



FINAL
CONFERENCE



Summary

BESIDE YOU

Building European Systems for Investigation
and DEfence of victims of human trafficking

BESIDE THE VICTIMS

KNOWLEDGE SHARING, COOPERATION AND
CRIME INVESTIGATION ACROSS EUROPE
AGAINST TRAFFICKING IN HUMAN BEINGS

VICINO ALLE VITTIME: SCAMBIO DI CONOSCENZE, COOPERAZIONE
E INVESTIGAZIONI IN EUROPA CONTRO LA TRATTA DI ESSERI UMANI

L'IRES Piemonte

realizza in collaborazione con la Procura della Repubblica presso il
Tribunale di Torino, il progetto "*Beside You– Building European Systems for
Investigations and Defence of Victims of Human Trafficking*".

Il progetto è finanziato dal Consiglio d'Europa.



Speakers

Opening

Armando Spataro Chief Prosecutor of the Public Prosecutor's Office at the Court of Turin

Monica Cerutti Town Councilor for Immigration, Piedmont Region

Luca Angelantoni Vice president of IRES Piemonte

Chiara Appendino, Mayor of the City of Turin

Petya Nestorova, Executive Secretary of the Council of Europe Convention on Action against Trafficking in Human Beings

Morning session

Moderator: Paolo Borgna Deputy Prosecutor Vicar of the Public Prosecutor's Office of Turin

Ignazio Fonzo Deputy Prosecutor at the Public Prosecutor's Office of Catania

Wilfrid Fremond Chief Superintendent, Deputy Head of the Minor Protection Brigade Judicial Police of Paris, France

Christoph Hundertpfund Regional Police Command of the Tirol, Criminal Investigation Department, Austria

Ann Lukowiak Deputy Public Prosecutor and Magistrate, Eurojust member, Belgium

Chiara Maina Deputy Prosecutor of the Public Prosecutor's Office of Turin

Petya Nestorova Executive Secretary of the Council of Europe Convention on Action against Trafficking in Human Beings

Rosanna Paradiso expert on action against trafficking in human beings of the Public Prosecutor's Office of Turin

Petri Rainiala Criminal Investigation Unit, Helsinki Police Department, Finland

Jan Sundell Deputy Chief of Crime Prevention Unit, Gulf of Finland Coast Guard District, The Finnish Border Guard, Finland

Round table discussion

Moderator: Rosanna Paradiso expert on action against trafficking in human beings of the Public Prosecutor's Office of Turin

Alberto Andreani Programme Officer, Organization for Security and Co-operation in Europe (OSCE)

Laura Cassio deputy Prefect and President of the Territorial Commission for the Recognition of the International Protection of Turin



Domenica Diana Department of Family Policies, Youth and Migrants, Equal Opportunities and Rights, Piedmont Region

Donatella Giunti Senior Social Worker, Prefecture of Turin, Area IV Immigration Civil Rights and Asylum

Fabrizio Lotito Local police team for action against trafficking in human beings of the Public Prosecutor's Office of Turin

Giusy Maddaluno Head of the Training and Advanced Education Unit at United Nations Interregional Crime and Justice Research Institute (UNICRI)

Marco Martino First Director of the Flying Squad of the Turin Police Headquarters

Alberto Mossino National Anti-Trafficking Platform

Petya Nestorova Executive Secretary of the Council of Europe Convention on Action against Trafficking in Human Beings

Maurizio Pia Foreign Service Manager, Municipality of Turin

Federica Toso Office of the United Nations High Commissioner for Human Rights (UNHCR)

Luigi Vetere Deputy Commissioner of the State Police at the Public Prosecutor's Office of Turin

Conclusions

Paolo Borgna Deputy Prosecutor Vicar of the Public Prosecutor's Office of Turin



Introduction

Trafficking of Human Beings (THB) has been an issue in Italy for a while now; yet, the last few years have witnessed its further transformation within a rapidly-changing international context. Both police forces and social workers need to be constantly updated about how to best identify THB victims among migrants and asylum seekers and protect them from traffickers and exploiters, in order to fight this crime as effectively as possible. In 2017, IRES (Institute of Social-economic research in Piedmont) and the Public Prosecutor's Office of Turin carried out the international project named *"BESIDE YOU. Building European Systems for Investigation and Defence of victims of human trafficking"*, with the collaboration and co-funding of the Council of Europe. *Beside You* aimed at building up police forces' capacities in THB prevention and combat; improving social workers' knowledge and competence about said phenomenon; fostering cooperation on THB-related crime investigation among destination countries; and contributing to an enhanced coordination on victim identification and assistance and investigations on traffickers.

This project addressed police representatives and social workers selected based on their functions and impact of their training on their everyday work, as well as to investigating magistrates and investigators dealing with human trafficking in Italy and abroad.

The main project activities included:

- A training course consisting of two 12-hour cycles for police forces operators. The participants were 105 as a whole, who could acquire deeper and updated knowledge about human trafficking, discuss available legal/investigation instruments to counter the phenomenon, in addition to have a better insight into local victim protection systems where institutions, public services and non-profit organisation collaborate;
- A joint 15-hour training targeting 235 operators of public and private services (including CAS (emergency reception centres) and the Protection System for Asylum Seekers and Refugees) and police forces (Carabinieri, State Police, Italian Finance Police, Local Police). This program was aimed at providing improved knowledge about human trafficking and the conditions of vulnerability it usually associates with, the identification and protection of the victims who have been received as asylum seekers, and how to report exploiters. It was also



a good opportunity to establish networks and synergies between operators from different services and police forces;

- An international technical workshop on cross-against crimes linked with THB held in Turin on 25 October 2017 with the participation of magistrates and representatives of police forces from Italy and other four European countries (Austria, Belgium, Finland and France), selected among the many connected to Italy by THB chains;
- The final international conference held in Turin on 26 October 2017 “Beside the victims: knowledge sharing, cooperation and investigations across Europe against trafficking in human beings” which recorded about 200 attendees, including magistrates, jurists, investigators, social workers, representatives of both national and international bodies, and from non-profit organisations. The conference was the opportunity to discuss the new forms taken by exploitation in Europe, with special attention to the forms of international collaboration to fight THB;

All footages from the final Conference, joint training program for social workers and police forces, and project documents are available at www.piemonteimmigrazione.it/besideyou.



Final Conference

“Beside the victims: knowledge sharing, cooperation and investigations across Europe against trafficking in human beings”

Summary of welcome speeches

Paolo Borgna: this conference is the final step of the one-year journey we had together to gain important insight into THB combat. We analysed a number of forms this phenomenon can take and the strategies that can be used to counter it. The use of art. 18, the tool we had to encourage victims to report their conditions, has become increasingly problematic; therefore, we hope that the relationships established among the operators could be cemented.

Armando Spataro: human trafficking is a global phenomenon; thus, it would be a mistake to tackle it as if it was a local issue requiring local solutions. On the contrary, its combat requires a synergy of resources and solutions. A recently published book by Donatella Di Cesare¹ analyses this phenomenon as being mid-way between opposed social and philosophical concepts: on one hand the state-centric vision of the world, where migration is considered as aberrant, something stranger to the State; on the other, an approach which is “humanitarian at all costs”, according to which everything is permitted and must be tolerated, including the burden of lawlessness sometimes linked with migration. The current debate on migration is spoiled by nonsense such as the alleged contact between migration and terrorism. Some rare case discovered during investigations cannot be meaningful to this end. To associate illegal migration to terrorism is unacceptable; the financial flows backing international terrorism have nothing to do with THB. There are mafia criminals who exploit illegal migration but there is no evidence that illegal migration is a source of funds for terrorism. Even the debate about jus soli is polluted with xenophobia – solidarity is not a sentiment, is a right established by international conventions and agreements. We need to regulate the issue based on the European context, but no wall should be erected: walls are not part of our culture. It is essential to create an investigating network having international scope, supported by international cooperation. The Public Prosecution’s Office of Turin has been focused on the matter for some time now. The Italian law allocates powers to investigate on human trafficking to the Antimafia Directorate, which means specialised magistrates, police forces, and concentration of investigations in their

¹ *Stranieri residenti. Una filosofia della migrazione*, Bollati Boringhieri, Turin, 2017.



hands. We need to respond rationally and pragmatically even to major challenges, as our judicial systems allows us to be free from political drives.

Monica Cerutti: the issue of human trafficking is of major interest for the Regional Authorities of Piedmont; we think we need to draw special attention on it and work for a cultural shift towards the jus soli issue. Migration and security should not be seen as twin issues; we should aim at a medium to long term integration where nobody is left behind. A project named “L’anello forte” (the strong link), financed by the Department of Equal Opportunity and funds made available by the Piedmont Region, conceived as an opportunity to integrate THB victims in the world of work, will allow them to be further assisted. Great attention should be placed on the question of unaccompanied foreign minors, including also THB victims. Unfortunately, the press is not always ready to trigger a wider, cultural debate over such an issue. If we see surplus offer, this means there is huge demand for sexual services, which is indecent in a civil society, especially when the providers of such services are children. Our institutions must dwell on this aspect, not considering it as an inevitable consequence.

Chiara Appendino: human trafficking is a supranational, global issue demanding a supranational, cross-institutional response. We should be grateful to those who fight this plague, as traffickers make their illegal gains on suffering. Unfortunately, THB has had an upturn in Turin area, just as the number of persons who ask for help. Prostitution is usually seen through the lenses of security or, even worse, urban decorum. However, it is high time we coped with it from a cultural perspective, digging into its very soul, into the darkness surrounding those women. It cannot be dealt with as a security issue only. The city has been exploring inclusion, reception and support as the only way out of said hideous situation. Promoting culture and raising awareness among the citizens are the priorities and challenges of the City of Turin.

Luca Angelantoni: because trafficking is a global phenomenon, our response to it should have the same scope. IRES training and updating program has already gathered social workers and police forces. IRES believes in the creation of connections and in dialogue, which is why it looks for possible collaborations with European institutions to support Piedmontese bodies and local authorities.

Petya Nestorova: I am here to present the Convention of the Council of Europe on Action against Trafficking of Human Beings², signed by 47 countries and open to newcomers. It has four main pillars, i.e., prevention, victim protection, crime prosecution, and partnership creation. The convention provides for continuous monitoring by the GRETA³ including independent, impartial assessors. The first report on Italy was drafted in 2014⁴; on that occasion, a targeted awareness raising campaign was recommended, in order to discourage prostitution demand. Now that

² <https://www.coe.int/en/web/anti-human-trafficking/about-the-convention>.

³ Group of Experts on Action against Trafficking in Human Beings.

⁴ 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>.



Italy has given its first response on sexual exploitation, it should work more on the exploited, in order not to criminalise victims. Different national referral mechanisms should be adopted to collect reports on possible victims of exploitation by a number of subjects (police, doctors, labour inspectors, teachers, NGOs, etc...). Italy still lacks in a national action plan, which is crucial to show the political will to prosecute said crimes.

In addition, a report on emergency measures to be adopted by Italy was published in January 2017⁵. It includes cases of victims repatriated to Nigeria without minimum guarantees. We need to build up the capacities of all operators involved, not only police forces, to identify the victims and prevent them from being expelled in conditions of uncertain security. One of the recommendations concerns Capacity Building actions of all partners in victim identification and support, which is exactly what we have been doing within Beside You.

⁵ GRETA Group of Experts on Action against Trafficking in Human Beings, *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*, Published on 30 January 2017.



Christoph Hundertpfund

Regional Police Command of the Tirol, Criminal Investigation Department, Austria



01



Phenomenon of human trafficking in Austria

Christoph HUNDERTPFUND, Colonel
Criminal Investigation Department Tyrol – Innsbruck/Austria
BESIDE YOU -Torino, October 25th – 26th, 2017

LANDESPOLIZEIDIREKTION TIROL, 6020 INNSBRUCK, INNRAIN 34, TEL.: 059133 - 70 - 0

02

Facts and figures



Population: 8,8 mio
Capital: VIE 1,8 mio
Sworn: 28.660
Ratio: 1:306



LANDESPOLIZEIDIREKTION TIROL, 6020 INNSBRUCK, INNRAIN 34, TEL.: 059133 - 70 - 0

2



03

THB AUSTRIA

- Austria country of transit and destination;
- Men/women/children;
- Sexual exploitation;
- Forced labour;
- Forced begging;
- Committing crimes



LANDESPOLIZEIDIREKTION TIROL, 6020 INNSBRUCK, INNRAIN 34, TEL.: 059133 - 70 - 0

3

04

Sexual Exploitation - findings

- Victim's nationality: RO, HU, BG, China, Nigeria;
- Increase in social media recruitment;
- Raise in exploitation of mentally impaired / unstable persons;
- "Lover boy" method;

LANDESPOLIZEIDIREKTION TIROL, 6020 INNSBRUCK, INNRAIN 34, TEL.: 059133 - 70 - 0

4



05

Labour Exploitation - observations

- Victim's nationality: SRB, BiH, RO, HU, SK, PH;
- Construction industry, agriculture, housekeeping, care of elderly people;
- Increase in social media recruitment;
- Remarkable: victims don't feel themselves as victims;



06

Forced Begging

Victims:

- ✓ RO, BG, SK;
- ✓ Physically disabled;



Method of begging:

- ✓ Selling of newspapers;
- ✓ Indicate free parking lots at shopping centres;
- ✓ Musicians;
- ✓ Abuse of donation lists;



07

Criminal activities

- Victims: underage persons of Roma ethnic minority;
- Crimes: pickpocketing, burglaries, shoplifting;
- Challenges:
 - mostly considered as minor offences (lack of intelligence);
 - they don't feel themselves as victims;
 - victims are strongly linked to the clan;
 - Interpreters;
 - international cooperation and information exchange;

08

Statistics 2016

THB (Sec. 104a Penal Code)

- 23 cases
- 57 suspects
- 41 victims



THB (Sec. 217 – traff. in prostitution)

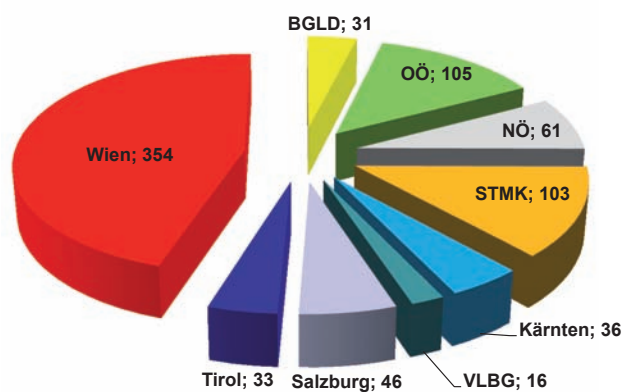
- 28 cases
- 41 suspects
- 31 victims





09

Brothels / Bars 2016

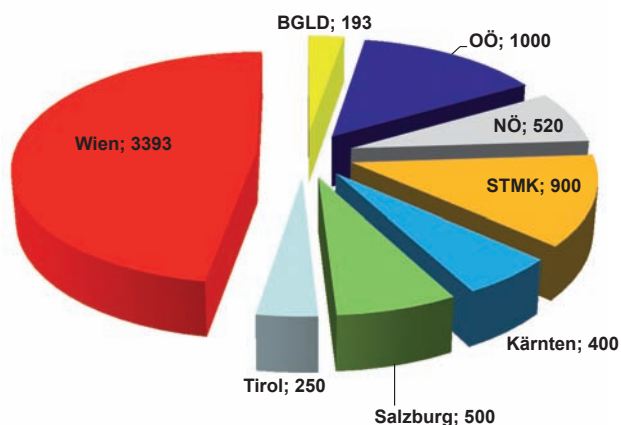


Burgenland	31
Upper Austria	105
Lower Austria	61
Styria	103
Carinthia	36
Vorarlberg	16
Salzburg	46
Tyrol	33
Vienna	354
Total	785

CriminalANDESPOLIZEIDIREKTION TIROL, 6020 INNBRUNN, AUFM BAUTZEL, TEL: 039 1883-6707-61343434

10

Registered prostitutes 2016



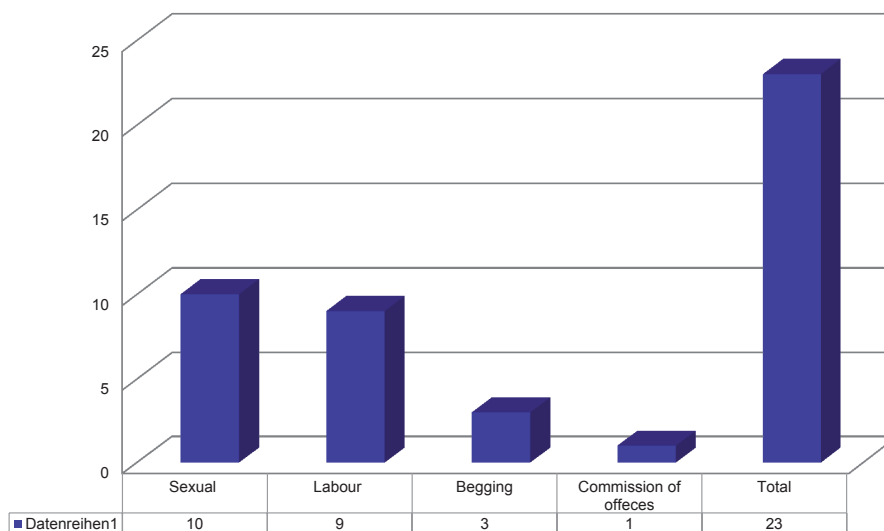
Burgenland	193
Upper Austria	1000
Lower Austria	520
Styria	900
Carinthia	400
Vorarlberg	0
Salzburg	500
Tyrol	250
Vienna	3393
Total	7156

CriminalANDESPOLIZEIDIREKTION TIROL, 6020 INNBRUNN, AUFM BAUTZEL, TEL: 039 1883-6707-61343434



11

Forms of exploitation – THB 2016

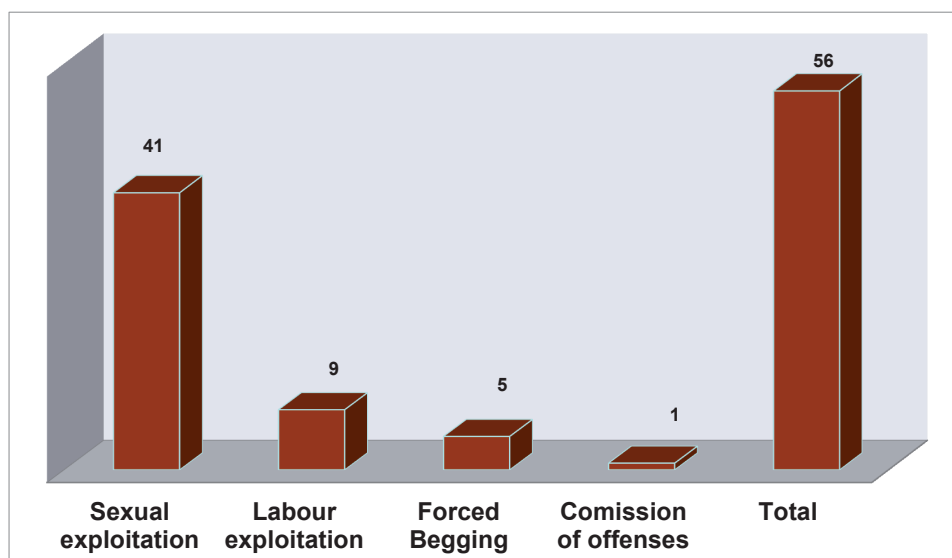


LANDESPOLIZEIDIREKTION TIROL, 6020 INNSBRUCK, INNRAIN 34, TEL.: 059133 - 70 - 0

11

12

Forms of exploitation – THB 2015



LANDESPOLIZEIDIREKTION TIROL, 6020 INNSBRUCK, INNRAIN 34, TEL.: 059133 - 70 - 0

12



13

Best practice

- Specialized THB investigators;
- Focus on surveillance measures and intelligence gathering;
- Strong cooperation with all stakeholders;
- Involvement of financial investigators at a very early stage;

14

Help for victims

- *Cooperation: Police/ NGOs;*
- *Female victims: - LEFÖ – IBF*) (Vienna);*
- SOLWODI (Innsbruck, Vienna);
- *Male victims: MEN-VIA;*
- *Witness protection programme: .BK*

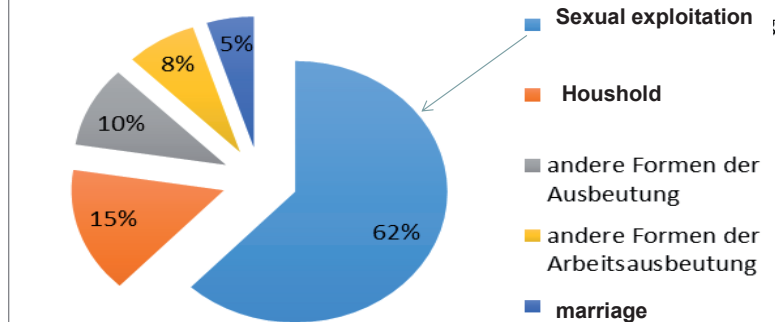
**) Intervetion Centre for Trafficked Women*



15

LEFÖ

Forms of exploitation 2016



Source: LEFÖ activity report 2016

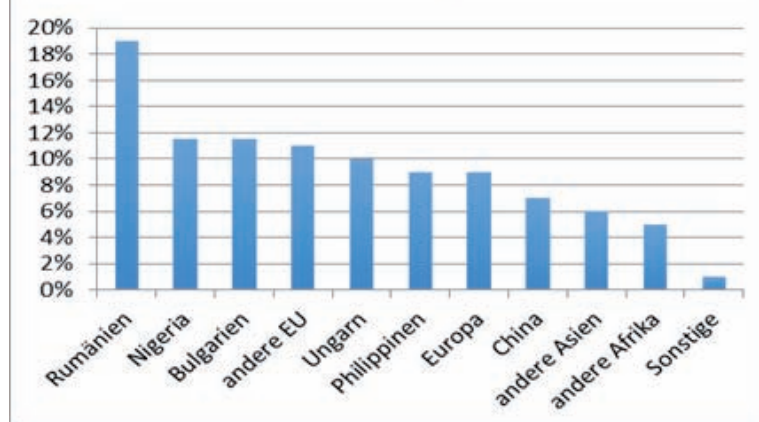
LANDESPOLIZEIDIREKTION TIROL, 6020 INNSBRUCK, INNRAIN 34, TEL.: 059133 - 70 - 0

15

16

LEFÖ

Nationality of victims 2016



Source: LEFÖ activity report 2016

LANDESPOLIZEIDIREKTION TIROL, 6020 INNSBRUCK, INNRAIN 34, TEL.: 059133 - 70 - 0

16

17



17

LEFÖ Age chart of victims (2016)

<u>AGE</u>	<u>NUMBER OF VICTIMS</u>
UP TO 16 ^{*)}	10
17 TO 18	14
19 TO 25	69
26 TO 35	94
36 TO 45	49
46 TO 55	12
56 TO 65	3
OLDER THAN 65	1
AGE UNKNOWN	36
TOTAL	288

^{*)} youngest victim 13

Source: LEFÖ activity report 2016

18

Challenges

- Victims very rarely identify themselves as victims of THB;
- Credibility issue of victim – supporting evidence;
- Statement of victim crucial for indictment and conviction;
- Contradictory interrogation procedure – **problem: long waiting time**;
- Residence ban versus testimony in court;



19

Challenges 2

- Human trafficking and seeking asylum; right of self-employed activity (after 3 months); east-west divide;
- Use of forged “asylum permits” by prostitutes;
- Misuse / abuse of victim’s rights;
- Cyber issues (“dark net” offers, transfer of profits, advertisements via internet; video surveillance)

20

Recommendations

- Contradictory interrogation procedure;
- Designated public prosecutors for THB cases;
- Enhancing international Cooperation;
- Swift reaction and information exchange when pimps yield to pressure and move to other country;



21



Vi ringrazio per l'attenzione

Criminal Intelligence Service, DIRECTION TROPIC 662, JOSSBROCK, BERKRAATZ, TEL 0594330-724 836 - 98583

20





Ann Lukowiak

Deputy Public Prosecutor and Magistrate, Eurojust member, Belgium



01




Coniunctis Viribus pro Justitia

**Trafficking in Human Beings
in Belgium**

Ann Lukowiak
Federal Prosecutor Belgium

02



Overview presentation


1. Definition of THB in Belgium
2. Belgian Model
3. Some Statistics
4. Tackling challenges for Belgium

2

17/12/17



03




Legal Framework - THB

- Article 433^{quiquies}, paragraph 1, of the Criminal Code,
“Trafficking in human beings is constituted by the act of recruiting, transporting, transferring, harbouring or receiving a person, or taking or transferring control exercised over that person, :
1° for the purpose of sexual exploitation
2° for the purpose of exploitation of begging;
3° for the purpose of work or services in conditions contrary to human dignity;
4° for the purpose of the removal and transplantation of organs, or removal of tissues or human corporal material in violation of the
5° for the purpose of making that person commit a crime or misdemeanour against his or her will.
Except in the case covered in sub-paragraph 5, it is immaterial whether or not the person consents in the exploitation

3

17/12/17

04



Legal Framework - THB


Aggravating circumstances

- Abuse of fragile state
- Use of violence, menace or any kind of coercion
- Abduction and giving or receiving of payments or benefits to achieve the consent of a person for the purpose of exploitation
- Habitual
- Act of participation of a criminal organization

4



05



Legal Framework - THB

THB according tot the Convention of Europe convention
on THB, 3 components:

Action
Means
Purpose

↓


Belgium
Action
Purpose

+ aggravating circumstances

1-5 years + 5.000-50.000€ x number of victims
max. 15-20 years + 1.000-150.000€ x number of victims

5
17/12/17

06



Legal Framework – Human Smuggling

- Article 77bis of the Alien Law

Human Smuggling is constituted by the action to obtain, directly or indirectly, a financial gain out of the illegal entrance of a person in a Member State of which this person is not a citizen of does not have a residence permit.

Aggravating circumstances

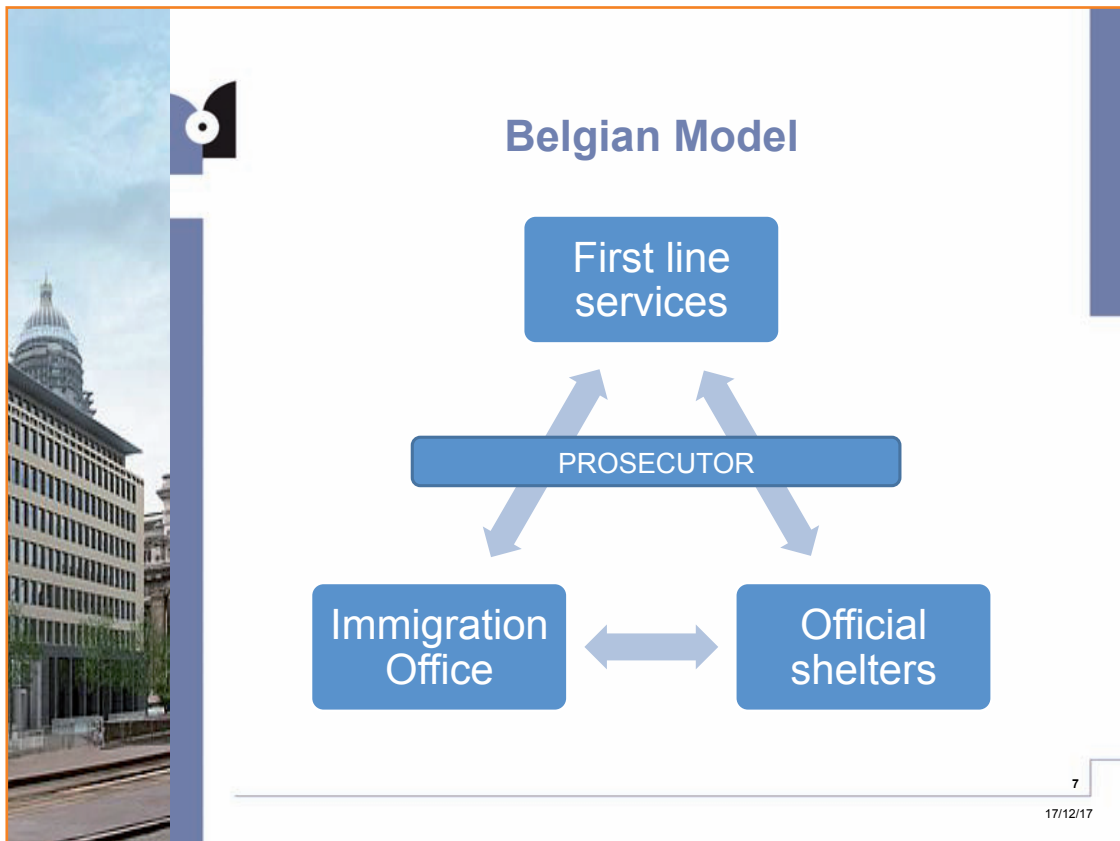
- Abuse of fragile state
- Use of violence, menace or any kind of coercion
- Abduction and giving or receiving of payments or benefits to achieve the consent of a person for the purpose of exploitation
- Habitual
- Act of participation of a criminal organization

1-5 years + 5.000-50.000€ x number of victims
max. 15-20 years + 1.000-150.000€ x number of victims

6
17/12/17



07

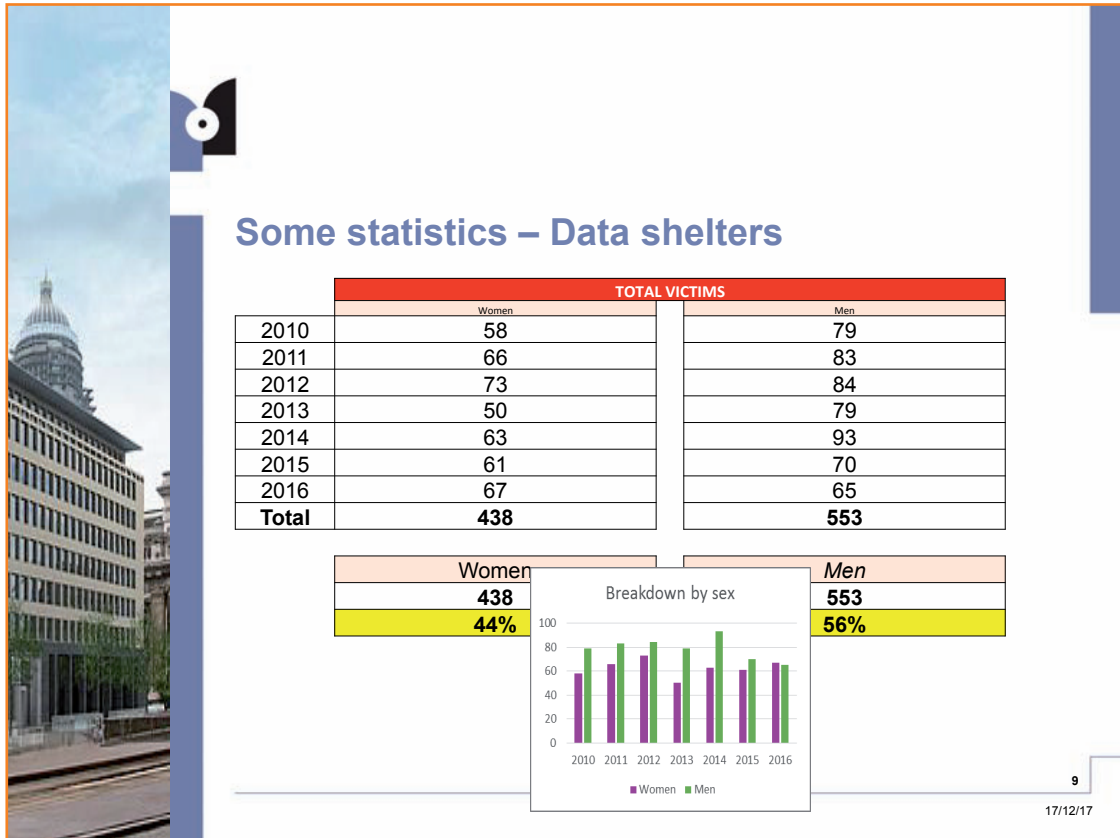


08

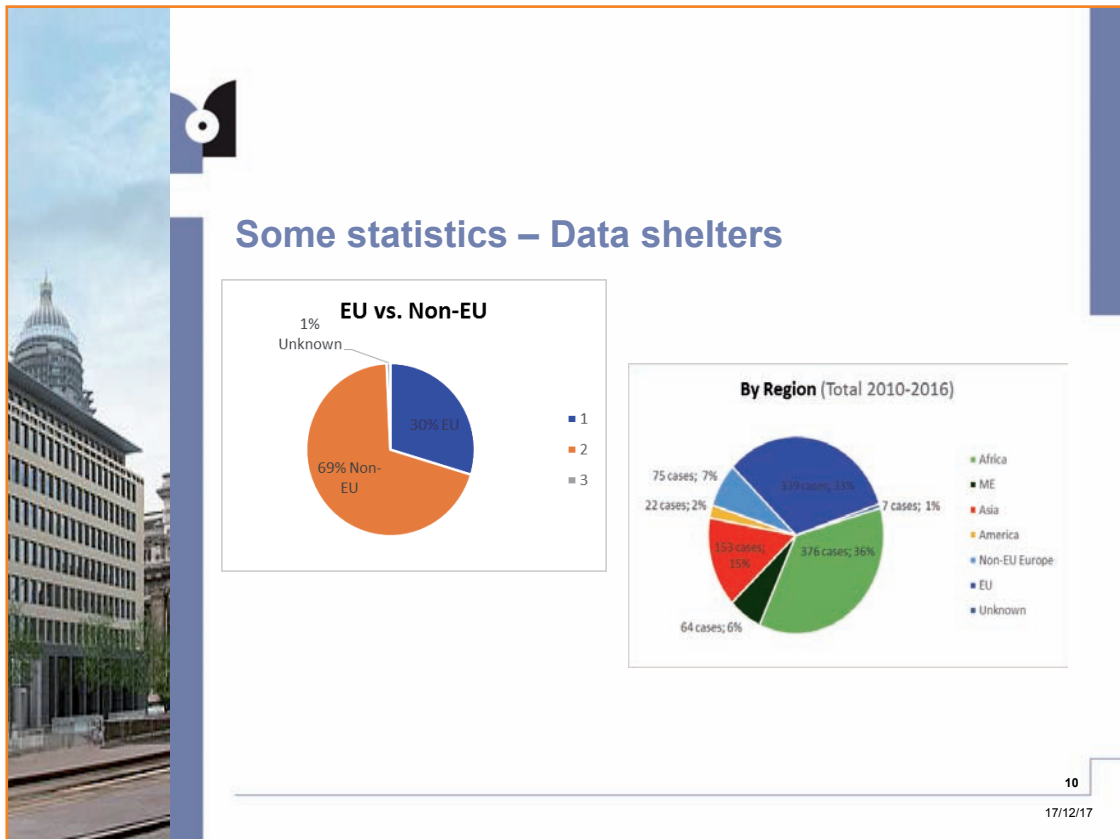




09

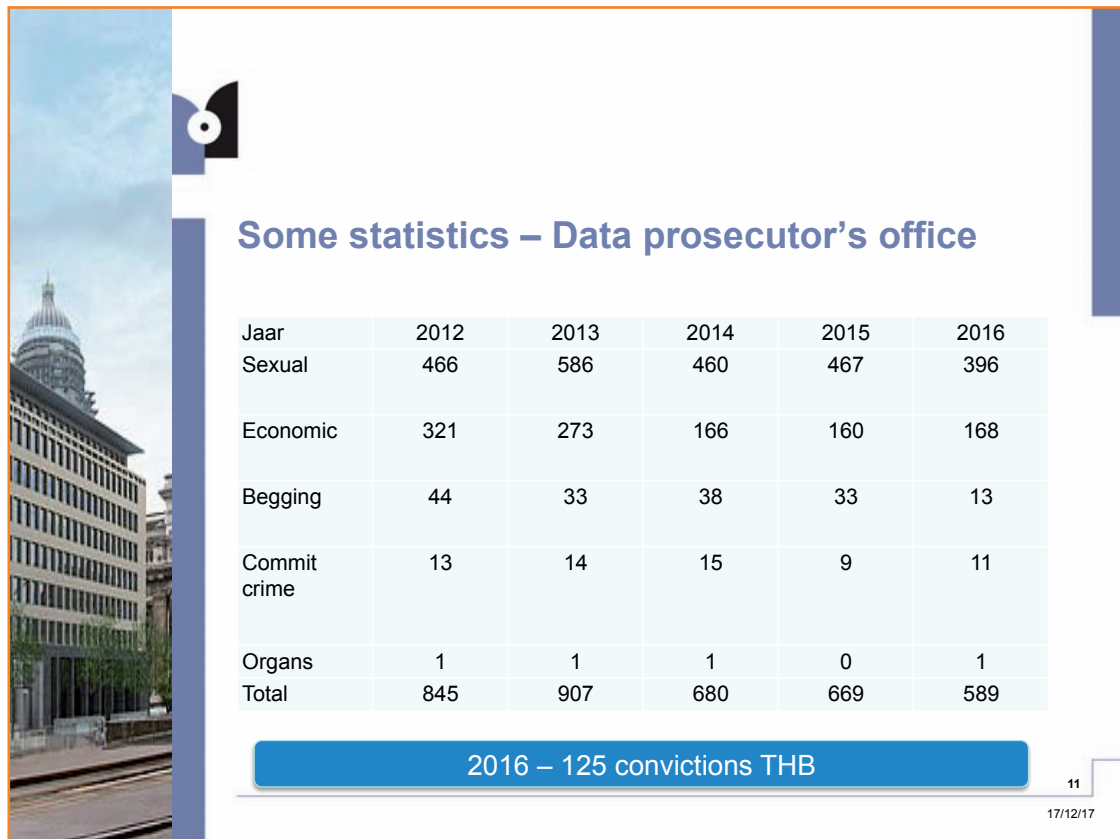


10





11



12

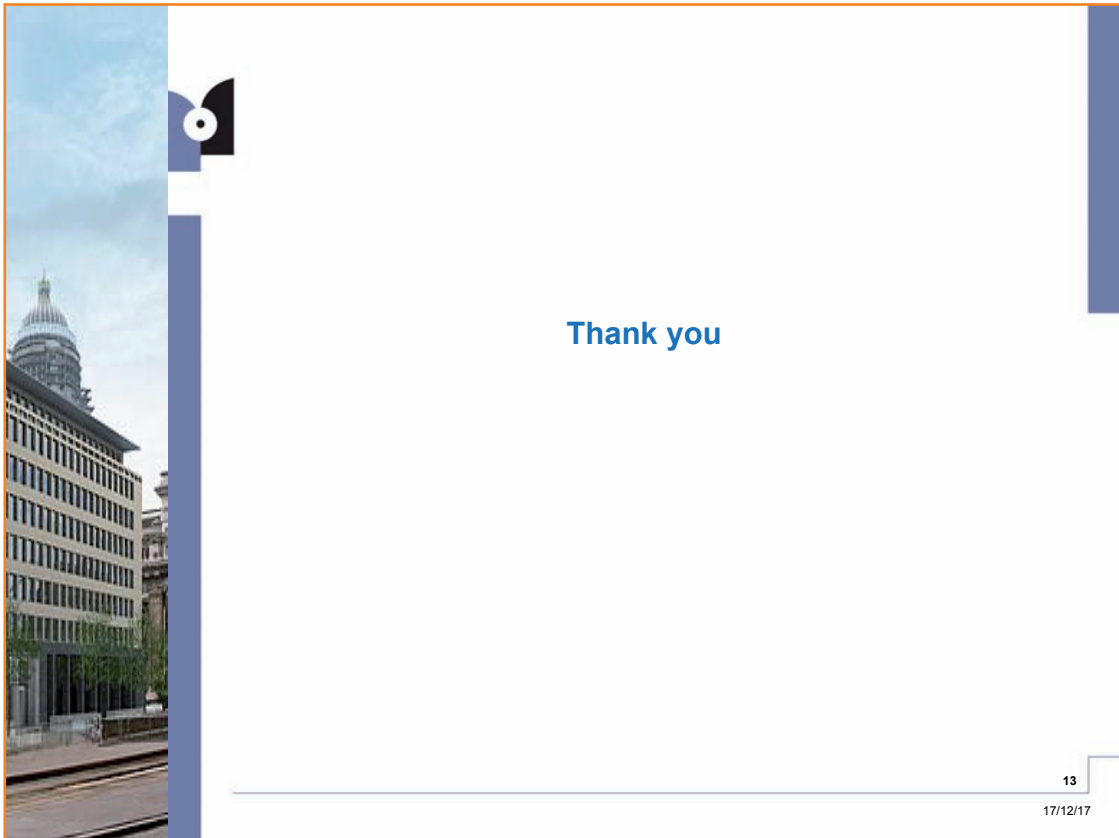
Tackling THB – challenges for Belgium

- Detection and identification of child victims (also Belgian and EU nationals)
- Awareness rising that the irregular immigration status within a country of destination or transit is a factor of vulnerability
- Training and informing actors on the ground
- Proper training of law enforcement, prosecutors and judges (has to be looked at as an ongoing effort)

12
17/12/17



13





Petri Rainiala

Criminal Investigation Unit, Helsinki Police Department, Finland



01

HELSINKI POLICE



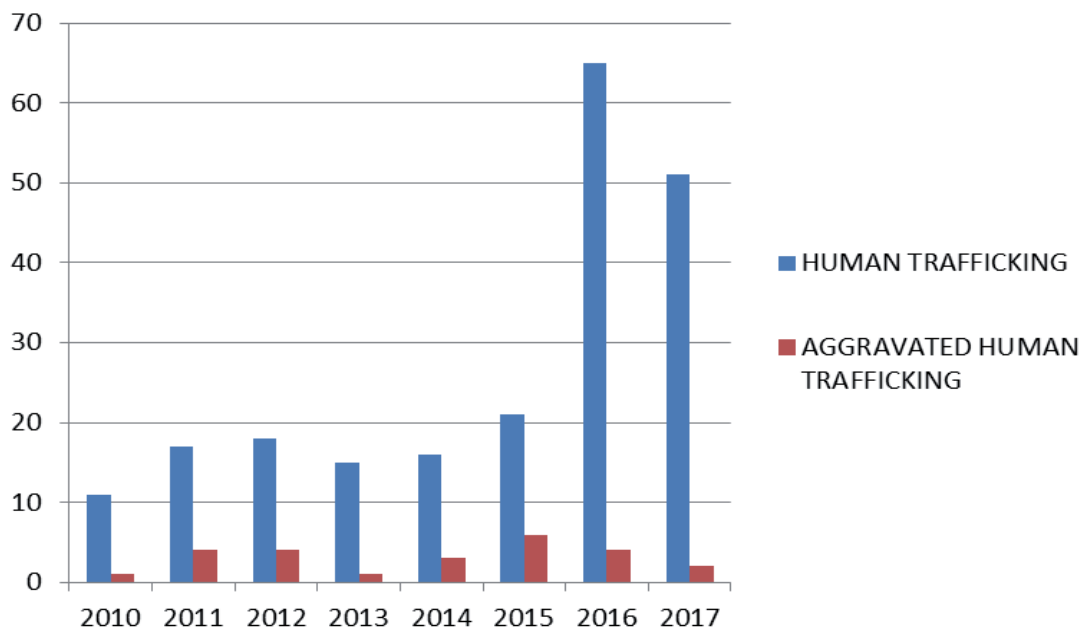
TRAFFICKING IN HUMAN BEINGS

Turin 25.-26.10.2017



02

HUMAN TRAFFICKING REPORTS IN FINLAND 2010 – 2017 (Sept.)





03



MAAHANMUUTTOVIRASTO
FINNISH IMMIGRATION SERVICE

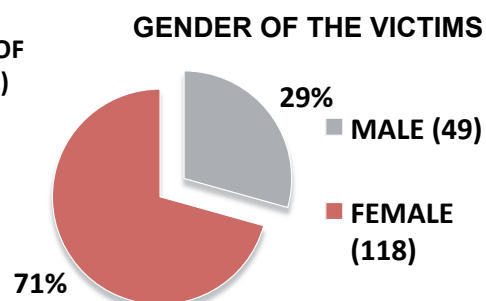
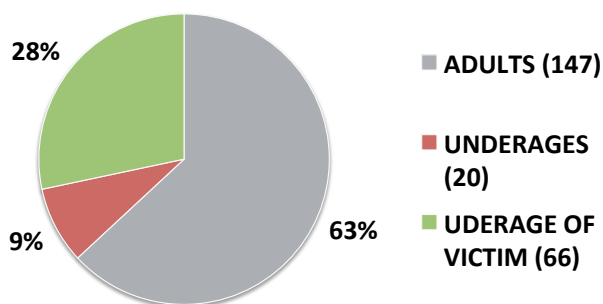
SYSTEM OF ASSISTANCE FOR VICTIMS OF HUMAN TRAFFICKING

- VICTIMS OF HUMAN TRAFFICKING ARE ENTITLED TO HELP AND PROTECTION
- A SUSPICION THAT A PERSON IS A VICTIM IS SUFFICIENT
- MAINTAINED AND FUNDED BY THE STATE
- RESPONSIBLE FOR HELP, PROTECTION AND ASSISTANCE OF VICTIMS



04

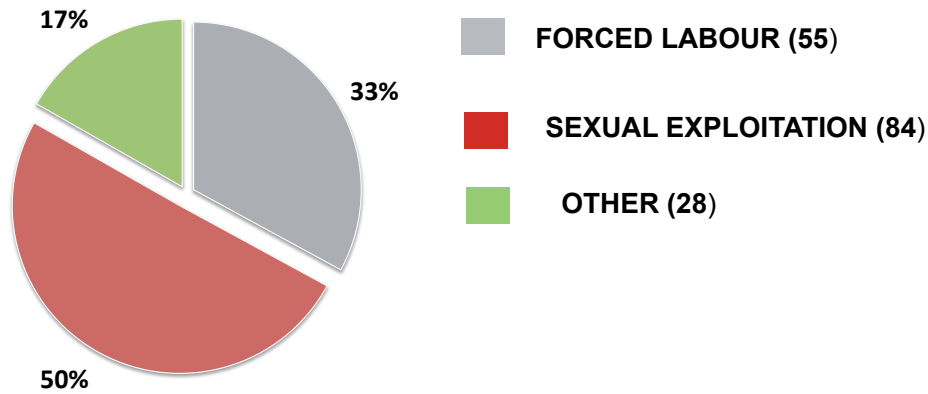
ALL VICTIMS AND THEIR UNDERAGE CHILDRENS IN THE SYSTEM (total 233) - end of 2016





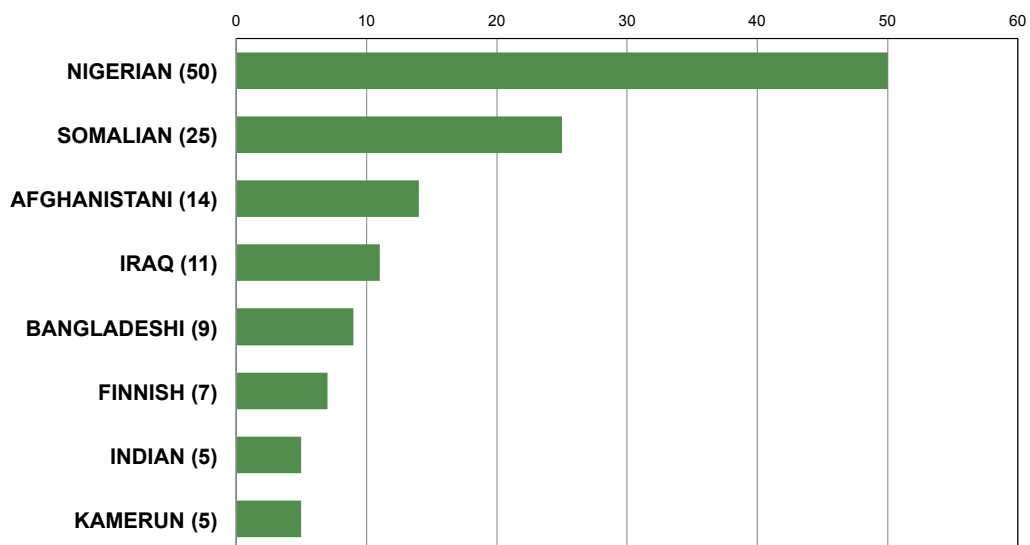
05

MODUS OPERANDI OF THB



06

NATIONALITIES

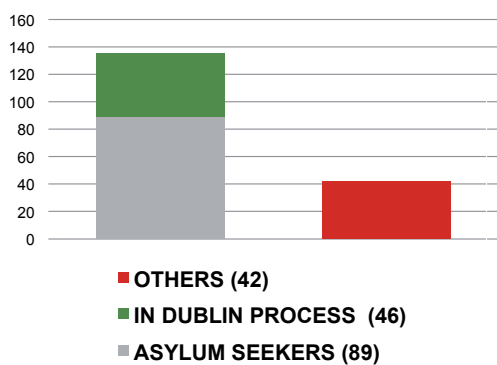




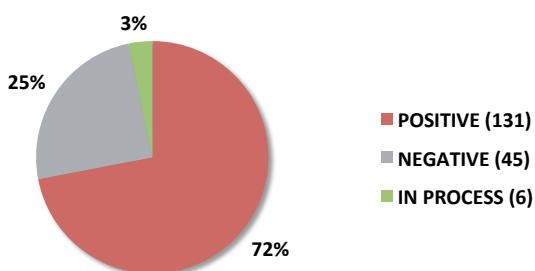
07

APPLICATIONS FOR VICTIMS ASSISTANCE SYSTEM IN 2016

APPLICATIONS 2016
(177)

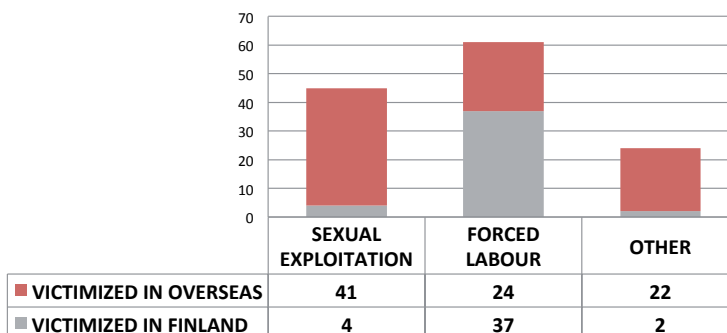
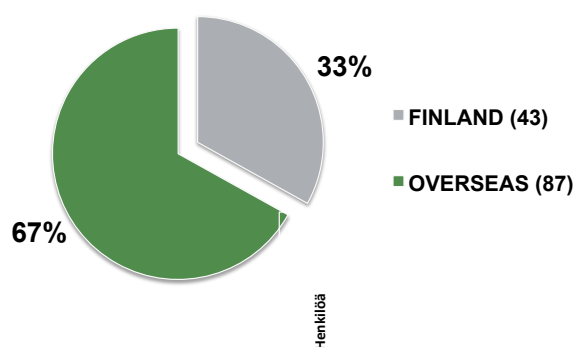


DECISIONS FOR APPLICATIONS
2016 (182)



08

LOCALISATION OF VICTIMIZATION 2016 (130 PERSON)





09

HUMAN TRAFFICKING

OFFENDERS



CRIMINAL NETWORKS



INTERNATIONAL SLAVERY



ORGANIZED CRIME

VICTIMS



EXPLOITED



KIDNAPPED WOMEN



ILLEGAL IMMIGRATION



10

FORCED LABOUR

IN REALITY ?

- **OFFENDERS ARE RELATIVES OR WELL- KNOWN PEOPLE**
- **USUALLY LEGALLY IN THE COUNTRY**
- **VICTIMS ARE ABLE TO DO DECISIONS**
- **NOT NECESSARILY ORGANIZED CRIME**





11

FORCED LABOUR

**Recruitment in the normal way
but
working conditions differs**



**Usually workers do not
become forced laborers
overnight**



12

LEGISLATION ON PANDERING

- **FOR PANDERING TO BE A CRIME:**
 - A room has to be organised for sexual services or
 - Sexual services has to be marketed or
 - Intimidation of person to sexual services with gain of financial profits
- **Sentence for pandering varies from fine to a prison sentence up to 6 years**





13

PROSTITUTION IN FINLAND

SPECIAL CHARACTERISTIC

- No brothels
- Finnish prostitutes work privately
- Very few of pimps are Finnish



14

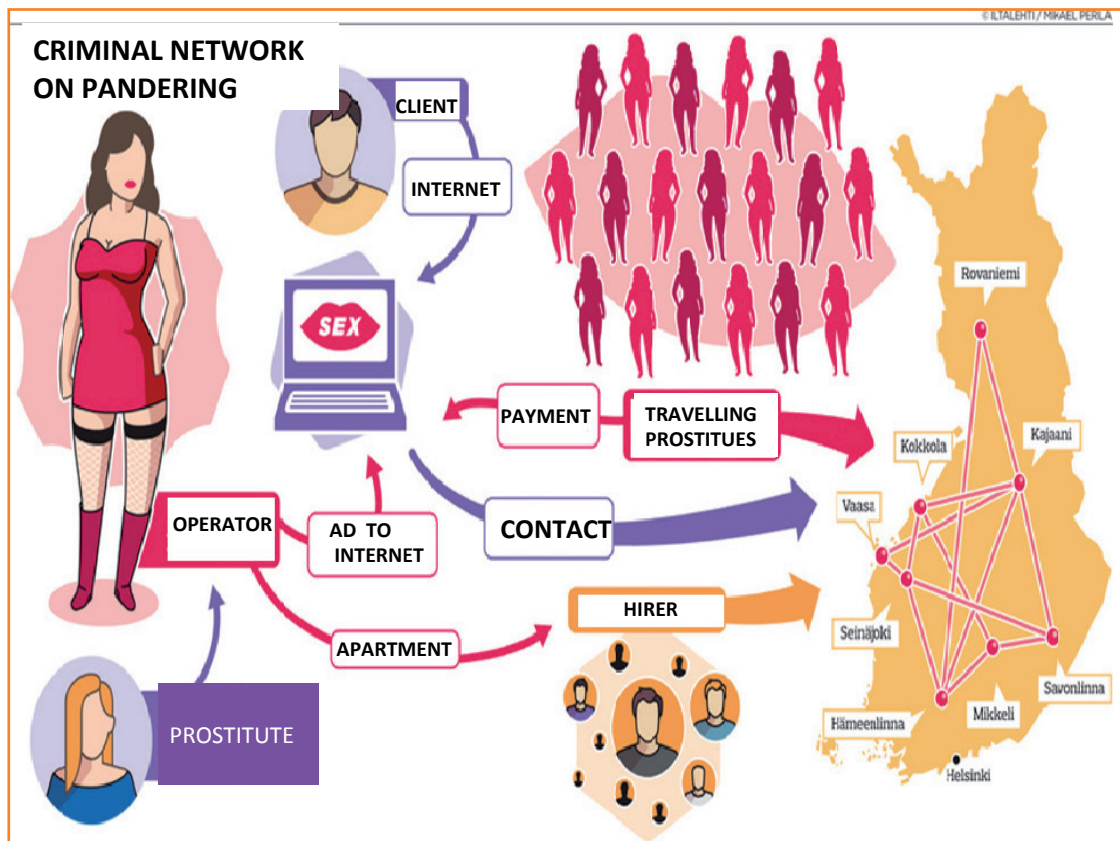
PROSTITUTION IN FINLAND

- Prostitutes are mainly from Estonia and Russia
- Prostitutes search customers from particular restaurants or via internet
- Prostitution takes place in hotels or private residences
- Prostitutes are recruited using internet, chat channels or media within their home country





15



16

TACKLING HUMAN TRAFFICKING

REDUCE PROSTITUTION

OFFERING

DEMAND



PUBLIC LAW AND ORDER

- Police patrolling
- Alien monitoring



17

DEVELOPMENT



18

VICTIM OF HUMAN
TRAFFICKING?





Human trafficking of minors in Paris

Wilfrid Fremond Chief Superintendent, Deputy Head of the Minor Protection Brigade
Judicial Police of Paris, France

For many years, we have two phenomenon of THB against minors in France and particularly in Paris. One comes from Nigeria and concerns both adults and young girls. And the second one concerns the children from the Balkans forced by adults to steal or robb.

We can't compare the two phenomenon, it's definitely not the same thing.

The procuring from Nigeria

Since the beginning of the 21 century, we observe a huge amount of nigerians prostitutes in our cities. It's not only a parisian problem because they travel all over the country, even in small towns.

They find many clients all though the country.

Since last year, in France, you can't pay for sex but you can still sell sex. The people that ask for these services know how and where to go and it is very hard to catch them during the act.

Knowledges about this procuring

It's a very special type of THB and organisation because the "organisers" are women and they are also prostitutes or ex prostitutes.

We know the prostitutes leave their country after being sold, for most of them, by their families. They are from the Niger's Delta, Benin City or Port Harcourt and they speak the pidjin-english, a sort of english, but their real language is the Hedjo, a dialect of this part of Nigeria.

It's a difficulty for our investigations because we have to find translators for the two languages, and it makes it difficult for us to talk to them directly.

They where chosen because they where poor, they were a weight for their families, and many of them are orphan. The *Mammas*, the name ot the organisers, repeat the same mechanism that happened to them. They were also sold by there families, they



are still prostitutes, but with the years they have become the organisers and the ones that look after the younger ones.

It is a perpetual cercle.

The ceremony is always the same. Every time a young girl is sold she has to go through the « Juju ritual ». Scarifications, eating a part of a sacrificed animal, sexual abuse sometimes, and after, her and her family believe in this ritual, and that something bad could happen if they don't respect it. They have to respect this "religion" like the vaudou ritual.

Then, the *Mamma* or an accomplice explain to the girl that she will leave the country and join Europe, France to become a hairdresser. They travel by car across Africa, across Nigeria, Niger, Lybie then across Mediterranean Sea, Italy, sometimes Switzerland or Germany and finally they arrive in France.

We can easily imagine the chances for them of being killed, or raped of course, or even dying during this trip because of the amount of migrants on the dangerous boats that cross the sea.

This trip, making them cross the boards illegally is already a case of human trafficking by french law.

Criminal groups organize this illegal migration, each trip costs about 4000 euro and the women can travel during 3 or 4 months to get Paris.

When they are in France, the "*Mamma*" explains that to the girl that she paid for the journey and the girl must have payed sexual relationships to pay back the debt, which amounts to about 40 000 euro. If the girl travelled by plane, the debt is more like 60 000 euro.

The Mamma buys the placement on the street and the girl must « work » every day to pay back this journey, her housing and food that the Mamma provides.

We dismantled a network last year and the principal victim, a 14 year old girl, declared she received 20 clients per day. She began the « job » at 12 and she decided to report her situation to the police. She had had enough of this life and all the abuse her Mamma gave her, and she asked a NGO for help.

This is one of the specialties of these organisations.

It is not rare that the victims cooperate with the police. They often ask for an asylum refugee's status. Those who don't want to become "procurer" want to get out of this particular way of life.

Of course they'd rather have a normal life, in their country, having a baby, earning honest money, working...

We don't really know where the money goes. They spend a large amount in France and we think another part is going to Nigeria by the method « Euro to euro ». They use a middle man, give him the money, and he gets someone in Nigeria to pay the "procurer's" family, a bit of the amount goes to these middle men.



We have two big problems with those case of THB.

The victims are getting younger and younger. At the moment, in Paris, we have protected 60 young girls from Nigeria. All prostitutes, maybe all minors, all victims of prostitution and THB, and all sold by their families in Nigeria.

Most of them accept to cooperate with social services, police and justice and report the Mamas, but they are very scared, not only for themselves, but also for their families.

And the big problem is the non-cooperation of this country. We can't cooperate with Nigeria. They won't accept any judicial request. Most of the time they don't answer our questions and I think it'll be very hard to tackle this phenomenon without the cooperation of the country of origin.

That is a real difference with the second item of THB in France.

The minors forced by adults to steal

In these cases we have developed a large cooperation with the Balkans countries. It was necessary because the problem started twenty years ago and France considered they were not satisfied with the situation. They could no longer accept Romanian thieves in their country and no reaction from the Romanian authorities.

Origin of the minors

Three countries are concerned, Romania, Bosnia and Serbia. But our main problem is with Romania. Families leave their country, cross Europe, sometimes staying in Germany or Italy, then arrive in France and essentially in the suburb of Paris. Every morning, the children have to go to "work" in Paris and steal things from Tourists. In the evening they come back to the campment and give all the products their parents or to the adults...

We know they use the money for building houses in Romania, these houses are to show off. In Romania houses and cars give them an important social position.

It is the same mechanism for the Bosnian children, but not the same Criminality. Romanians steal in the street, and at ATMs, and Bosnian prefer the metro.

The Serbian minors, they are French, their parents have left Serbia for several years, and they live in houses near Paris. Their criminality is a little different, they prefer burglary or rip deal. But the mechanism is the same. Women and young girls, married by force in traditional folkloric weddings and they must steal, or rob for their step-family... When the police arrest them, they don't talk and refuse fingerprinting...

After each trial, they re-adapt their organization, they re-localize and change the way they do things which makes it harder to catch them the next time.

Minors exfiltration. We try to get them out of the system, to protect them, put them in safe places and get their cooperation. But it's very hard, they refuse our help and we have only succeeded 6 times since 2011, 5 girls and one boy.



It is one of our goal with these cases but how could you leave your family even if you are teated like a slave, even if you own father hits you, and sometimes rape you and forces you to steal?

Adaptation to law enforcement. It is a common thing that these populations are good at. Each time a country tackle a criminal group, they try another country in Europe.

Cooperation with Balkans countries

That is a point of satisfaction. We have really good relations with Romania, Bosnia and Serbia and we have done two JIT since 2015. The first was a bosnian idea and we succeeded together. The cooperation is better since several years and it's a key to our success against these criminal groups.



Dr.ssa Chiara Maina

Public Prosecutor's Office of Turin

Phenomenology

Human trafficking is a wide-ranging expression, as it includes several criminal conducts observed in the practice, i.e., from recruitment, to transfer, to further illegal introduction of one or more persons into the territory of a State and from a state to another, usually for the profit of the traffickers.

The profit is here understood as the mere acquisition by the criminal organisation of a price paid by the person for his/her illegal transfer to another state, as well as in the direct exploitation of the persons moved into prostitution (or even black work and begging).

Hence, the umbrella expression “human trafficking” concerns both **trafficking in human beings**, intended as trafficking in human beings aimed at their further exploitation, and the **facilitation of illegal migration**, a.k.a. smuggling of migrants, aimed at the illegal introduction of a high number of illegal migrants into the territory of a state through different forms of organisations, more or less structured.

This distinction is reflective of the difference between the legal interests to be protected from said offenses; while *smuggling* affects the correct implementation of migration policies, *trafficking* affects human beings. Generally speaking, the facilitation of illegal migration refers to many illegal activities (usually handled by criminal organisations at a transnational scale) which are instrumental into the transport and further illegal introduction of migrants into a foreign state, based on the demand of the migrants themselves, thus consensually.

Nonetheless, it should be noted that *smuggling* may be a relationship of subjection which arises upon the assumption of the debt by the migrants to the traffickers so to be smuggled. As a matter of fact, even in less serious cases, said illegal forms of transfer are demanded by persons who live in such precarious conditions in their home countries that they do not own the money needed to pay the price of the illegal trip. Thus, they accept to be subjected to the trafficker to repay their debts. This



means that if a third party (relatives, acquaintances) cannot pay the price for the illegal introduction for them, these people will have to put themselves to the disposal of the criminal organisation which organised the trip or of the organisation based in the destination country in order to repay the debt, which very often implies sacrificing themselves as prostitutes or in other illegal activities. These people are very often subjected through voodoo rituals back in Nigeria.

Italian legislation

Art. 601 - criminal code, the crime of trafficking:

Anyone who recruits persons, introduces them in the territory of the State, transfers them outside the territory of State, transports or makes the authority on the persons above, gives shelter to one or more persons living in the conditions mentioned in article 600, implements the above conducts on one or more persons through deception, violence, threat, abuse of authority, taking advantage of a situation of vulnerability and physical or psychological inferiority or of a situation of need through promise or offer of money or of advantages to the persons upon whom he/she has authority in order to induce or force them to provide job performances or sexual services, beg, carry out illegal activities involving their exploitation or undergo removal of organs shall be punished by imprisonment ranging from 8 to 25 years. The same sentence shall be applied to anyone who, even outside the modes referred to in the first paragraph, performs the actions herein mentioned against a minor.

Art. 12, Legislative Decree n. 286/1998 (Consolidated Act on Immigration).

- 1. Unless the act constitutes a more serious offence, anyone who, in violation of the provisions of this consolidated act, promotes, directs, organises, finances or carries out the transportation of foreigners in the territory of the State, or performs other acts aimed at helping them illegally enter the territory of the State, or of another State of which the person is not a citizen, or has no permanent residence, shall be punished by imprisonment ranging from one to five years in addition to a fine of Euro 15,000 for each person (2).*
- 2. Without prejudice to the provisions set forth by article 54 of the criminal code, rescue and humanitarian assistance activities carried out in Italy in respect of foreigners in need being present within the territory of the State are not considered as criminal offences.*
- 3. Unless the act constitutes a more serious offence, anyone who, in violation of the provisions of this consolidated act, promotes, directs, organises, finances or carries out the transportation of foreigners in the territory of the State, or performs other acts aimed at helping them illegally enter the territory of the State, or of another State of which the person is not a citizen, or has no permanent residence, shall be punished by imprisonment ranging from one to five years in addition to a fine of Euro 15,000 for each person, provided that:*



- a) *the fact concerns the illegal entry or stay in the territory of the State of five or more people;*
 - b) *the carried person has been exposed to danger to his/her life or his/her safety to get the illegal entry or stay;*
 - c) *the carried person has been subject to inhuman or degrading treatment to get the illegal entry or stay;*
 - d) *the offence is committed by three or more people jointly or using international transport services or counterfeited or altered documents or otherwise illegally obtained documents;*
 - e) *the authors of the fact have access to weapons or explosive materials. (2)*
- 3-bis. If the facts covered under paragraph 3 involve two assumptions referred to in letters a), b), c), d) and e) of the same paragraph or more, the envisaged sentence shall be increased. (2)*
- 3-ter. The imprisonment is increased by one third to half and the fine of Euro 25,000 per person applies if the acts referred to in paragraphs 1 and 3:*
- a) *are committed to recruit persons for the purpose of prostitution or sexual or work exploitation, or for the entry of minors to be used in illicit activities to facilitate their exploitation;*
 - b) *are committed in order to profit, even indirectly. (2)*
- (omitted)*

As a whole, the crime of trafficking is recognised from the less serious offense mentioned by art. 12, Law Dec. Nn 286/1998, because the activities of recruitment\ introduction into the territory target persons who are, if not in a state of enslavement, at least in a condition of recognised vulnerability. The second recognised element in this offense is that the described behaviours are aimed at pushing or forcing the victims to carry out activities implying their exploitation.

Competence for the subject matter: after being inserted among the offenses indicated at clause 3-bis, art.51 Italian Criminal Procedure Code, trafficking has fallen within the competence of the District Antimafia Directorate (D.D.A), while offenses linked with illegal migration are dealt with by ordinary Public Prosecution Offices, which demanded a strict “coordination” between the district and ordinary prosecution offices.

Following to the latest Guidelines published in June 2015, the crimes connected to illegal migration are the competence of Gruppo Criminalità Organizzata e Sicurezza Urbana (Organised Crime and Urban Security Task Force) within the Public prosecution Office of Turin.

Territorial Jurisdiction: when dealing with the facilitation of illegal migration to exploit prostitution, the ancillary criterion mentioned at art. 9, clause 1 of the Italian



Criminal Procedure Code is often applied, as it refers to the last location where a part of the offense occurred (generally the place where the exploiter accommodates the exploited person).

In addition, the Italian legislation is applied whenever there is a “passage” on the Italian territory, even if the final location where prostitution occurs is elsewhere.

Case-studies

The trafficking cases examined by the Public Prosecution Office of Turin from 2005 to now are a relatively low number (102), which generated 147 requests of pre-trial detention and 9 of house arrest were submitted.

On the contrary, a much higher number of proceedings for facilitation of illegal migration aimed at prostitution were recorded, also because it is much easier for the Prosecution Office to find evidence for that kind of offense, for which pre-trial detention is also automatically applied.

Genesis of the investigations

- The trafficking cases generally derive from more complex investigation activities, such as on criminal association even of the mafia type on Nigerian criminals.

In the past, this office conducted a complex, articulated investigation on some criminal gangs of Nigerian origin called “cults” (p.p. 21741/03, 13122/04, General Criminal Records Registry), and specifically on two opposed gangs, i.e., the EYE and the BLACK AXE. Following to the application of some precautionary measures, some of the accused chose an abbreviated trial procedure, while others chose ordinary trial, at the end of which all judgments by all courts up to the Cassation Court confirmed all allegations.

Finally, proceedings n. 29192/12 (in connection to which precautionary measures were demanded in September 2016) and another pending one dealt with Nigerian mafia organisations.

- In other cases, wiretapping and bugging for different crimes (e.g., facilitation and exploitation of prostitution, drug-related crimes, extortions, etc...) captured conversations constituting criminal offences linked with the facilitation of illegal migration or trafficking. In these kinds of proceedings, investigations are performed mainly by means of tapping/bugging along with stakeout, police custody for identification and collection of any witness statements. In general, the persons offended are heard only after the *discovery-oriented* activities are over.
- In further, numerous cases falling within the competence of the *Gruppo Criminalità Organizzata e Sicurezza Urbana*, the Task Force have examined complaints filed against the *mamans* by their victims after the latter emancipated and run away from their exploiters. These proceedings usually constitute crimes linked with prostitution (articles 3 and 4, Law n. 75/1958), where the offenders



are unknown. They are very complicated, and not always lead to the identification of mamans due to a lack of useful information from the victims' accounts or because through the judicial action the victims become increasingly reluctant to collaborate with the investigators. This is why it is crucial to provide safe and protected accommodation to the girls who are willing to collaborate, thereby granting them a stay permit and language training/job placement.

Some situations are made even more complicated by the fact that the victims report the offences a long time after their perpetration for fear or because they complete their integration process before filing their complaints (see cases of JOHN Joy and JOY Aphos).

Legal safeguards

The Italian law allows these victims to be provided free legal aid.

Special safeguards are recognised by recent Law n. 47/2017 to trafficked minors.

The accounts of the victims

Apart from their value from a mere juridical viewpoint, victims' accounts are often stereotyped as follows: they leave Nigeria to get to Libya, where they are segregated until the liberation price is paid; then they travel usually by sea to arrive on Sicilian/Southern Italian coasts; they are put in reception centres, from which they run away to reach their "contact person" – usually the exploiter or his/her intermediary.

This is one of the reasons why our efforts to counter this phenomenon demand effective EU policies vis-a-vis home/transit countries of migrants, namely Nigeria and Libya.

Italy, as the point of entry which they rarely leave for third countries, seldom cooperates with other European countries on this matter; when this happens, it is usually during investigations to capture subjects abroad or during the law enforcement step. The recent rule on EIO will undoubtedly facilitate this kind of collaboration.



Ignazio Fonzo

Public Prosecutor at the Court of Catania

Deputy Public Prosecutor's Office

Over the 2014-2017 period, the Public Prosecutor's Office of Catania has ranked first in Italy as for the number of files and persons under investigations registered in the Court Records for THB.

As a matter of fact, our investigations benefited from a better understanding of the phenomenon, resulting in a more effective approach - higher number of investigations conducted, persons arrested and victims saved from exploitation. Said approach has involved:

Making a distinction between the arrival of migrants and THB episodes (even as to the response of our Office is concerned);

Experiencing collaboration and dialogue with the International Organisation for Migration institutions, and other subjects involved in facing the arrivals of migrants (host communities tutors of unaccompanied foreign minors, associations as established by art. 18, Law Dec. 286/98, Public Prosecutor's Office and Juvenile Court); this has brought to an increased number of reports for crimes mentioned at art. 601 and 602 ter Italian Criminal Code, even in association, pursuant to art. 416 ch.VI Italian Criminal Code:

Only in 2016 about 90 files were registered in the register of known persons; for 30 of them we could identify the offenders, which brought to arrest 34 persons

In the first months of 2017, until 14 March 2017, we registered 40 files in the register of unknown persons and 10 in the register of known persons; in addition, we arrested 10 persons.

Our investigation activity in the period mentioned above allowed us to discover information of interest, including:

First, **the profile of identified victims** of the offence mentioned at art. 601 Italian Criminal Code (mostly unaccompanied foreign girls who are Nigerian nationals, aged between 14 and 17, with a low level of education, living in extreme poverty, who had been submitted to esoteric magic rituals before leaving their country in order to put them in a condition of psychological subjugation);



Second, **the identification of the features** of the criminal conduct at stake, in which a number of individuals engage both in the country of origin and in our country;

That is **the recruiters** (in charge of identifying potential victims in their home country and enslave them through voodoo-like rituals; **the bogas**, in charge of organising the trip from Nigeria to Libya; the **connection men**, who have the main task to organise the victims' stay in Libyan ghettos and their departure via sea for Italy; the individuals we call **ticket men**, who are commissioned by those who wanted the victims to get to Europe to take them away from the reception centres setup by the Italian Authorities and hand them over to those who will exploit them as prostitutes; these are a sort of hybrid traffickers who do not introduce the victims into the street prostitution directly, yet they act on behalf of third parties as organisers of every single step before, from recruitment and arrival to Italy, to the moment the victims are handed over to their exploiters);

Furthermore, **the structure of the Nigerian organisation** trafficking in human beings, quite different from the structure of the typical Italian criminal organisations: the fellows are often members of the same family who act in synergy with their peers in Nigeria (who are in charge of "taking care" of the relationships with the victims' birth family in order for the threat to be felt clear and present at any time); they share expenses and investments in the victims' trips (in order to maximise their numbers as soon as possible), despite the victims "belonging" to a specific criminal fellow. However, as this is linked only with the final destination of the victims, we could ideally compare the gain earned by each affiliates for every single person they illegally smuggle to Italy to a rough form of final redistribution of criminal proceeds. The latter originate from a corporate-like (i.e., association-like) management of its illegal activities, rather than from their mere involvement in the crimes; all affiliates behave and act as members of an association, kept together by a project whose timeframe is indefinite, just as the number of persons (men and women, victims of THB) to be smuggled to Italy and, if possible, even to other European countries.

Various intervention strategies were figured out according to the degree of exposure of the victims and the activity of the offenders; specifically, we had very good results in countering the so-called "forced transfer" of the victim. The trafficker waiting for the victim to be in his/her hand usually entrusts a third person to go to the reception centre where she was sent, take her and put her on the first coach or train to the place where the trafficker lives. In some of those cases, we were able to anticipate said transfer to the trafficker, and we did on purpose in order to sow discord between the "sender" and the "receiver" of the victim, thereby acquiring perfect understanding of all the subjects involved.

A mention goes to the treatment reserved to the minors arrived in Italy as unaccompanied minors as it emerged from our investigations. Unaccompanied foreign minors are usually enslaved back in their home country by means of voodoo-like rituals; they are forced to hide their status of minors to the authorities of the receiving



country or to make false declarations as to their kinship with adults so to elude all the procedures provided for unaccompanied minors. They are forced to contact the organisation's representative as they get to the Italian territory (and if they don't, the minors' families call their children and remind them of what they accepted to do and order them to take contact) and, shortly after their arrival in the host centres indicated by the authorities, they just go away and cover their track, falling inevitably in the hands of prostitution exploiters either in Italy or in other EU countries.

The conditions of children who are victims of THB is characterised by the action of a number of judicial authorities: the Public Prosecution at the Juvenile Court for any initiative connected to the minors' protection, the Juvenile Court for the adoption of minors' protection measures as well as the Direzione Distrettuale Antimafia (DDA – District Antimafia Directorate) attached to the Prosecution office in charge of finding offenders as established by art. 601 Italian Criminal Code.

Those authorities are supported by Police Forces coordinated by the Public Prosecution Offices concerned, social services, the directors of host centres for minors, and the tutors appointed by the Juvenile Court. The intervention of these actors makes it crucial for the investigation to work as a clockwork orange with a view to ensuring minors the best possible protection both through the procedures and by the procedure, thereby providing decisive, effective, and prompt action to repress this repugnant phenomenon while collecting relevant information in the shortest time possible.

Nonetheless, it should be noted that critical elements persist in processing the files due to the difficulty to find interpreters in Pidgin English and/or Nigerian dialects, as a result of poor resources available and long payment terms.



Round table discussion

Verso lo sviluppo di azioni integrate per il contrasto della tratta di esseri umani e la protezione delle vittime.

Abstracts

Alberto Andreani: OSCE deals with political-military security and human rights. Specifically, it carries out training activities for experts in the fight against human trafficking. OSCE has launched a multi-task program based on a learning by doing method; it includes simulations of anti-trafficking actions where magistrates, labour inspectors, police operators, NGOs, social workers, lawyers and mass media representatives are involved in realistic situations in order to develop cooperation capacities in complex trafficking cases¹. The organisations which organise trafficking in human beings show three main features, i.e., they are specialised, fragmented, and flexible. Much more than states are. This is why we need to give a consistent response.

Donatella Giunti: the Prefecture of Turin chose to receive asylum seekers in small facilities, thereby preferring flat-like accommodations to big centres, which could be a better solution when facing emergency arrivals and pressure on borders. The critical issues include the presence of women among asylum seekers, namely Nigerian nationals. We have a good networking capacity, as complicated as it may be in some cases, combined with a general very high level of reception. Main complications include: too strict rules at CASs, favouring pressure from traffickers and birth families on THB victims, who are pushed to repay their debt. Cases of victims escaped or abducted by traffickers from CASs and arrival locations have been reported. The Prefecture has promoted special training for CAS operators to improve effectiveness of their daily combat to trafficking.

Petya Nestorova: cases were reported in Ukraine and Kosovo in which people have been displaced with a view to removing their organs, even to repay their debts with the traffickers. In these cases, the victims would accept to sell their organs because of their extreme poverty. Whenever the legislation of a country may ban this practice, organ removal is performed abroad, for example in Asia. Some cases were discovered in Europe because organ donors had to seek medical attention in the post-removal period.

¹ È stato proiettato in sala un filmato che documenta la formazione.



Marco Martino: no cases of children abduction or trafficking in human beings aimed at organ removal was recorded in Italy so far, because organ removal usually demands previous, accurate identification of the compatible donor upstream. Moreover, we highlight the difficulty to find good court interpreters who have good knowledge of the Italian language and stay away from groups of compatriots so not to have leaks of information.

Maurizio Pia: the municipality of Turin applies the Code of Contracts specially designed for mediation services to mediation firms – usually cooperatives. Some of its offices need ordinary interpreters, while others demand intercultural mediators. Many courses for mediators were held but they still lack in their own professional order and profile, which makes it difficult to include their requisites in municipal tenders. The City of Turin has dealt with THB victims for many years, up to the extent that it even entered the regional network; a regional program is key, along with a strong operational vocation. To-date, our city can provide a higher number of places in the SPRAR, with differentiated paths for victims with physical or mental problems. We have promoted the integration of common activities with the nursery school committee which reports THB victims, but we need more places for THB victims under age.

Laura Cassio: speaks about the involvement of the commission by means of a MoU for bringing out vulnerability by means of interviews, crucial to help choose the actions needed. This is why the members of the commission have been specifically trained on said topics. The assistance provided to THB victims needs to be closer to the SPRAR. The commission has the goal to offer protection all along a personal path rather than to limit itself to hold interviews. In this view, interpreters and mediators are fundamental.

Giusy Maddaluno: UNICRI participated in a project about human trafficking from Nigeria to Italy aimed at sexual exploitation, in order to build up prevention and investigation capacities of the other subjects involved. In the past, Italy and Nigeria used to collaborate according to a MoU for information exchange. UNICRI favoured meetings and knowledge between representatives of Italian Antimafia authorities and Nigerian anti-trafficking agency, which worked very well because of the direct, personal relationships existing between operators of the two countries. UNICRI also supported Nigerian NGOs helping repatriated victims and preventing trafficking at different levels. A number of programs prepared in collaboration with the street units in touch with the victims in Turin were held about vocational training, microcredit, and awareness raising on the consequences of trafficking.

Fabrizio Lotito: confirms the obstacles encountered whenever Nigerian authorities are asked to intervene and collaborate with foreign agencies.

Federica Toso: The UNHCR has the mandate to guarantee international protection to refugees having a refugee status, in addition to providing material assistance with durable solutions. Trafficking is intertwined with asylum application and falls within UNHCR competence whenever vulnerable subjects are at risk of becoming victims or THB victims have met the conditions to apply for asylum. The “Specific needs” of THB victims must be protected even during asylum recognition procedure. Two



actions are foreseen: prevention to avoid that asylum seekers and other vulnerable subjects become victims of trafficking, and guaranteed assistance to victims if prevention failed. Prevention includes multi-level information to all subjects, while assistance involves lobbying to authorities and governments for law enforcement in the protection of victims.

Alberto Mossino: the national anti-trafficking platform is a self-organised network of about seventy Italian associations dealing with THB victims. After some years of stagnation, the national antitrafficking plan has been approved, transposing a European Directive on the matter, followed by financial resources and specific instruments. Today, potential THB victims are identified at the CASs when they still have to be put in the street. In the past, they were detected when working in the streets and many had already thought of escaping their condition. Today, many girls are enticed and feel safe as the traffickers have actually brought them when they wanted to; thus, it is a question of debunking the trust these girls have in them. This is a phase when women mediators are crucial, as they can show the girls they have the chance to choose a different life.

Domenica Diana: the project against trafficking named “L’anello forte” involves both new and old partners. Within the project, accommodations are provided to 78 THB victims in a turnover fast enough to meet their needs. The Piedmont Regional Authorities are in charge of training operators, namely doctors serving in First Aid Departments and clinics. Joint support to women and children should allow to complete their path with no burden for the services. The project is also in charge of unaccompanied minors. There are also many additional regional projects on FAMI funds. Cultural mediation is included in the new regional bill on citizenship, with specific mention to a mediators’ register.

Conclusions

Paolo Borgna: sadly, the crimes of enslavement and trafficking, thought to be a problem of the past, are back. Since the 90’s we had had to consider them again. In 2003, the laws concerning those crime was modified to provide that no rights or freedom have been conquered once for all.

Europe was mentioned as a possible future space of rights and freedom, but we are lagging behind as compared to crime evolution – we are forced to catch up. As a result of globalisation, criminal phenomena spread over many European countries. Today we try to decode and counter said crimes by means of regulations, law & order, police forces and magistrates reflecting the old ideas of national states. To mitigate the negative impacts of these phenomena (trafficking in human beings, but also drug dealing and cybercrimes) we need to become familiar with our new reality, which means making the most of existing tools, but also devising new tools able to go beyond the concept of national sovereignty, beyond the old barriers of national borders. The Joint Investigation Teams are a revolution. Criminal groups ignore borders, while the investigating forces have numberless limitations. Criminals are smart and adapt



apace. To face them, we need to overcome the old national borders. The final proposal on investigation is identifying crimes on which to test a joint international action.

Final recommendations

The Preamble of Directive 36/2011/EU reads that “preventing and combating the trafficking in human beings is a priority for the Union and the Member states”. Within this framework, the Council of Ministries convened for their meeting on 26 February 2016, adopted the *National Action Plan against Trafficking in and Serious Exploitation of Human Beings 2016-2018* (PNA) provided for by art. 9, law Dec. n. 24/2014, stating that any direct actions combating this phenomenon should target two parallel goals: “the first, of absolute relevance, i.e., countering and curbing the crime of exploitation of human beings, to be achieved by Police Forces ; the second, preventing and protecting victims, to be attained by public social services and authorised private social service operators”².

Nonetheless, the number of victims has been increasing, just as the number of minors involved. This is also due to a substantial change in the modes of introduction into the territory of the State by the traffickers. As stated in the PNA, the protection systems for asylum seekers and THB victims seem to overlap more than in the past³. It is a fact that traffickers employ migration flows, especially by sea, to “infiltrate” THB victims who are bound to be exploited either in Italy and/or in other EU countries. As stated in the latest GRETA Report on Italy, traffickers suggest that the victims apply for international protection in order to obtain a valid stay permit⁴ and exploit them with no risk of expulsion – and no gain loss for the criminals.

As shown by the figures in the report, this is an increasingly frequent behaviour; to tackle it head on, we have put forward some proposals for new measures, such as:

- Setting up special pools of Prosecutors within Public Prosecution Offices devoted exclusively to counter trafficking and related crimes, reviewing the competences of DIA (Antimafia Investigation Directorate), DDA and DNA (National Antimafia Directorate) to relieve them from the burden of trafficking investigations.
- Considering the possibility to enter trafficking-related crimes (e.g. exploitation of prostitution/labour) into SID.
- Make the funds for the program mentioned at art. 18, law Dec. n. 286/98 available based on changing needs instead of linking them to tenders, as the protection of THB victims must be a major and central target.
- Putting the combat against this phenomenon high on the agenda by allocating substantial human and investigation resources.

² *National Antitrafficking Plan*, adopted by the Council of Ministries on the session of 26 February 2016, p. 5.

³ *Ibidem*, p. 17.

⁴ GRETA Report on Italy, published on 30 January 2017, p. 9, par. 29.



- Putting the national database at the Department of Equal opportunities in service, thereby mobilising also local authorities (i.e., the Prefectures) and Police forces as expressly mentioned in the PNA⁵. To this end, it should be considered that regional-scale databases could be suitable to make use of information collected at a national level. Said databases should be connected to the system on migrants and refugees; all information should be available to the Police forces for investigation purposes.
- Aiming at prosecuting all elements in the trafficking chain, up to the home country of the victims. Limiting ourselves to chase the subjects based on the Italian territory objectively weakens our response given the typical transnational character of these sorts of crimes. This goal can be achieved by making the most of cooperation instruments like the joint investigation teams formed by investigating and judicial authorities in the different countries at stake. As long as we fight this phenomenon as single, scattered entities, we will only be witness of its intensification, as it is the case now.
- If cooperation is less successful than expected, political and diplomatic institutions will have to intervene to clarify the various obstacles encountered in THB combat.
- Planning continuous training programs for Police forces, Magistrates, and operators of the private social sector and encouraging massive attendance.

⁵ National Antitrafficking Plan, adopted by the Council of Ministries on the session of 26 February 2016, pp. 17-18.

An abstract graphic composed of orange lines and circles. A thick vertical line descends from the top left, then turns 90 degrees to the right, forming a horizontal line that passes behind the text. This horizontal line then turns 90 degrees downward, forming a vertical line that passes behind the circles. At the bottom of this vertical line is a large orange circle, with a smaller, darker orange circle partially overlapping it from below. The text 'BESIDE YOU' is positioned to the right of the first horizontal line segment.

BESIDE YOU

Building European Systems for Investigation
and DEfence of victims of human trafficking