

Italy (ratification: 1934)

Articles 1 (paragraph 1), 2 (paragraph 1), and 25, of the Convention. Trafficking in persons. In its previous comments, the Committee noted the information provided by the Government on trafficking in persons in Italy and on the measures adopted to combat it. It requested the Government to continue providing information on any further measures taken to strengthen action against trafficking in persons, the number of victims of trafficking and measures taken to protect them, as well as the number of prosecutions against those responsible for trafficking.

The Committee notes the detailed information provided by the Government in reply to its comments. It notes in particular: (a) the establishment of a monitoring system through the observatory of trafficking in persons, which is responsible, among other functions, for compiling data on assistance programmes for victims. The analysis of up to date information will make it possible to identify more effectively the characteristics of trafficking in persons in Italy and to plan future action more effectively; (b) the establishment of the Coordination Committee for government action to combat trafficking in persons, which is responsible for assessing the phenomenon as a whole; (c) the creation of the toll-free anti-trafficking telephone number which, in addition to informing victims of their rights anonymously, includes the establishment of a network of specialists who are able to respond rapidly to those combating trafficking and to assist victims.

With regard to the protection of victims, the Committee notes the statistical data provided by the Government on the projects established to assist the victims of slavery, serfdom and trafficking in persons. It notes that the Department for Equality of Opportunities co-financed 49 programmes and 533 projects throughout the national territory (over the period 2000–08). During the period March 2000–April 2007, a total of 54,559 individuals contacted these projects and received initial assistance; 13,517 of them were included in the projects, of whom 9,663 benefited from vocational training, literacy courses or study or work grants, and 6,435 were integrated into the labour market. The Government emphasizes that the educational level of the victims varies according to their country of origin. Some of them have no vocational training, and even a very low educational level, which prevents them from being integrated into the labour market. In such cases, the training provided generally consists of an individualized training plan developed directly within an enterprise. This means of providing training exposes the victim to the labour market and has the advantage of creating links between victims and employers, thereby making it possible to combat stereotypes. The Government specifies that, while this individualized training plan works fairly well, it is nevertheless difficult to find permanent jobs for victims following training as they are generally engaged in “pseudo-jobs” in the personal services sector.

With regard to the judicial component of action to combat trafficking, the Government indicates that the public authorities are encountering difficulties in

the field of international judicial cooperation. The National Anti-Mafia Directorate is facing a lack of international cooperation, especially from the most affected countries, exemplified by the low number of requests for cross-border judicial action. The Government adds that the Anti-Mafia Directorate organized a meeting with the Office of the Attorney-General, the police forces, the International Organization for Migration and the NGOs concerned, which emphasized the need to: reinforce coordination between the Office of the Attorney-General and the Anti-Mafia Directorate with a view to identifying existing links between trafficking in migrants and trafficking in persons; train the police forces and public attorneys in the specific characteristics of this crime; grant more temporary residence permits to victims, as they have an essential role to play in the identification of criminals and networks. The Committee observes that the statistical data provided by the Government on judicial proceedings confirm the difficulties encountered by the judicial authorities. In comparison with the statistics on the number of victims who have contacted assistance programmes, the number of convictions for the crime of trafficking in persons (section 601 of the Penal Code) is extremely low. In 2006, there were three rulings by the courts of first instance under section 601 of the Penal Code (in two cases, three individuals were convicted, and one case was set aside) and two rulings by courts of second instance (convicting eight individuals), with the figures for 2007 being around the same. *Although aware of the complexity of the phenomenon of trafficking and the obstacles to be overcome, the Committee hopes that the Government will continue to make every effort to obtain results in the identification, apprehension and prosecution of persons engaging in trafficking in persons and that it will provide information in this respect. Please indicate the measures adopted to overcome the problems identified by the National Anti-Mafia Directorate (as outlined above). The Committee requests the Government to continue providing information on the court proceedings initiated against those responsible for trafficking, with an indication of the penalties imposed, so that the Committee can ascertain that these penalties are really adequate and are strictly enforced, in accordance with Article 25 of the Convention.*

Exploitation of illegal foreign workers. In its previous comments, the Committee requested the Government to indicate the progress achieved in the adoption of the Bill to combat the exploitation of foreign workers illegally resident on the national territory. Under the terms of the Bill, foreign workers illegally resident who are victims of “serious exploitation” could benefit from a temporary residence permit. The Committee notes the Government’s indication in its report that the process of the adoption of this Bill was stopped following the change of Government in April 2008. The Committee also notes the adoption of Act No. 94 of 15 July 2009 issuing provisions respecting public security, which inserts section 10bis into the Act of 1998 regulating immigration and the status of foreign nationals. The Committee notes that the illegal entry and residence of migrants now constitute a criminal offence. The Committee draws the Government’s attention to the fact that migrant workers who are illegally resident are in a situation of vulnerability which exposes them to the exploitation of their

labour and that the penalization of unlawful migration increases their vulnerability still further. *The Committee requests the Government to indicate the measures adopted to protect migrant workers from exploitation of their labour through forced labour, regardless of their legal status and to ensure that they can assert their rights. It is also important that those responsible for such exploitation are penalized.*