrant-arrivals-reach-339783-deaths-sea-4233>
<http://www.iom.int/news/irregular-migrant-refugee-arrivals-europe-top-one-million-2015-iom>
<http://www.iom.int/news/migrant-arrivals-sea-italy-top-170000-2014>

⁵ According to IOM data, in 2015, around 20 000 Nigerians arrived in Italy, including some 5 000 women and 900 children. IOM, *Rapporto sulle vittime di tratta nell'ambito dei flussi migratori misti in arrivo via mare*, <http://www.italy.iom.int/sites/default/files/news-documents/RapportoAntitratta.pdf>

⁶ IOM, *Analysis: Flow Monitoring Surveys – Human trafficking and Other Exploitative Practices Prevalence Indication Survey*, http://migration.iom.int/docs/Analysis_-_Flow_Monitoring_and_Human_Trafficking_Surveys_in_the_Mediterranean_and_Beyond_-_6%20October_2016.pdf

15. According to another report by IOM, there has been a substantial increase in the number of Nigerian girls arriving in Italy, originating from the poorest areas of Nigeria, in particular from villages around Benin City (Edo State), who are often sold by their families.⁷ Many of these teenage girls declare that they are older than 18. The IOM office in Italy estimates that 70% of the Nigerian women and children who arrived in Italy in 2015 and the first five months of 2016 were victims of trafficking.

16. Further, a report published by the NGO BeFree in April 2016, based on interviews with some 100 Nigerian women met at the CIE Ponte Galleria who had recently disembarked in Italy from Libya, provides information about the *modus operandi* of the organised criminal groups which recruit and transport women from Nigeria to Italy.⁸ Some of the women detained at the CIE pending deportation gave testimonies of repeated violence and prolonged exploitation on the journey through Niger and Libya and while waiting in Libya where they were held in "ghettos" and exploited in brothels.

17. Reference should also be made to a report by Save the Children, published in August 2015, according to which Italy is the main corridor for trafficking girls from Nigeria to Europe.⁹ The report also provides information about children from Egypt arriving by sea to Italy, whose families have reportedly run debts to make them travel to Europe, and who are exploited in fruit markets, restaurants or car wash services.

3. Legislative and institutional developments

18. As regards legislative developments concerning the fight against trafficking in human beings, Legislative Decree No. 24/2014 transposing Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims entered into force on 28 March 2014. The Decree introduced amendments to the Criminal Code (CC) provisions criminalising trafficking in human beings and slavery (Articles 600 and 601 of the CC) and envisaged the adoption of a national anti-trafficking action plan within three months of the Decree's entry into force. The First National Action Plan against Trafficking and Severe Exploitation (2016-2018) was eventually adopted by the Council of Ministers on 26 February 2016. The plan is broken down into the "4Ps" (prevention, protection, prosecution, partnership). It envisages in particular the establishment of a National Referral Mechanism and measures to improve the identification of victims of THB among migrants and asylum seekers.

19. Subsequently, by Decree of 16 May 2016, the Prime Minister together with the Ministers of the Interior, Labour and Social Policy, and Health, approved a single state programme for assisting victims and potential victims of trafficking and/or severe exploitation throughout the country, irrespective of their legal status, age, nationality, gender or type of exploitation suffered. The programme will be implemented through projects carried out at regional level which comprise actions from the moment of detecting a victim of THB, through his/her identification, protection, assistance and social inclusion. This single programme replaces the previous dual assistance approach based on short-term and long-term projects, under respectively Article 13 of Law No. 228/2003 and Article 18 of the Consolidated Immigration Act.¹⁰

⁷ IOM, Report on victims of trafficking in mixed migration flows arriving in Italy by sea, April 2014 - October 2015.

⁸ BeFree Cooperativa Sociale contro Tratta, Violenze, Discriminazione. *INTER/ROTTE. Storie di Tratta, Percorsi di Resistenze*, Rome, 2016.

⁹ Save the Children, *Piccoli sciavi invisibili. Le giovani vittime di tratta e sfruttamento*, August 2015, <http://download.repubblica.it/pdf/2015/mondo-solidale/piccoli-schiavi.pdf>

¹⁰ See paragraph 137 and following of GRETA's first report on Italy (GRETA(2014)18).

20. Since the publication of GRETA's first report, there have been changes to the Italian legal framework related to immigration issues. Law No. 67/2014 of 28 April 2014 abolished the criminal offence of irregular stay on Italian territory and Legislative Decree No. 18/2014 of 21 February 2014 transposed into national law Directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast). Further, Legislative Decree No. 142/2015 (in force since 30 September 2015) transposed Directive 2013/33/EU on minimum standards for the reception of asylum applicants and Directive 2013/32/EU on common procedures for the recognition and revocation of the status of international protection. In addition, Presidential Decree No. 21/2015 on "Regulation on the procedures for the recognition and revocation of international protection" contains provisions aimed to clarify the different stages of the asylum procedure, such as the composition and functioning of the Territorial Commissions and the National Commission for Recognition of International Protection, and provides rules related to the functioning of reception centres for asylum seekers (CARA) and the services within these centres.

21. Legislative Decree No. 142/2015 has added victims of human trafficking and victims of female genital mutilation, as well as persons affected by serious illness or mental disorders, to the list of "vulnerable persons" previously contained in Article 8 of Legislative Decree No. 140/2005 on "Implementation of Directive 2009/3/EC on minimum standards for the reception of the asylum seekers in Member States".¹¹ The examination of applications for international protection by vulnerable persons is to be given priority by the Territorial Commissions.

22. Pursuant to Legislative Decree No. 142/2015, Territorial Commissions for the Recognition of International Protection¹² have to interview the applicant within 30 days after receiving the application and decide in the three following working days. When the Territorial Commission is unable to take a decision within this time limit and needs new information, the examination procedure may be extended. In light of the different possibilities of extension, the asylum procedure may last for a maximum period of 18 months. Legislative Decree No. 142/2015 introduced for the first time an accelerated procedure. Where the application is made by an applicant placed in administrative detention centres (CIE), the Police Headquarters (*Questura*), upon receipt of the application, immediately transmits the necessary documentation to the Territorial Commission which has to organise a personal interview within seven days of the receipt of the documentation and take a decision within the following two days. These time limits are doubled when: (a) the application is manifestly unfounded; (b) the applicant has introduced a subsequent application for international protection; (c) the applicant has lodged his or her application after being stopped for avoiding or attempting to avoid border controls or after being stopped for irregular stay, merely in order to delay or frustrate the adoption or the enforcement of an earlier expulsion or rejection at the border order. Detained applicants who appeal against the rejection decision by the Territorial Commission remain in the administrative detention facility until the adoption of an order from the competent court suspending the expulsion order and as long as they are authorised to remain on the national territory as a consequence of the lodged appeal. In such a case, the *Questura* requests the extension of the administrative detention for additional periods no longer than 60 days, which can be periodically extended by the judicial authority up to a total of 12 months.

23. Legislative Decree No. 142/2015 provides for two phases of reception. First-line reception is ensured through first aid and reception centres (CPSA), accommodation centres (CDA), centres for accommodation of asylum seekers (CARA) and emergency reception centres (CAS). Accommodation in these temporary facilities is strictly limited to the time necessary to transfer applicants to centres run by the System for the Protection of Asylum Seekers or Refugees (SPRAR), which are considered as second-line reception.

¹¹ This article defined as "vulnerable persons" children, disabled persons, elderly persons, pregnant women, single parents with minor children, and victims of torture or other serious forms of psychological, physical or sexual violence.

¹² The Territorial Commissions are composed of officials from the Ministry of the Interior, a local government representative and a UNHCR representative and serve as first instance bodies in the decision making process concerning asylum applications.

4. Identification and referral to assistance of victims of trafficking among newly arriving migrants

24. According to information provided by the Italian authorities in reply to the questions raised in GRETA's letter of 18 April 2016, pursuant to Legislative Decree No. 25 of 28 January 2008 (on "Implementation of Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status") and the previously mentioned Presidential Decree No. 21/2015, all migrants are informed of their rights and the possibility to apply for international protection at the moment of their arrival in Italy. The initial interview is carried out by a police officer with the assistance of an interpreter/cultural mediator (see paragraph 32).

25. The Italian authorities have stated that the work of the Territorial Commissions for Recognitions of International Protection is carried out with professionalism and impartiality, on the basis of up-to-date knowledge of the geopolitical situation in the countries of origin of the asylum seekers, which is provided by the National Commission in co-operation with the European Asylum Support Office (EASO). GRETA was informed that members of the Territorial Commissions follow both an obligatory initial training and follow-up training organised by the National Commission. All Territorial Commissions have received instructions on identifying victims of THB among applicants for international protection, including on appropriate interviewing techniques, the use of indicators to detect possible victims and the need to collaborate with NGOs and other local actors with a view to identifying victims of THB. The instructions state that if the person agrees to co-operate, he/she is to be referred to a specialised NGO for assistance.

26. Together with UNHCR, the National Commission has recently developed detailed guidelines for the Local Commissions on the identification of victims of THB among applicants for international protection and the referral mechanism (which at the time of adopting this report were not yet published).

27. Interviews with applicants are reportedly carried out in a gender sensitive manner, with the interviewer and the interpreter being of the same gender as the applicant. The applicant can also be accompanied by a representative of a specialised NGO.

28. Representatives of the Territorial Commission for Granting International Protection in Rome referred to difficulties in identifying victims of THB among applicants for international protection, who do not declare themselves as victims of THB and deny assistance even when there are obvious signs that they have been trafficked and/or exploited. GRETA was told that due to cultural and language barriers and the Jaju oath-swearing ritual to which they are subjected, it is extremely rare for Nigerian women and girls to denounce their traffickers/exploiters. GRETA was informed that the Territorial Commission in Rome as a rule carries out interviews of Nigerian citizens in the presence of an official from the municipality of Rome who is an expert on the situation in Nigeria and a representative of UNHCR. Taking into account the particular the possibility that Nigerian women and girls are victims of human trafficking, the Territorial Commission in Rome has asked the NGO BeFree to interview young Nigerian women with a view to their possible identification as victims of trafficking.¹³

¹³ BeFree Cooperativa Sociale contro Tratta, Violenze, Discriminazione. *INTER/ROTTE. Storie di Tratta, Percorsi di Resistenze*. Rome, 2016.

29. The previously mentioned report by the NGO BeFree (see paragraph 16) stresses the “loyalty” of victims to criminal networks of traffickers and the difficulties for victims of recognising that they are victims of trafficking (self-identification) and, consequently, the repercussions for the credibility of victims’ statements. Young women and girls are often not in a position to provide sufficient and consistent information of their experiences. The strategy of traffickers to ensure that the victims remain in Italy is to make them claim asylum, which gives the right to a residence permit.

30. GRETA was informed by the Italian authorities that there is no official data on victims of THB identified among applicants from international protection.

31. When it comes to early identification of victims of THB, the Centres of First Aid and Reception (CPSA or so-called “hotspots”¹⁴) where newly arrived migrants are accommodated are of particular interest to GRETA. As mentioned in paragraph 9, GRETA visited one of the four hotspots operating at the time of the visit, in Pozzallo, Sicily, in order to examine the procedure for the identification of victims of trafficking. On the day of GRETA’s visit, there were some 170 unaccompanied children present at the hotspot (30 adults had been transferred from the hotspot earlier the same day). The capacity of the hotspot was said to be 180 beds, with a possibility to increase it up to 200 in case of emergency; however, GRETA was informed that some 600 people had been accommodated at a given time, sleeping in tents put up outside the main building. For example, on 14 September 2016, 656 people had landed at Pozzallo. The authorities responsible for running the hotspot are the Police Headquarters (*Questura*) and the Prefecture of Ragusa.

32. The maximum stay in a hotspot is usually 72 hours, except for unaccompanied children who usually stay up to a month because the procedure for finding appropriate accommodation takes longer. A Standard Operating Procedure issued by the Ministry of the Interior, with the involvement of IOM, is followed at the hotspot. Before disembarking, migrants are screened by health-care staff on the ship. During the pre-identification phase, which is performed by immigration police officers and Frontex staff with the help of interpreters, newly arrived migrants are photographed and a form with personal information is completed in respect of each of them. The form contains, *inter alia*, a question about “the reason for arriving in Italy in an irregular manner”, with specific options presented: “to seek work”, “to escape poverty”, “to seek asylum” or “to reunite with the family”. Following that, a more thorough health check is performed (see paragraph 33) and migrants are given a kit with personal hygiene items and clothes and can take a shower. The next stage is finger-printing (except for children under 14 years of age) and assigning a unique identification number in the EURODAC database. GRETA was informed that the role of police officers working in the hotspots is focused on registration and finger-printing as the process is too quick and there is no time for detecting possible victims of trafficking. Furthermore, it appeared that police officers in the hotspot had not received specialised training to identify victims of trafficking (see paragraph 46).

33. Health-care staff working at the Pozzallo hotspot include nurses who ensure 24/7 presence as well as a doctor from the provincial health service and a volunteer paediatrician who are present during the day. New arrivals are screened for transmissible diseases, injuries and possible pregnancy. Most conditions of concern result from the journey through Libya, in particular injuries, sexual violence or psychological trauma. GRETA was informed of cases of 14-year old Nigerian girls who were pregnant on arrival. According to health-care staff, Nigerian women and girls appear to have been subjected to significant psychological violence and may only be willing to speak after several weeks. If health-care staff have doubts about the age declared by the patient (in particular a child claiming to be an adult), they refer the case to the police for verification. Health-care staff indicated that they had received some training by IOM on indicators of human trafficking.

¹⁴ At the time of GRETA’s visit, hotspots (in Italian, *Centro di primo soccorso e accoglienza*, CPSA) had been set up in Lampedusa, Pozzallo, Taranto and Trapani.

34. IOM Italy provides assistance for newly arrived migrants at points of disembarkation and first reception and supports the Italian authorities in the identification of victims of trafficking. IOM Italy has staff at all four hotspots in Italy (two teams with a total of 11 people covering Western and Eastern Sicily, including lawyers and cultural mediators) who are trained on human trafficking indicators and perform early identification of possible victims of trafficking. IOM staff talk to newly arrived migrants in the hotspots and provide them with a leaflet (in Pidgin English) with a hotline number¹⁵ and simple information on what human trafficking is and what rights victims have in Italy. IOM Italy has a long-standing experience in monitoring landings of migrants and has developed a set of indicators to identify potential victims of THB among those who arrive by sea.¹⁶ On the basis of these indicators, IOM Italy considers that 70% of women and unaccompanied children arriving from Nigeria show indicators of being victims of human trafficking. The following are the indicators most commonly appearing during the first reception phase: psychological problems or behavioural problems indicative of trauma; authorised or unauthorised departure from the centre; being controlled by others in the centre or via phone; being involved in activities such as prostitution and begging. In 2015, 75 Nigerian victims of THB were referred by IOM staff to other authorities for assistance/protection and, in the first five months of 2016, 184. IOM co-operates with the prosecution authorities in Catania and Palermo and information provided by victims has reportedly been used to investigate trafficking cases and arrest perpetrators.

35. In 2010, IOM established a system of referral by Territorial Commissions for Recognition of International Protection based on the assumption that most of the Nigerian female asylum seekers are *de facto* victims of trafficking. GRETA was informed that many Territorial Commissions suspend the audition and ask IOM to conduct a further interview with the victim to verify if he/she is entitled to other forms of protection (e.g. pursuant to Article 18 of the Consolidated Immigration Act) when they suspect that the person has been trafficked and with his/her consent. Thus between April 2014 and October 2015, 90 women and five men were referred to IOM for interviewing as possible victims of human trafficking by Territorial Commissions. If a person provides information that suggests that he/she is a victim of human trafficking, IOM refers the person to an assistance structure. Moving to such a structure does not preclude the continuation of the asylum claim.¹⁷ However, many persons interviewed by IOM are not formally identified as victims of THB because the requirements for granting a residence permit under Article 18 of the Consolidated Immigration Act – namely the reference to “concrete risk” and the “gravity and imminence of the danger” – does not exist or cannot be proven. This puts them at risk of being trafficked and exploited further, in Italy or in other European countries, or of being returned to their countries of origin and re-trafficked.

36. As regards the number of residence permits issued to victims of THB, GRETA was informed by the Ministry of the Interior’s Central Directorate for Immigration and Border Police that by the end of August 2016, a total of 494 permits had been issued under Article 18 of the Consolidated Immigration Act, of which 139 to Nigerian women. GRETA notes that this figure is very small in comparison with the number of Nigerians who arrived in Italy in 2016 and were refused international protection (9 477, see paragraph 12).

37. IOM Italy is currently working on increasing its capacity to identify victims of THB, with funding from the EU, with a view to employing more staff to work in the hotspots (up to 33 people), providing training to staff, and monitoring first reception centres for early identification of risks. A meeting was expected to take place in Catania in October together with the Prosecutor’s Office, the immigration police, the criminal police (*squadra mobile*), Europol and Frontex, to streamline procedures and identify what each agency could do to improve the identification of trafficking victims and the investigation of trafficking cases.

¹⁵ The national toll-free helpline 800 290 290 which employs cultural mediators speaking different languages and is accessible around the clock. See paragraph 124 of GRETA’s first report on Italy.

¹⁶ IOM, *Report on victims of trafficking in mixed migration flows arriving in Italy by sea*, April 2014 - October 2015, pp. 7-8.

¹⁷ IOM, *Report on victims of trafficking in mixed migration flows arriving in Italy by sea*, April 2014 - October 2015, pp. 13-14.

38. Other actors present at the Pozzallo hotspot who are in contact with newly arrived migrants include UNHCR staff, who are present in the disembarkation area and provide information and legal advice on asylum and Italian legislation. Projects are also run by the NGOs Physicians for Human Rights (*Medici per i Diritti Umani* - MEDU), Save the Children and *Terre des Hommes* (see paragraph 50). MEDU has a team of two psychologists, a doctor and a cultural mediator and try to do early screening to detect possible victims of torture or other abuse, such as human trafficking, who are then referred to IOM staff for further interviewing and assistance. The NGO *Médecins sans frontières* (*Medici senza frontiera* - MSF) was present inside the hotspot of Pozzallo until the end of 2015, when they decided to stop their activities to protest against the very poor living conditions, the prolonged detention of migrants and the lack of protection for vulnerable people.¹⁸ MSF continued to provide emergency assistance in disembarkation areas and in April 2016, they started a Psychological First Aid project with a team of psychologists and cultural mediators.

39. The role of Frontex staff present at the hotspot (23 experts from different EU countries) is to participate in the screening, registration and identification procedures, but they do not have a role in identifying possible victims of trafficking. EASO personnel (three experts from EU countries and two cultural mediators) deals with relocation candidates.

40. Both IOM and UNHCR experience problems of capacity and have floating teams between all hotspots in Sicily, prioritising landings. There is no reception space at the hotspots for private interviews and it is difficult to make contacts with individuals, particularly Nigerian girls, who move in groups and are reluctant to speak individually. Hotspots are increasingly protected and regulated, with reported delays sometimes experienced by IOM and NGOs in speaking with newly arriving migrants particularly on dates of landings when several hundreds of people arrive and there is limited time to identify particular vulnerabilities.. As a result, possible victims of trafficking are not identified until much later. Another important problem is the shortage of qualified, trusted interpreters. GRETA also noted that the information leaflet given by IOM to newly arriving migrants does not depict men or boys as possible victims of trafficking.

41. GRETA was informed that there is a lack of capacity to accommodate and assist victims of THB. There is a shortage of places in specialised shelters for trafficking victims and victims referred from the hotspots are often accommodated in facilities without any protection, from which they soon disappear (often within two to three days). Women accommodated in centres for asylum seekers leave the centres at night and it is believed that they are controlled by traffickers and forced to engage in prostitution. The situation is particularly worrying when it comes to unaccompanied children (see paragraph 54). This resembles the situation described in GRETA's first evaluation report on Italy.¹⁹

42. The GRETA delegation also visited the Identification and Expulsion Centre (CIE) in Ponte Galleria which had already been visited by GRETA in December 2013 in the context of the first evaluation visit. At the time of the second visit, only the female section was operational as the rest of the facilities were in the process of refurbishment following a riot in December 2015. A total of 51 women were held at the CIE on the day of the visit, the majority of whom were Nigerian; other countries of origin included China, Philippines, Morocco, Georgia, Ukraine and Honduras. The maximum stay at the CIE is three months or, in the case of an application for international protection being lodged while at the CIE, up to one year. There is a prohibition to hold pregnant women and children at the CIE (however, see paragraphs 52, 57 and 62).

¹⁸ http://archivio.medicisenzafrotiere.it/pdf/Rapporto_CPI_CPSA_Pozzallo_final.pdf

¹⁹ See paragraphs 143, 146, 149 and 150 of GRETA's first report on Italy.

43. As regards the identification of victims of trafficking at the CIE, GRETA was informed that police staff are only present for administrative matters and have no mandate to interact with detainees. The NGOs BeFree and *Differenza Donna* have signed agreements with the Ministry of the Interior and ensure weekly presence at the CIE in order to provide detainees with legal, social and psychological assistance. GRETA was informed that representatives of these NGOs identify victims of THB among the women detained pending expulsion. If an NGO representative detects a victim of trafficking, the information is sent directly to the responsible Police Headquarters (*Questura*) and the expulsion order is stopped. However, the management of the CIE had no information on victims of trafficking having been identified at the CIE. The Ministry of the Interior has prepared spots on human trafficking (in Italian and English) and show them to detainees in order to raise awareness of what trafficking is and promote self-identification.

44. GRETA notes that according to a report published by the NGO MEDU in 2013, in the three CIE that have an area for women (in Turin, Bologna and Rome), there is a substantial presence of potential victims of trafficking for the purpose of exploitation of prostitution (an estimated 80% of the women held at the CIE of Ponte Galeria) and victims of trafficking are often held together with persons responsible of or involved in their exploitation".²⁰

45. GRETA is concerned that some of the women met by its delegation at the CIE Ponte Galeria displayed signs of being victims of trafficking in human beings and were being detained pending expulsion. The absence of clear procedures for screening of persons placed in CIEs for trafficking indicators, their identification and referral to assistance was already raised as a concern in GRETA's first evaluation report on Italy.²¹

46. According to NGOs, there is only limited training of border police and other law enforcement officials working in hotspots, second line centres and administrative detention centres on identifying victims of THB, indicators and procedures. Some training is provided by IOM Italy and certain NGOs. A workshop on "Asylum seekers and identification of victims of trafficking in human beings" was organised on 4 and 11 May 2016 by the Prefecture of Rome and the City of Rome, with speakers from the Ministry of the Interior, the Department for Equal Opportunities, the Territorial Commission for Recognition of International Protection in Rome, IOM, UNHCR and Save the Children. Staff from the CIE in Ponte Galleria attended this workshop. In Sicily, according to NGOs, there has been no training for law enforcement officials and the application of the criminal law provisions on THB is not well understood by the judiciary.

5. Identification, assistance and protection of victims of trafficking among unaccompanied children

47. As mentioned in paragraph 31, there were some 170 unaccompanied children present at the hotspot in Pozzallo on 23 September 2016, the majority of whom were boys. The main countries of origin were reported to be Nigeria, Sudan, Eritrea, Gambia, Ivory Coast and Ghana. GRETA was informed that there has been a significant increase in the number of unaccompanied children arriving in Pozzallo (up by 20% in 2016) and that they tended to remain at the hotspot for longer periods of time (around four weeks) because the procedure followed in respect of them was different to that applied to adults. Unaccompanied children are under the responsibility of the mayor of the place of arrival who has to ensure the appointment of temporary legal guardians before they can be transferred to other centres. Further, it is necessary to find a place to which they can be transferred and there is a shortage of available places.

²⁰ <http://www.mediciperidirittumani.org/pdf/ARCIPELAGOCIEsintesi.pdf>

²¹ See paragraph 131 of GRETA's first report in Italy.

48. The Pozzallo hotspot had two large dormitories with double-bunk beds, the smaller of which was in principle reserved for women and girls, but due to the big number of people arriving at the same time, it was not possible to observe a separation between women and men, on the one hand, and adults and children, on the other. Concerns have been expressed by different NGOs about the conditions in which children are held in Pozzallo, together with unrelated adults, for up to a month or even longer due to lack of places in facilities for children, exposing them to the risk of sexual abuse and violence.²² Similar concerns have been expressed about other hotspots, e.g. the one in Lampedusa.

49. The management of the hotspot stressed that it was not a detention centre and that children could leave it during the day (between 8 a.m. and 8 p.m.) with a document issued by staff guarding the hotspot. GRETA was also informed that children did not run away from the hotspot. However, NGOs have expressed concern that some children were being contacted by traffickers while in Pozzallo.

50. The NGO *Terres des Hommes* has been present at the hotspot in Pozzallo since June 2015 and runs a mental health project for unaccompanied children, families with children and pregnant women. Its team is composed of psychologists, sociologists and cultural mediators. The NGO has developed a guidebook on working with unaccompanied children.²³ According to this NGO, many women and girls arriving at Pozzallo were sexually abused on the journey and display mental health problems.²⁴

51. As regards the identification of victims of trafficking among unaccompanied children, IOM staff present at Pozzallo, as well as representatives of UNHCR and NGOs, try to establish contact with them, but this often proves difficult, in particular in the case of Nigerian girls who tell standard stories, tend to remain within groups or appear to be controlled by adult women. As such, this makes it difficult for NGOs and IOM officials to access or to identify possible victims and to build relationships of trust. IOM Italy informed GRETA that up to eight girls per landing could ask for help, but it was likely that many more were in need of assistance and protection.

52. As noted earlier, a number of teenage Nigerian girls declare that they are adult when they arrive in Italy. IOM staff working at the hotspots do counselling and sometimes manage to persuade them to give their true age. There is apparently increasing awareness among police officers registering new migrants at hotspots about this issue and they do not take at face value statements by girls who claim to be adult. The method used for age assessment is the ossification test (wrist X-Ray), which may be complemented by sexual maturity tests. As already noted in the first evaluation report, GRETA is concerned that the age assessment method does not take into account psychological, cognitive or behavioural factors, which may result in children being treated as adults, placed in a CIE and expelled.

53. GRETA was informed of various problems experienced with the system of legal guardianship for unaccompanied children. The appointment of legal guardians is done by the local mayor or social services and has to be approved by a judge, but the procedure is slow and is more a formality than ensuring an effective guardianship system. One legal guardian can be responsible for 40-50 children. The children often do not know who their guardian is and there is no positive engagement by the guardian with the child or follow-up up to assess individual child protection needs. On the other hand, GRETA was informed of some good practice, such as by the NGO *AccoglieRete* in Syracuse which makes sure that legal guardians are not a mere formality but play a real role. They have set up a database of legal guardians and provide them with training as well as develop a roster of families willing to accommodate unaccompanied children.

²² Associazione Diritti e Frontiere, *Minori stranieri non accompagnati tra dispersione e criminalizzazione*, 20 May 2016, <http://www.a-dif.org/2016/05/20/minori-stranieri-non-accompagnati-tra-dispersione-e-criminalizzazione> ; Human Rights Watch, *Italy: Children Stuck in Unsafe Migrant Hotspot*, 23 June 2016, <http://www.hrw.org/news/2016/06/23/italy-children-stuck-unsafe-migrant-hotspot> ; Italian Council for Refugees, Op Ed, ECRE Weekly Bulletin 24 June 2016 <http://us1.campaign-archive2.com/?u=8e3ebd297b1510becc6d6d690&id=04db84b95a#op-ed>

²³ http://www.terredeshommes.it/download/GUIDA_MSNA_psicosociale_Terre_des_Hommes.pdf

²⁴ <http://terredeshommes.it/comunicati/pozzallo-terre-des-hommes-riprende-le-attivita-di-assistenza-psicologica-e-psicosociale-ai-migranti/>

54. There is a serious lack of capacity to accommodate unaccompanied children in Sicily and Italy in general. The NGO *Associazione Diritti e Frontieri* has expressed concerns about the situation of unaccompanied children who soon after disembarking in Italy disappear from the reception centres, which reportedly lack appropriate staff and cultural mediators and offer poor living conditions.²⁵ An example was given of a centre in Catania where the boys were reportedly offered no activities, no language classes, and no protection, even at night when they could leave the centre. When an unaccompanied minor goes missing, there is no procedure to trace him/her. The Ministry of the Interior is reportedly trying to set up more accommodation structures for children. Further, IOM Italy informed GRETA of a draft project proposal, to be funded by the UK authorities, for the setting up of four emergency shelters for victims of trafficking.

55. In collaboration with Oxfam Italia and *Diaconia Valdese*, the NGO Borderline Sicilia launched the project OpenEurope2016²⁶ which consists of a mobile unit providing legal assistance to migrants who have received administrative expulsion orders after passing through hotspots. The team is composed of a legal expert and a cultural mediator.²⁷ They carry out outreach work and have interviewed a number of unaccompanied children who have run away from reception centres.

56. Another positive example is the accommodation centre for unaccompanied children in Scicli (Sicily), *Casa delle culture*, established under the project Mediterranean Hope of the Evangelical Church Federation.²⁸ It has a total of 40 places, for both girls and boys. GRETA was informed that the children go to school and are involved in a variety of other activities. Only about 3% of the children accommodated there are reported to have disappeared.

6. Removal of victims of trafficking by forced return flights

57. According to information provided by the Italian authorities in reply to the questions contained in GRETA's letter of 18 April 2016, on 23 July 2015, the Border Police transferred by a charter flight to Rome 68 Nigerian women who had disembarked on the Sicilian coast. The women had not expressed a wish to claim asylum at the disembarkation place nor in the reception centre where they were accommodated, despite the presence of representatives of UNHCR, IOM and Save the Children. During the identification interviews, the women had declared that they had come to Italy for the purpose of work and, not complying with the residency regulations, they had been issued with expulsion orders by the Police Headquarters (*Questura*) in Agrigento and Siracusa. The Nigerian women had been medically examined and were considered fit to travel. A subsequent health check was performed upon their arrival at the CIE Ponte Galeria in Rome. Four of the women were found to be pregnant; two were accompanied in the evening of the same day to the religious establishment *Casa delle Suore della Redenzione*, while the other two were moved out of the CIE on 24 and 25 July 2015. None of these four women claimed asylum.

58. The Italian authorities explained that after the judicial authorities had confirmed the expulsion orders, the remaining 64 Nigerian women had claimed asylum and the Territorial Commission in Rome had organised emergency hearings in the CIE. Out of the 64 women who claimed asylum, four received positive replies (two were granted subsidiary protection and two humanitarian protection) and were subsequently transferred to the centre Shalom in Lodi. The asylum claims of another 45 women were rejected and the expulsion orders of the remaining 15 were suspended by the judicial authorities pending appeal.

²⁵ Associazione Diritti e Frontiere, *Minori stranieri non accompagnati tra dispersione e criminalizzazione*, 20 May 2016, <http://www.a-dif.org/2016/05/20/minori-stranieri-non-accompagnati-tra-dispersione-e-criminalizzazione>

²⁶ <http://www.oxfamitalia.org/open-europe-assistenza-ai-migranti-respinti-dagli-hotspot/>

²⁷ <http://siciliamigranti.blogspot.fr/2011/01/borderline-sicilia-onlus.html>

²⁸ <http://www.mediterraneanhope.com/scicli-casa-delle-culture-0>

59. According to the information provided by the Italian authorities, on 17 September 2015, a direct charter flight to Lagos was organised in co-operation with Frontex with a view to returning to Nigeria a group of foreigners without valid residence in Italy, including 19 of the group of 68 Nigerian women who had been issued with expulsion orders. The Italian team was composed of police officers and medical/paramedical staff. The forced return operation began in the morning of 17 September 2015. Each person subject to return was followed by two police officers who carried out the procedures of body and personal belongings control. It was reported by the Italian authorities that no violations of personal dignity and integrity took place during these searches and even when it became necessary to use coercive measures, they were applied on a case-by-case basis with respect for the criteria of proportionality and necessity. During the transfer to the airport it became known that a suspending decision had been issued in respect of one of the Nigerian women who had claimed asylum and she was taken back to the CIE, from which she was subsequently released on 18 September 2015 because the maximum duration of detention in the CIE (90 days) had expired.

60. Despite the above-mentioned information received from the Italian authorities, significant problems have been identified in forced return procedures. On the day of the above-mentioned forced return flight to Lagos, 17 September 2015, a delegation of the UN Subcommittee on Prevention of Torture (SPT) was present at the CIE Ponte Galeria in the context of a visit to Italy aimed at monitoring the treatment and conditions of detention of migrants. The SPT's delegation observed the transfer of migrants from the CIE to a bus which was to transport them to the expulsion aircraft and was informed that this was a forced return operation of Nigerian nationals co-ordinated by Frontex, but was denied access to the bus as well as the airport itself.²⁹ In its subsequent report, the SPT considered that the manner in which the forced expulsion was conducted constituted inhuman and degrading treatment and violated Italy's human rights obligations for a number of reasons, including because the migrants subjected to expulsion displayed clear signs of suffering extreme stress, anxiety and fear throughout the forced expulsion, were unaware that they would be expelled, many were still involved in legal procedures to determine their entitlement to remain, and women were carried by male officers, often in a degrading manner.³⁰ One woman who was granted the right to remain after she had already been transported to the airport was returned to the CIE to be released on the next day, having undergone tremendous stress which would have been avoidable. The SPT's report also notes that the management of the CIE was not provided with more than a few hours' notice and was not allowed to inform migrants of the expulsion operations, obstructing their ability to support detainees and maintain a calm environment.

²⁹ United Nations, *Report on the visit made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to Italy*, 23 September 2016, available at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fOP%2fITA%2f1&Lang=en

³⁰ Ibid, pp. 18-20.

61. The NGO BeFree has published a report³¹ in April 2016 based on research and interviews with some 100 Nigerian women met at the CIE Ponte Galleria, where BeFree has had a presence since 2008 with a view to providing psycho-social and legal advice to women victims of trafficking. The report provides detailed information on the circumstance preceding the forced return flight described in paragraph 59, which is at variance with the information provided by the Italian authorities. According to it, the number of Nigerian women who arrived on 23 July 2015 at the CIE Ponte Galleria was 66; some of them had arrived in Italy on 17 July and had spent five days at Lampedusa, while others had arrived on 22 July. In reply to a question put by Senator Valeria Fedeli, the Vice-Minister of the Interior had stated that "their transfer [to the CIE] was necessary because the Nigerian citizens declared during the identification procedure that they had come to Italy for work and, being in violation with the residence regulations, they were issued with expulsion and detention orders by the police in Agrigento and Siracusa".³² The Territorial Commission for Recognition of International Protection in Rome had interviewed all the women in early September and had asked BeFree to carry out further interviews in order to find out if there were indicators of trafficking. The interviews by BeFree had brought to light the existence of criminal networks that had recruited and transported the women and were expecting them in Italy. The women had displayed various signs of being trafficked: they were very young, almost illiterate, from extremely poor families, appeared to be traumatised, found it difficult to speak about the journey, in particular their experiences in Libya, and had already been given phone numbers to call on arrival in Italy, suggesting that their arrival and movements were highly controlled. Thanks to the interviews with BeFree, 13 of the women received international protection, but in the meantime, 20 women were included in the forced return flight on 17 September 2015 despite the fact that they had appealed the rejection decisions by the Territorial Commission and the expulsion orders. As explained in paragraph 22, such appeals do not result in an automatic suspension of the expulsion order, but require the adoption of an order by the competent court suspending the expulsion order. Despite the mobilisation of the lawyers representing the Nigerian women and NGO representatives, only one woman was taken off the plane after receiving at the last minute a decision from the court blocking the expulsion order.

62. Further, GRETA notes that in a letter addressed to the Ministry of the Interior and Frontex on 14 October 2015, the Italian Member of Parliament Barbara Spinelli asks why there were four pregnant women among the Nigerian women transferred to the CIE Ponte Galeria on 23 July 2015.³³ If for some of them pregnancy was not obvious, surely for one of them, at her seventh month, it was, and Italian law prohibits forced returns of pregnant women. According to the letter, the four Nigerian women were pregnant following rape during the trip from Nigeria to Libya. MP Spinelli also raises issues concerning the Working Arrangement establishing operational co-operation between Frontex and the Nigerian Immigration Service.³⁴

³¹ BeFree Cooperativa Sociale contro Tratta, Violenze, Discriminazione. *INTER/ROTTE. Storie di Tratta, Percorsi di Resistenze*, Rome, 2016.

³² Ibid., p. 40.

³³ <http://barbara-spinelli.it/wp-content/uploads/14ottobre2015LetteraaViminaleeFrontex-ALLEGATO1.pdf>

³⁴ Working Arrangement establishing operational co-operation between the European Agency for the Management of Operational Co-operation at the External Borders of the Members States of the European Union (Frontex) and the Nigerian Immigration Service, Warsaw, 19 January 2012, http://frontex.europa.eu/assets/Partners/Third_countries/WA_with_Nigeria.pdf

63. GRETA notes that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out a visit to Italy on 16-18 December 2015 to examine the treatment of foreign nationals during a joint return operation by air from Italy with a charter flight to Lagos (Nigeria), co-ordinated and co-financed by Frontex, which took place on 17 December 2015. According to the report on this visit, the CPT's delegation visited the CIE Ponte Galeria on 16 December 2015 and interviewed the 13 Nigerian women listed to be removed.³⁵ From these interviews, it transpired that all of these women had had their application for asylum rejected by the Territorial Commission and had subsequently appealed this decision to the Rome City Court; however, no information on the pending legal procedures could be found in the women's removal files. After the CPT's delegation visit to the CIE, the Italian escort leader had received an email late at night from the lawyer responsible for the cases of several of the Nigerian women, confirming that he had launched appeals in a number of cases; consequently, the Italian authorities had decided to halt the removal operation for seven women. The CPT report notes that in the case of one of the women who was removed to Nigeria on 17 December 2015, the competent court had decided to grant suspension of removal and this decision was communicated to the State Police after the joint flight had departed from Rome.

64. Since the spring of 2016, forced return flights are monitored by the National Preventive Mechanism (NPM) set up by Italy in application of the Optional Protocol to the UN Convention against Torture (OPCAT), known as the National Guarantor of the rights of persons deprived of their liberty (*Garante nazionale dei diritti delle persone private della libertà*). Thus on 14 July 2016 Italian NPM representatives monitored a joint charter flight organised by Frontex for the repatriation of 22 Nigerians, including three women.³⁶ In addition to 15 Nigerian citizens from Italy, five Nigerian citizens had come from Switzerland and two from Belgium. This was the first Italian monitoring of a Frontex joint flight, in accordance with Article 8(6) of Directive 2008/115/EC (the Returns Directive), which obliges Member States to provide for an effective forced-return monitoring system. During the document verification at the CIE Ponte Galeria, it became apparent that two women had applied for international protection and therefore their deportation proceedings were suspended.

65. According to information provided by the Ministry of the Interior in reply to GRETA's letter of 18 April 2016, in 2015, Italy took part in or organised a total of seven return flights to Nigeria by which 215 persons were expelled and one return flight to Nigeria and Ivory Coast by which six persons were expelled.³⁷ A different figure was given to GRETA during the meeting at the Ministry of the Interior on 21 September 2016, according to which a total of 383 Nigerian citizens, including 54 women, had been expelled in 2015. By the time of GRETA's visit in September 2016, there had been three return flights to Nigeria in 2016, with a total of 94 Nigerians being deported (including 19 women).

66. GRETA was informed of the existence of a readmission agreement between Italy and Nigeria, which establishes simplified identification and return procedures. Nigerian officials are involved in the procedure for issuing identity documents to persons detained at the CIE and GRETA was informed that the identification of Nigerian citizens occurred very quickly. NGOs have expressed concern that children may be subjected to forced removals, because of errors in age assessments.

³⁵ Report to the Italian Government on the visit to Italy carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 18 December 2015, CPT/Inf (2016) 33, available at: <http://www.cpt.coe.int/documents/ita/2016-33-inf-eng.pdf>

³⁶ <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/5e4be8a43bab4be50896ca0be663708a.pdf>

³⁷ In addition, in 2015, there were 47 return flights to Egypt (with 657 persons expelled), 34 to Tunisia (with 843 persons expelled), and six flights to Albania, Georgia and Armenia (with a total 27 persons expelled). In the first four months of 2016, there was one return flight to Nigeria (with 22 persons expelled), 21 return flights to Egypt (with 63 persons expelled) and nine return flights to Tunisia (with 165 persons expelled).

67. As regards voluntary returns of victims of THB by IOM, GRETA was informed that there were none in 2015-2016 due to lack of funding and capacity. IOM has recently started a new project (TACT), which concerns three EU countries (Italy, France and Poland) and three countries of destination (Morocco, Ukraine and Albania). GRETA notes that, apart from this project, there is no approach specific to trafficking victims regarding voluntary return to their countries of origin.

68. The NGO Slaves No More, set up in 2012, has started a pilot project for assisted voluntary return and social and labour reintegration of Nigerian women victims of trafficking expelled from Italy, and has established links with the Conference of the Nigerian Religious Orders and other entities in Nigeria.³⁸ This project is supported by Caritas Italy and the Italian Episcopal Conference. However, beyond this project, there is in general a lack of information about what happens to Nigerian women who are subject to forced return.

69. GRETA is very concerned about the negative effects that forced returns can have on victims of trafficking, in particular when there is a lack of follow-up after their return and risks of re-victimisation and re-trafficking. GRETA recalls that pursuant to Article 16, paragraphs 5 and 6, of the Convention, Parties shall establish repatriation programmes, involving relevant national or international institutions and NGOs, which aim at avoiding re-victimisation, make efforts to favour the reintegration of victims into the society of the State of return, and make available to victims contact information of structures that can assist them in the country of return. If these obligations cannot be met, either because of lack of capacity on the part of the Italian authorities or lack of co-operation from the authorities of the country of return, the execution of forced removals may run contrary to the obligation of *non-refoulement* contained in Article 40, paragraph 4, of the Convention. GRETA refers to the judgment of the European Court of Human Rights in *Hirsi Jamaa and others v. Italy*, which reiterates the well-established principle that it is for the State to ensure that a person does not face a real risk of being subjected to treatment contrary to Article 3 of the European Convention on Human Rights (ECHR) in the event of repatriation or return.³⁹

7. Conclusions and recommendations

70. GRETA acknowledges the extreme difficulties which Italy is experiencing due to the unprecedented increase in the arrival of migrants and refugees, and the significant efforts made by the authorities, with the assistance of international organisations and civil society, to cope with the challenges posed by it. GRETA recalls the judgment of the European Court of Human Rights in *Khlaifia and Others v. Italy*, which acknowledged the “exceptional waves of immigration” experienced by Italy and the many duties assumed by the Italian authorities, including rescue at sea, and provision for the health and accommodation of migrants on arrival on the island of Lampedusa. However, as the Court noted, these factors cannot exempt the State from its obligation to guarantee conditions that are “compatible with respect for human dignity to all individuals”.⁴⁰ The Court also emphasised the absolute nature of the protections afforded by Article 3 of the European Convention on Human Rights (ECHR). GRETA stresses that the policies and procedures applied by the State in the context of increased immigration must be in conformity with Italy’s human rights obligations and must not prejudice the application of the protection and assistance measures provided by the Council of Europe Anti-Trafficking Convention by putting at risk the lives and safety of trafficked people.

³⁸ <https://www.slavesnomore.it/english>

³⁹ European Court of Human Rights, *Hirsi Jamaa and others v. Italy*, application No.27765/09, judgment of 23 February 2012, (paras.146-158) available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-109231>

⁴⁰ European Court of Human Rights, *Khlaifia and Others v. Italy*, application no. 16483/12, judgment of 1 September 2015, paragraph 128, available at: [http://hudoc.echr.coe.int/eng#{"itemid":\["001-156517"\]}](http://hudoc.echr.coe.int/eng#{) and judgment of the Grand Chamber, 15 December 2016, paragraph 106, available at : <http://www.statewatch.org/news/2016/dec/echr-judgment-Khlaifia-and-Others-v-%20Italy-full-text.pdf>

71. Many of the concerns raised in this report echo those contained in GRETA's first evaluation report on Italy, but are magnified by the substantial increase in the number of victims and potential victims of trafficking arriving in Italy. Victims of trafficking granted refugee status or subsidiary protection in Italy continue to face risks of re-trafficking in Italy and elsewhere in the EU. The fact that victims of trafficking arriving in Europe are increasingly young is particularly disturbing and calls for urgent action at domestic and European level to ensure effective protection of the rights of migrant and asylum seeking children and young people, as stressed by the Secretary General of the Council of Europe.⁴¹ Delays in relocation of asylum seekers from Italy to other EU Member States, caused, *inter alia*, by the Italian authorities not allowing security vetting by receiving countries prior to relocation, exacerbate the problems faced by the Italian authorities in ensuring effective protection to potential victims of trafficking, and further increases the risks of trafficking and exploitation.⁴²

72. GRETA once again urges the Italian authorities to improve the identification of victims of trafficking among migrants and asylum seekers, including by:

- setting up clear, binding procedures to be followed and providing systematic training of immigration police officers and staff working in first aid and reception centres (CPSA or "hotspots"), accommodation centres (CDA), identification and expulsion centres (CIE) and centres for accommodation of asylum seekers (CARA);
- providing operational indicators to all frontline staff to enable them to effectively and proactively identify victims of trafficking;
- strengthening multi-agency involvement in victim identification by introducing a National Referral Mechanism and further involving NGOs and international organisations in the identification of victims of trafficking, including by giving them expanded access to hotspots, reception centres and CIE. In this context, GRETA welcomes the fact that the Territorial Commission for Recognition of International Protection in Rome has involved the NGO BeFree in asylum interviews of Nigerian women and considers that the Italian authorities should extend the practice of involving specialised NGOs;
- ensuring that there are appropriate facilities for holding confidential interviews with a view to identifying victims of trafficking in hotspots and other places where asylum seekers and migrants are held.

73. GRETA also urges the Italian authorities to mainstream prevention of trafficking in the training of all staff working with unaccompanied children and separated children and to provide them with training on indicators of trafficking. The authorities must increase efforts to identify child victims of trafficking and to set up child-specific identification procedures which involve child specialists and take into account the special circumstances and needs of child victims of trafficking. In this context, GRETA refers to the 2016 report by the UN Special Rapporteur on trafficking in persons, especially women and children, on trafficking of persons in conflict and post-conflict situations⁴³ and to the Council of Europe Strategy for the Rights of the Child (2016-2021).⁴⁴

⁴¹ Council of Europe, *Protecting children affected by the refugee crisis: a shared responsibility, Secretary General's proposals for priority actions*, SG/Inf (2016) 9 final (4 March 2016).

⁴² By September 2016, only three per cent of the pledge to relocate 160 000 asylum seekers from Greece and Italy to other Member States had been met (with 1 064 persons relocated from Italy). As of 18 January 2017, only 2,737 persons had been relocated from Italy. See <http://migration.iom.int/europe/>

⁴³ Available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/N1625078.pdf>

⁴⁴ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168066cff8>

74. GRETA is seriously concerned by the fact that unaccompanied children disappear within a few days of being placed in reception centres. In the context of quick disappearances, it is not possible to establish whether the child is already in the process of being trafficked and what are his/her concrete individual protection needs, including that of international protection. GRETA once again urges the Italian authorities to take steps to address the problem of disappearance of unaccompanied children, in particular by:

- providing enhanced safeguarding measures in reception facilities specialised for children, with adequately trained staff;
- ensuring that unaccompanied children are assigned a legal guardian, as expeditiously as possible, and providing adequate training to legal guardians and foster families to ensure that the best interests of the child are effectively protected, in accordance with Article 10, paragraph 4, of the Convention.

75. Further, GRETA considers that the Italian authorities should review the age assessment procedures, ensuring that the best interests of the child are effectively protected and that the benefit of the doubt is given in cases of age disputes and special protection measures are provided, in accordance with Article 10, paragraph 3, of the Convention, and taking into account the requirements of the UN Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child.⁴⁵

76. Without prejudice to the right of victims of trafficking to seek and enjoy international protection, GRETA urges the Italian authorities to ensure that:

- whenever there are reasonable grounds to believe that a person is a victim of trafficking, he/she is granted a recovery and reflection period of at least 30 days during which expulsion orders cannot be enforced, and can benefit from the right to obtain a renewable residence permit under Article 18 of the Consolidated Immigration Act;
- victims are provided with support and assistance, in accordance with Article 12 of the Convention. The capacity of victim support programmes, both for adult and for children, needs to be increased and strengthened as a matter of priority.

77. As noted in paragraph 69, GRETA is seriously concerned about the manner in which the forced removals of possible victims of human trafficking are conducted, the lack of transparency, the lack of information given to the persons concerned, their lawyers and interested NGOs, and the methods of forced repatriation used. GRETA refers to Article 16 of the Convention, which states that the return of victims of trafficking shall preferably be voluntary, must take due regard of the rights, safety and dignity of the victim, and must also take account of the status of any legal proceedings related to the fact that the person is a victim. Article 16 of the Convention should be read along with Article 40, paragraph 4, which specifically mentions the principle of *non-refoulement* and provides that its applicability is in no way affected by the Convention.

⁴⁵ [General Comment No. 6 Treatment of unaccompanied and separated children outside their country of origin, Committee on the Rights of the Child, Thirty-ninth session, 17 May - 3 June 2005.](#)

78. As stressed by GRETA in its 5th General Report, expedited removal procedures allow only limited time to assess each individual case and there may not be enough time to identify the trafficked person.⁴⁶ Noting the requirements of Article 16 of the Convention, GRETA urges the Italian authorities to review the legislation in order to ensure that there is an automatic suspensive effect of appeals against removal orders (also in accordance with Article 13 of the ECHR, read in conjunction with Article 3 of the ECHR) and to provide the persons to be removed, their lawyers and NGOs working with them with full information of the planned removal operation.

79. Recalling the recommendations made in its first evaluation report, GRETA urges the Italian authorities to conduct individual risk assessments prior to the return of trafficked persons to their countries of origin, in co-operation with the countries of return, international organisations and NGOs, with a view to ensuring compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention and the UNHCR's Guidelines on the Application of the 1951 Refugee Convention to Victims of Trafficking⁴⁷, as well as to facilitate their reintegration in countries of origin.

80. Further, GRETA considers that voluntary returns are to be preferred to ensure the rights, safety and dignity of the victim and encourages Italy to use forced returns of victims of trafficking as a measure of last resort only.

81. As regards in particular children, GRETA urges the Italian authorities to ensure that the best interests of the child are effectively protected, through an assessment of risks prior to any return, by specialised bodies in co-operation with relevant bodies in countries of origin.

82. As noted in GRETA's first report on Italy, despite the efforts made by the Italian authorities in the area of international co-operation, there are persistent problems when it comes to obtaining information in response to requests made by investigators or undertaking investigative actions in non-European countries of origin.⁴⁸ GRETA considers that the Italian authorities should further develop international co-operation with a view to combating and dismantling criminal networks involved in trafficking and prosecuting offenders.

83. GRETA looks forward to continuing its co-operation with the Italian authorities and stands ready to offer assistance in achieving the purposes of the Convention.

⁴⁶ [GRETA's 5th General report](#), paragraph 125.

⁴⁷ UNHCR, *Guidelines on International Protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking*, HCR/GIP/06/07, 7 April 2006.

⁴⁸ See paragraph 94 of GRETA's first report on Italy.

Appendix

List of public bodies, intergovernmental and civil society organisations with which GRETA held consultations

Public bodies

- Ministry of the Interior, Central Directorate for Immigration and Border Police and Central Directorate of Civil Services for Immigration and Asylum
- Prefecture of Rome
- National Commission for Recognition of International Protection
- Territorial Commission for Recognition of International Protection in Rome
- Police Headquarters (*Questura*) and Prefecture of Ragusa

Intergovernmental organisations

- International Organization for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)
- European Agency for the Management of Operational Co-operation at the External Border of Member States of the European Union (Frontex)

Civil society organisations

- Associazione Antigone
- Associazione Diritte e Frontieri
- Associazione LasciateCIEntrare
- Associazione Penelope
- BeFree Social Cooperative
- Borderline Sicilia
- Legal clinic of the University of Rome
- Mediterranean Hope - Casa delle Culture
- Oxfam Italy
- Proxima Cooperative
- Physicians for Human Rights (MEDU)

Government's comments

The following comments do not form part of GRETA's analysis concerning the situation in Italy



Ministero dell'Interno
Dipartimento per le Libertà Civili e l'Immigrazione
Direzione Centrale dei Servizi Civili per l'Immigrazione e l'Asilo
Ufficio 3° - Asilo, protezioni speciali e sussidiarie, Unità Dublino
Tratta e Servizi Accoglienza in Frontiera

ALLA PRESIDENZA DEL CONSIGLIO DEI MINISTRI

DIPARTIMENTO PER LE PARI OPPORTUNITA'

UFFICIO PER GLI AFFARI GENERALI, INTERNAZIONALI

E GLI INTERVENTI IN CAMPO SOCIALE

LARGO CHIGI, 19

ROMA 00187

COURTESY TRANSLATION

RE: Request for eventual remarks related to the GRETA Report according to Art. 7 of the Regulation for the evaluation of the implementation of the Council of Europe Convention on the Action against Trafficking in Human Beings.

In relation to the "Request for eventual remarks related to the GRETA Report, according to Art. 7 of the Regulation for the evaluation of the implementation of the Council of Europe Convention on the Action against Trafficking in Human Beings", **Ref. Nr. DPO 0000025 P-4.25.6 dd. 05/01/2017, this is to entirely recall what was already set out in the Note Ref. Nr. 0010607 dd. 24/11/2016**, and to point out the following elements in relation to further aspects falling within the competence of this Department.



Ministero dell'Interno

Dipartimento per le Libertà Civili e l'Immigrazione

Direzione Centrale dei Servizi Civili per l'Immigrazione e l'Asilo
Ufficio 3° - Asilo, protezioni speciali e sussidiarie, Unità Dublino
Tratta e Servizi Accoglienza in Frontiera

In relation to the funding by the National Commission for the Right to Asylum of a project with UNHCR for the drafting of the **“Guidelines on the issue of the international protection applicants who are victims of trafficking”** addressed to the Local Commissions for the recognition of the international protection, aiming at defining the measures for a correct and early identification of the victims of trafficking in the framework of the international protection application procedure, you find herewith enclosed the text of the abovementioned Guidelines, which is still an internal document of the National Commission and consequently can not be published yet.

It has also to be pointed out, that in some periods of the year (for ex. September), the increase in the disembarkment flows implies unavoidable overcrowding circumstances which considerably impact on the management of the reception within the hotspots.

Moreover it has to be pointed out, that according to the Legislative Decree nr.142/2015, the national reception system is articulated in a phase of first reception and in a phase of second reception. The first reception phase is characterized by the CPSA/Hotspots and by the First Reception Governmental Centers. The phase of the second reception is characterized by the Centers of the SPRAR network. Moreover there are the temporary reception centers –CAS – and Centers for Identification and Expulsion – CIE.

In relation to the activities aiming at improving the identification and assistance procedures concerning unaccompanied third-country minors victims of trafficking it has to be pointed out, that this Department has provided its own relevant contributions regarding the drafting of the Decree of the President of the Council of Ministers “Regulation on the definition of the mechanisms for the ascertainment of the age of minors victims of trafficking”, implementing Art. 4, par.2 of the Legislative Decree Nr. 24 dd. March 4th 2014, approved with D.P.C.M. dd. November 10th 2016.



Ministero dell'Interno
Dipartimento per le Libertà Civili e l' Immigrazione
Direzione Centrale dei Servizi Civili per l'Immigrazione e l'Asilo
Ufficio 3° - Asilo, protezioni speciali e sussidiarie, Unità Dublino
Tratta e Servizi Accoglienza in Frontiera

In relation to the setting up of specific reception services for minors victims of trafficking this is to entirely recall what was set out in our Note Ref. Nr. 0010607 dd. 24/11/2016, and to point out, that, also in this case, in some periods of the year, the increase in the disembarkment flows implies unavoidable overcrowding circumstances which considerably impact on the management of the reception within the hotspots.

Moreover, it has to be pointed out that, in relation to the designation of the guardians and the relevant critical points concerning the legal protection, the issue falls within the competence of the Ministry of Justice.

In relation to the adoption of a legal and political framework in order to favour the return of the victims of trafficking, the AMIF National Programme provides for that the return measures can constitute an instrument at disposal of those migrants who are not able or willing to stay in the hosting country and who wish, in a spontaneous and voluntary way, to return into their own country of origin. Since last summer 2016 new projects have been active in Italy, funded by means of AMIF, and they will be concluded in May 2018.

Although the AMIF National Programme doesn't provide for a specific action on the victims of trafficking, they can access to the AVR projects as vulnerable persons.

THE CENTRAL DIRECTOR
Valente