

Italy - United States Department of State

ITALY: Tier 2

The Government of Italy does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Italy remained on Tier 2. These efforts included identifying and assisting more victims, increased funding for victim care and training for law enforcement, and cooperation with and assistance to international law enforcement to address transnational trafficking crimes. However, the government did not meet the minimum standards in several key areas. The government reported fewer trafficking investigations, prosecutions, and convictions compared to the prior reporting period and did not report sentencing data. The government remained without a national action plan and did not consistently implement its national victim identification and referral mechanism.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking cases and convict and sentence traffickers with adequate sentences. • Increase proactive victim identification by improving and consistently implementing the national identification referral mechanism across the country, including for vulnerable children. • Consistently assess trafficking risks and provide legal protections to all potential victims prior to any forced returns or expulsions, including where such persons have entered Italian territorial waters, and during operations assisted by the Italian government in Libyan search and rescue areas. • Continue to increase migrant worker protections by consistently enforcing strong regulations and oversight of labor recruitment agencies and labor brokers, including investigating and prosecuting labor traffickers. • Implement license control and accreditation process for massage parlors, labor brokers, and labor recruitment agencies. • Continue to increase international cooperation with source and transit countries, especially Nigeria, Tunisia, and Libya, on information sharing and countering trafficking rings. • Improve security standards in and around reception centers to limit contact between traffickers and victims or potential victims. • Intensify efforts to effectively screen for labor trafficking victims through increased inspections and improved training of labor inspectors to spot trafficking indicators and refer victim for services. • Strengthen international law enforcement cooperation to prevent and investigate child sex tourism. • Consolidate data among different ministries, and make public a database on investigations, prosecutions, and convictions, including sentencing data.

PROSECUTION

The government made mixed law enforcement efforts. The 2003 Measures Against Trafficking in Persons law

criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 20 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious offenses, such as rape. Article 600 of the penal code criminalized placing or holding a person in slavery or servitude and prescribed the same penalties. In 2019, the Ministry of Interior (MOI) reported investigating 135 persons for trafficking, a decrease compared to 314 in 2018 and 482 in 2017, reported from both the MOI and Ministry of Justice (MOJ). The MOI also reported investigating and arresting 117 persons under Article 600 for slavery, compared to 417 in 2018 and 513 in 2017, as reported by the MOJ. In one notable case in April 2019, the police arrested 11 suspected traffickers for the sex trafficking of Nigerian women through debt-based coercion; the suspected traffickers fraudulently entered migration centers to procure women who had incurred debts for their journey to Europe. Although only partial data was available from the MOJ, the government reported prosecuting 80 suspects under the trafficking law in 2019, a decrease compared to 139 in 2018. The government also reported prosecuting 122 suspects under Article 600 and Article 602 in 2019 and 122 suspects in 2018. In 2019, though only partial data was available from trial courts, the government reported convicting 42 traffickers under the trafficking law, compared to 46 in 2018 from both trial and appellate courts. Trial courts also reported convicting 48 traffickers under Article 600 and Article 602 in 2019, compared to 95 convictions in 2018 from both trial and appellate courts. While the government did not report sentencing data, the media reported one notable case in December 2019, where the courts convicted a Romanian trafficker for multiple crimes, including trafficking in human beings, and sentenced the trafficker to 20 years' imprisonment.

The government did not maintain a consolidated database on investigations, prosecutions, convictions, and sentencing of traffickers, or of their victims, a deficiency noted by GRETA. Specialized anti-mafia units of prosecutors and judiciary police handled trafficking prosecutions. Whenever investigators found clear evidence of trafficking, they referred the case to an anti-mafia unit, which relaunched the investigation and consequently extended the timeframe for prosecution and trial. To avoid this delay, non-specialized investigators and prosecutors sometimes charged perpetrators with crimes other than trafficking. Anti-mafia units continued to prioritize investigations of criminal networks over individual cases, citing limits on available resources. Lack of a sufficient number of interpreters, especially for West African dialects, continued to impede law enforcement arrests and investigations, as well as diminish the benefits of investigators' wiretapping capability. NGOs cited continued challenges in adapting to changing dynamics and methods of traffickers and noted improved coordination on anti-trafficking strategies between national government ministries, international organizations, and ground-level NGOs, as well as increased cooperation by local police and prosecutors. During the reporting period, high-level officials met with representatives from Niger, Tunisia, and Ivory Coast, but Italian prosecutors and police continued to cite insufficient cooperation in investigations from officials in source and transit countries; with many cases being transnational, this hindered prosecutions and convictions.

Compared with no data reported in 2018, law enforcement training increased. Law enforcement agencies received training on victim identification and investigation of trafficking crimes within their standard curriculum. In 2019, the police conducted six training programs for 193 border police officers and 17 training programs for 510 other police officers on victim identification and protection. The police academy organized anti-trafficking trainings for 60 of its agents, and in collaboration with two international organizations, the MOI provided anti-trafficking training for an

unknown number of police and members of asylum review committees. In 2019, the government provided funding to an international organization for an anti-trafficking project in Nigeria that focused on improving international judicial cooperation between Italy and Nigeria. The government reported increasing coordination with Nigerian law enforcement by establishing a working group focused on Nigerian organized crime to facilitate the collection and dissemination of trafficking information between prosecutors, police, international organizations, and NGOs. For the first time, prosecutors received testimonies from members of Nigerian organized crime networks, which was critical in dismantling the networks. Trafficking networks and gangs continued to grow more sophisticated, organized, and violent, particularly Nigerian gangs linked to the Black Axe, Supreme Viking Confraternity, and the Eiyé syndicate. A two-year program based in Egypt that trained law enforcement officials from 22 African countries on immigration and border control, including combating human trafficking, continued during the reporting period. There were no investigations or prosecutions of government employees complicit in trafficking offenses.

PROTECTION

The government increased protection efforts, but proactive victim identification remained a challenge, and government policies significantly limiting the availability of humanitarian protections for certain asylum-seekers remained in force. The government increased trafficking victim identification during the reporting period by identifying 657 new victims in 2019, compared to 597 in 2018. The Department of Equal Opportunity (DEO), which coordinates protection efforts, reported government-supported NGOs assisted 1,877 trafficking victims in 2019, also an increase compared to 1,373 victims assisted in 2018. Of all the new trafficking victims NGOs assisted, 50 percent were victims of sex trafficking or exploitation, 11 percent victims of labor trafficking or exploitation, and the remainder were potential victims of unidentified forms of exploitation. Seventy-two percent of victims identified in 2019 were Nigerian, four percent were Romanian, and three percent were Ivorian. Of victims referred to assistance programs, 83 percent were female, 16 percent male, one percent transgender, and three percent were children. The government did not report identifying any Italian national victims or children. Several entities referred victims to care, including migration centers and a committee on asylum requests, which referred 10 and 25 percent, respectively, of victims. Regional committees utilized national guidelines for asylum-seekers to adjudicate asylum applications to identify trafficking victims among applicants. However, while the government had a formal referral mechanism, it was unevenly implemented during the reporting period. NGOs and the DEO recognized inconsistencies in the efficiency and effectiveness of the current referral process between regions and found that quality standards were lower in the south. During the reporting period, at least six local MOI offices and six local asylum committees signed an agreement with local NGOs to help improve victim identification and assistance. NGOs reported that gaps in authorities' proactive victim identification efforts persisted during the reporting period. To reduce the flow of refugees and migrants from Libya, Italy continued training operations with and assistance to the Libyan Coast Guard, as did other EU member states. However, many NGOs criticized this coordinated effort because it often resulted in the occupants of vessels rescued in the Libyan search and rescue area being brought back to Libyan shores; NGOs cited severe security and human rights conditions inside Libya and Libyan detention centers and a heightened risk of trafficking for migrants forced to remain in Libya. During the reporting period, the government continued to delay NGO humanitarian ships carrying refugees and migrants from Libyan search and rescue waters from docking at Italian

ports, pending relocation agreements with other EU member states. The government funded four voluntary repatriation programs to source countries and provided support for similar repatriations by international organizations from Libya.

NGOs coordinated with law enforcement and immigration officials at both arrival points and longer-term reception centers. The government observed standard UNHCR procedures to screen for trafficking victims among asylum-seekers, although NGOs asserted authorities did not properly identify many of the victims on arrival, instead classifying victims as asylum-seekers or undocumented immigrants subject to deportation. NGOs continued to stress the need for longer time periods for screening of refugees and migrants at arrival ports to more accurately ascertain victim status, but they acknowledged conditions were not conducive to a stay there beyond one or two days. Italian criminal law lacked a provision specifically prohibiting punishment of trafficking victims for unlawful acts traffickers compelled them to commit, but, during the reporting period, there were no reports of judges convicting trafficking victims forced to commit such crimes. Current law required proof of exploitation in a criminal action against the perpetrator, which left victims and potential victims at risk of prosecution and conviction when a court did not first convict the perpetrators. NGOs, the EU, and the Catholic Church projected that the government's September 2018 decree, which remained in force through the reporting period, tightening the availability of humanitarian protections for certain asylum-seekers could result in increased trafficking risks for irregular migrants already residing in Italy. However, the government drafted legislation to partially restore some protections, which is currently with the Council of Ministers. Although persons already officially recognized as trafficking victims remained in a protected category, NGOs reported that many of these irregular migrants were either victims or potential victims, with most at risk of labor trafficking. International organizations continued to assert most centers remained under-equipped to fully address the unique needs of trafficking victims. The government often housed victims and potential victims with irregular migrants, and such housing lacked adequate security against traffickers inside and outside the centers seeking to recruit victims or remove those already under their control.

The government cooperated with NGOs and international organizations to provide shelter and services to victims. In 2018, the government allotted €24 million (\$26.97 million) to trafficking victim assistance programs implemented by NGOs for a 15-month period; in 2019, the government allotted the same amount of money, and awarded and funded 26 projects. This compared to €22.5 million (\$25.28 million) in 2017. With co-funding from an international organization, in 2019 the MOI supported a program to provide victims of labor exploitation, including labor trafficking, with shelter and legal services. Local governments provided additional funds to victim assistance programs, although the government did not report amounts. Given the breadth of potential beneficiaries, the government did not allocate sufficient funds to accommodate needs. NGOs reported inconsistent quality standards of assistance programs across regions. The law allowed for an initial three to six months of government assistance to all trafficking victims. After initial assistance, foreign victims were eligible to obtain temporary residency and work permits and had a path to permanent residency; additionally, foreign victims were eligible for six months of shelter benefits, renewable for an additional six months if the victim obtained a job or enrolled in a training program. The government granted 155 residence permits to victims in 2019 under Article 18, a decline from 270 in 2018 and 418 in 2017. Of victims granted a residence permit, 19 were identified by police and 39 percent were male. According to NGOs and pro bono lawyers, many victims applied for asylum upon arrival rather than protection as a victim of

trafficking, either through pressure from their trafficker or believing that asylum status afforded greater freedoms, more immediate access to employment and services, and long-term residency. In 2019, the government approved only one percent of applications for permits for humanitarian reasons, significantly limiting humanitarian protection and potentially increasing vulnerability to trafficking. Availability of interpretation services for lesser-known African dialects, with victims coming from as many as 15 different language groups, remained a significant challenge. Trustworthy interpreters were also difficult to secure, as reportedly many interpreters came from the same communities as the accused traffickers.

GRETA recommended establishing a separate national referral mechanism specifically for children that took into account the specialized needs of children, but the government did not make progress on this recommendation during the reporting period. Children represented nearly thirteen percent of all victims receiving assistance; many were boys forced to beg or commit robbery. NGOs estimated there were several thousand minors in Italy who were victims of sex trafficking in 2019. Many unaccompanied Nigerian minor victims misrepresented their age to gain placement in an adult reception center, giving them greater freedom to leave the center unnoticed with their trafficker. NGOs, however, welcomed increased scrutiny by authorities of these age claims, and authorities more often sent victims into child protection if unable to confirm adult age status. Foreign child victims automatically received a residence permit until age 18 and accommodations in a general children's center or a designated center for trafficking victims who were also asylum-seekers. Children received counseling and enrolled in public schools with the support of mentors. However, a significant percent of unaccompanied children chose to leave the centers voluntarily, which greatly increased their risk of trafficking.

The government did not require victims to cooperate with law enforcement to obtain assistance and a residence permit, although NGOs and international organizations reported authorities did not consistently implement this policy and sometimes gave preference to those who cooperated. The government also offered a single payment of €1,500 (\$1,690) to victims, although GRETA and NGOs noted the application procedure was overly complex and the amount insufficient. GRETA further recommended the government increase the use of existing legal remedies to provide restitution to victims and more proactively seize assets and pursue forfeiture against perpetrators. The government did not award restitution to any trafficking victims during the reporting period. NGOs, prosecutors, and local officials praised the continued contribution of trained cultural mediators hired by the government or provided by government-funded NGOs, for their skill in communicating with refugees, migrants, and victims.

PREVENTION

The government maintained prevention efforts. The DEO, as coordinator of the interagency steering committee on trafficking, was responsible for drafting the national anti-trafficking action plan, coordinating programs for prevention and victim assistance, and submitting a biannual anti-trafficking report. In 2019, the DEO selected 21 trafficking projects, one for each region in Italy, focused on preventing the trafficking of unaccompanied minors and victims of labor exploitation. The government had not completed its updated plan for 2019-2021. However, the government formed an interagency technical committee, including NGOs, to develop the plan. The government remained without a

national rapporteur. The government launched a national campaign to raise awareness of its national hotline for trafficking victims. Local authorities and NGOs continued to distribute brochures, posters, bumper stickers, and media advertisements providing information on victim assistance. The government continued to participate in an awareness program, partially funded by the government, across the Horn of Africa and West Africa to inform potential migrants of the risks of trafficking.

The interagency working group to address labor exploitation, with a special focus on the agricultural sector and illicit labor brokers, presented an €84 million (\$94.38 million) three-year plan, but did not report other concrete outcomes. With co-funding from an international organization, the Ministry of Labor provided €23 million (\$25.84 million) for initiatives aimed at preventing and fighting labor exploitation and illegal employment, and providing migrant workers vocational training. The Ministry of Agricultural adopted an ethical code pertaining to the supply chain for tomatoes, but did not report concrete outcomes as a result. Fraudulent labor recruitment and passport retention remained concerns during the reporting period. Experts estimated that 150,000 to 180,000 agricultural workers, especially seasonal workers, were at risk of labor trafficking in Italy. Employers in the agricultural sector sometimes submitted falsified forms pertaining to their workers, which impeded labor inspections and the potential identification of trafficking victims. Though illegal, employers or labor recruiters sometimes charged a placement fee to employees, which increased their risk of trafficking. There was a lack of oversight and regulation on massage parlors, which remained places of high concern for sex trafficking. In 2019, the government reported inspecting 128,376 sites, including 5,950 agricultural sites. This compared to the inspection of 116,846 sites in 2018 and 160,347 in 2017, including 7,146 agricultural sites in 2018 and 7,265 in 2017. In 2018, the government identified more than 33,800 unregistered workers and, in 2017, it identified 48,000. The government did not report the extent to which it screened or identified potential trafficking cases during its inspections. In 2019, the government significantly increased efforts to investigate illicit labor brokers for illicit labor mediation by investigating 917 suspects in 2019, compared to 580 in 2018, a 58 percent increase. While illicit labor mediation does not meet the threshold for labor trafficking, increased efforts reduced the demand for forced labor. However, the government did not effectively regulate labor recruitment agencies or illicit labor brokers and did not report investigating or prosecuting any agencies for labor trafficking, including for fraudulent labor recruitment. GRETA recommended the government intensify efforts to more effectively screen for trafficking victims through increased labor inspections, expanded training of inspectors, and in monitoring of recruitment practices including in agriculture, domestic labor, hospitality, and food service.

The government reported receiving 3,711 calls to the DEO's hotline for victims of trafficking in 2019; this compared to 3,802 calls in 2018. Of new victims referred to care in 2019, 11 percent were referred by the hotline. There was no coordinated national government effort to reduce the demand for commercial sex. Although concerns remained during the reporting period, including at least one report of an Italian citizen engaging in child sex tourism abroad, the government did not report investigating any suspects and did not make efforts to reduce the demand for child sex tourism by Italian citizens.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign, and to a lesser degree domestic, victims in Italy. Victims originate primarily from Nigeria and other African countries, China, Romania, and other Eastern European countries, and include ethnic Roma. Traffickers, often part of Chinese criminal networks, exploit Chinese women in sex trafficking in apartments, beauty centers, clubs, and massage parlors. Massage parlors are sometimes used as fronts for the purchase of commercial sex, raising concerns about sex trafficking. Of an estimated 40,000 to 45,000 individuals involved in commercial sex on the streets, NGOs reported approximately 60 percent (or 24,000 to 27,000) are trafficking victims or at risk of trafficking and between five and eight percent are minors (or approximately 2,000 to 3,200 of 40,000). The majority of sex trafficking victims are from Nigeria, although more recently their numbers have decreased; however, the government and civil society maintain that Nigerian women and unaccompanied minors remain extremely vulnerable to trafficking because of the continued operation of several organized Nigerian trafficking networks. Several Nigerian trafficking networks have expanded operations across Italy and reportedly receive protection from Italian crime syndicates. International organizations estimated up to 75 percent of the Nigerian women and unaccompanied children who arrived in 2018 were trafficking victims. Traffickers subject Nigerian women and girls to sex trafficking through debt-based coercion and voodoo rituals. Authorities report traffickers encourage Nigerian victims to claim asylum to obtain legal residency and facilitate their continued exploitation. Traffickers sometimes exploit migrant women in sex trafficking in and around migration centers. Italian citizens will sometimes engage in child sex tourism abroad. Traffickers frequently target unaccompanied children, who are especially vulnerable to trafficking; children are exploited in child sex trafficking, forced to commit crimes or beg, and forced to work in shops, bars, restaurants, and bakeries. Ethnic Roma children are at risk for trafficking, including forced begging and child sex trafficking. According to authorities, the number of unaccompanied minors has steadily decreased; in 2019, 1,680 unaccompanied children arrived, compared to 3,534 in 2018, 15,731 in 2017, and 25,846 in 2016.

Labor traffickers operate in agriculture, predominantly in southern Italy, construction, household labor, hospitality, and restaurants. The North Korean government may have forced North Koreans working in Italy to work; however, by January 2020, the government reportedly secured the departure of all remaining North Korean workers. Traffickers use fraudulent recruitment, passport retention, as well as debt-based coercion to control trafficking victims; traffickers will also extort payments from the victim's family in the source country. Italy has an estimated 1.5 million unregistered workers and 3.7 million irregular workers who are at risk for labor trafficking. Specifically for the agricultural sector, experts estimated that 150,000 to 180,000 workers, particularly seasonal workers, are at risk for forced labor in Italy. Employers in the agricultural sector will sometimes submit falsified forms pertaining to their workers, which impedes labor inspections and the potential identification of trafficking victims. Italy has approximately 600,000 irregular migrants, many of whom are at risk for trafficking, especially due to government restrictions on humanitarian protection and decreased support for migrants, which took effect in 2018. The rate of arriving refugees and migrants dropped precipitously in 2018 and 2019, due in part to government policy tightening the intake of irregular migrants and the government's assistance to the Libyan Coast Guard. Italy received 23,370 irregular arrivals by sea in 2018 and 11,471 in 2019, many through Libya, where victims reported experiencing extortion, torture, and rape by militias or traffickers while awaiting passage to Italy. In 2017, government officials, including intelligence officials, met with a notorious alleged human trafficker to discuss controls on refugee and migrant flows from Libya, where the alleged trafficker requested funds from Italian authorities to manage the reception of migrants in Libya. Irregular migrants

that arrived by sea mostly originate from Tunisia, Pakistan, and the Ivory Coast. Approximately 5,000 refugees and irregular migrants arrived by land, mostly from Iraq, Pakistan, and Afghanistan. In 2019, of the roughly 31,000 persons requesting asylum, authorities estimate up to 30 percent were at risk for sex trafficking or forced labor while waiting for adjudication of their petitions. Approved permits for humanitarian reasons dropped to one percent of applications due to a decree, implemented in 2018, significantly limiting humanitarian protection; this may increase vulnerability to trafficking. Traffickers target migrant centers to recruit and later exploit asylum-seekers, sometimes claiming to be family members to gain access to the centers. Asylum-seekers may legally work beginning two months after filing their applications, although many seek illegal employment immediately in informal sectors, increasing their risk for trafficking. Many also attempt passage to other European countries; however, under the European Commission's Dublin Regulation, countries have six months to repatriate victims to the EU country of their arrival, but if they fail to transfer them in due time should accept their asylum claim. This regulation likely increased the number of asylum-seekers or trafficking victims forced to remain in Italy or return to Italy from another country.