



Prime Minister's Office - ITALY
Department for equal opportunities

Centro Diritti Umani dell'Università di Padova
Progetto Peer-to-Peer II - Consiglio d'Europa

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Legal framework of Italian legal provisions against THB and exploitation are based on two main directions:

- Assistance, recovery, protection and social inclusion of victims through Article 18 of the National Law on Migration (Legislative Decree n° 286 of 1998)
- Contrast against trafficking through National Law (Law n° 228 of 2003)



Application of art. 18 Legislative Decree n. 286/98

The provision foresees two paths

- Judicial path

When the victim reports to the police

- Social path

When the victim is available to participate to a social protection project (art. 18)

- The duration of a project art. 18 is **one year**



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Application of art. 18 Legislative Decree n. 286/98

**The *Questore* may issue a special residence permit
“...enabling the foreign citizen to escape from a situation
of abuse and conditioning perpetrated by a criminal
organisation and to participate in a social assistance and
integration programme”**



Requirements to grant a residence permit –

- SITUATION : existence of situation of **violence** or **serious exploitation** and of concrete **danger** for the personal safety of the foreigner; because of his/her attempts to escape from the criminal organisation
- WHEN ? : in the course of **police operations, investigations or proceedings** ... or in the course of social service assistance provided by local authorities
- Submission to condition ? The granting of a residence permit for reasons of social protection is available **even without the victim reporting the trafficker** but demonstrating the fact of exploitation and the associated danger



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- **The proposal** for granting a residence permit can be made both by the District Attorney – if a prosecution has already been started – and by the Local Bodies or associations' social services, by institutions and other organisms in charge of social protection projects.
- **The Questore** issues a residence permit for reason of social protection



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Application of art. 18 Legislative Decree n. 286/98

- **DURATION:** The residence permit is valid **6 months** and may be renewed **for one year** or for a longer period (in case of particular judicial reasons)
- **POSSIBILITIES OFFERED :** The residence permit **grants** the access to assistance services, education and to dependent employment



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The aim of projects art. 18 is to provide the victims with a high level of social protection

A project art. 18 is “tailored” according to the individual needs and skills of the person

A project is sub-divided in 3 main phases:

1. First recovery – health services - medical and psychological care – accompaniment to health services
2. Guidance – vocational training – practical training in enterprises - legal counselling and services of a competente translator in the event of legal proceedings
3. Assistance in finding employment



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How to get into contact with the victims

- Street units
- Free phone number (*800 290 290*)
- Police Offices
- consolidated partnerships of projects art. 18 and art. 13, organization of the third sector, local services, volunteers, social enterprise



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From 2000 to 2009 the Department co-funded **573** projects under art. 18 Legislative decree 286/98.

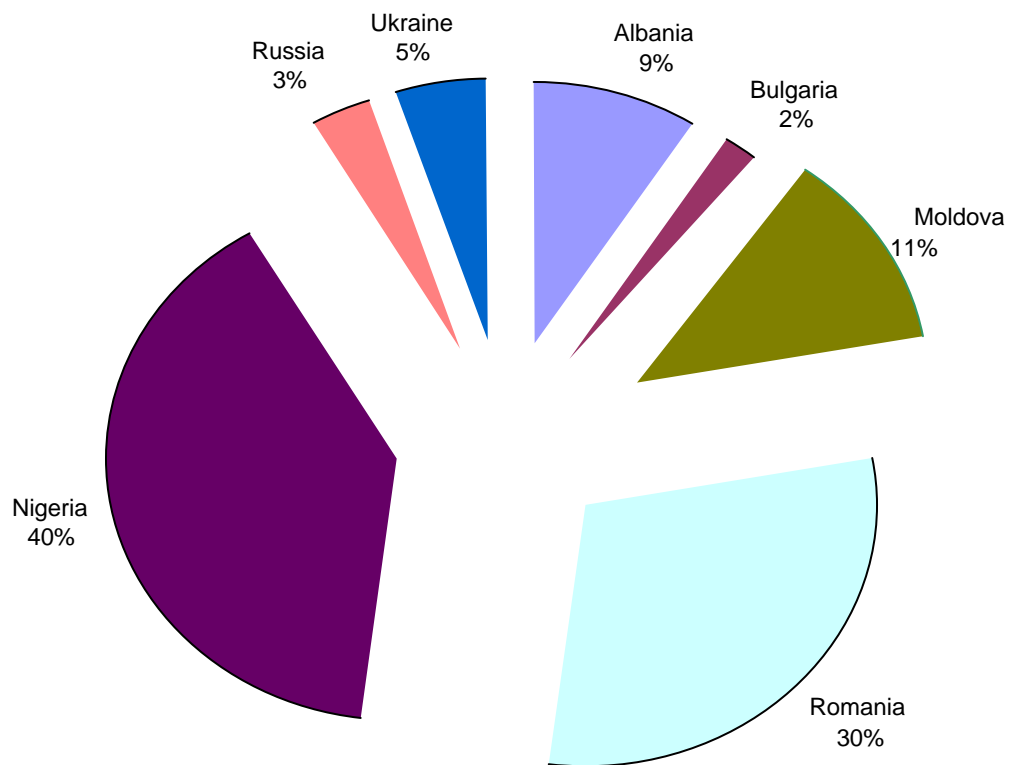
According to our data from 2000 to 2007 :

- **54.559** victims of THB were contacted and accompanied to the various services (social, health, legal);
- **13.517** victims of THB participated to the projects (938 minors)
- **6.662** victims of THB obtained a residence permit
- **9.663** victims of THB participated in vocational training, educational courses;
- **6.435** victims of THB found an employment



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Nationality of victims of Thb who participated to art. 18





Contrast against trafficking

National Law Measures against trafficking in human beings – Law 228/2003

- The Italian legal order acknowledged the definition of THB foreseen by the Additional Protocol to the UN Convention against organized crime
- Harsher punishments were introduced for the crimes of *reduction into slavery, THB, and trade of slaves*: from 8 to 20 years of imprisonment, increased if the victim is a minor



Contrast against trafficking

National Law Measures against trafficking in human beings – Law 228/2003

Placing or holding a person in conditions of slavery or servitude

- Whoever exerts on any other person powers and rights corresponding to **ownership**; places or holds any other person in conditions of continuing **enslavement**, **sexually** exploiting such person, imposing **coerced labour** or forcing said person into **begging** ... shall be **punished from 8 to 20 years**
- Placement or maintenance in a position of slavery occurs when use is made by **violence, threat, deceit, or abuse of power**
- For these offences the law foresees a heavier punishment with an increase of one third to half of the imprisonment period when the **victims are minors under 18**



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National Law Measures against trafficking in human beings – Law 228/2003

Art. 13 – Special assistance provisions

Provides for prompt and temporary assistance to victims/potential victims of trafficking or maintaining/reduction into slavery conditions

- **Target Group:** foreigners and EU nationals
- **Objective:** first aid and recovery of victims
- **Tools:** assistance programs
- **Duration:** 3 months, extendable up to 6 months if necessary
- **The Department for equal opportunities has co-funded from 2006 to 2009 : n. 97 projects under art. 13.**



Thank you

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ITALY

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