



Social protection and assistance interventions addressed to the victims of trafficking- Description of the Italian system

By Association *On the Road*

In Italy, since the early nineties only few social interventions for victims of trafficking for the purpose of sexual exploitation have been implemented by Non-Governmental Organisations (NGOs) (which have always been at the forefront of action against social exclusion) and some public bodies.

Such situation changed thoroughly with the implementation of **article 18 of the Legislative Decree 286/98 (the Immigration Consolidation Act)**, which established new regulations regarding the status of "victim of trafficking" providing for a special stay permit, and set up the Programme of Social Protection and Assistance to finance the so-called "art. 18 projects" targeting the victims of trafficking. Such legislative measures have further strengthened the already existing initiatives carried out by a few public bodies and, in particular, by several NGOs active in the field of anti-trafficking initiatives and prostitutes' rights' advocacy.

All these actors have been the pioneers of different methodologies and practices and, moreover, they have been fundamental points of reference during the elaboration of Art. 18 and the implementation of the Programme of Social Protection and Assistance.

The enactment of the Legislative Decree 286/98 (in particular of Article 18) has represented a milestone both in the fields of social policies and the fight against the trafficking of human beings. Through financial support provided by the new law, the government has started to promote, on the one hand, the social inclusion of trafficked people, and on the other one, the struggle against trafficking.

One of the major innovative aspects of this decree is the involvement of local authorities and NGOs as key-actors of the national system of reception and assistance of trafficked persons, thus setting up a fruitful co-operation between local and national authorities and social agencies.

a. Legislative Decree n. 286 of 1998 (Immigration Consolidation Act)

Article 18 "Stay permit for social protection" establishes that a stay permit ("for humanitarian reasons") shall be issued to provide protection and assistance to victims of trafficking and exploitation who are asked to participate in the Programme of Social Protection and Assistance (see Annex 1). The release of the special permit of stay does not necessarily imply direct judicial cooperation by the victim. In fact two paths have been foreseen:

- The "judicial path", which implies that the victim will cooperate with the police and prosecutor. She/he will be instrumental in bringing charges against the perpetrator;
- The "social path", by which the trafficked person is not obliged to press charges against the trafficker, but is expected to give extensive information to the police through the public social services or the private sector accredited NGOs. Nevertheless it is possible that the victim will later be called to testify in the process.

The Programme of Social Protection and Assistance allows the victims of trafficking to stay on Italian soil and - once the permit is obtained - to work, to study, to benefit from social and health help and, at the end of the programme to transform the "permit for social protection" into a regular "work permit".

Between March 2000 and March 2003 of implementation of the Programme of Social Protection and Assistance, the Interministerial Committee for the implementation of art. 18¹ (the managing

¹ The Committee is composed of representatives of the Department for Equal Opportunities, the Ministry of Justice, the Ministry of Welfare, and the Ministry of Interior. Its assignment is to propose policies, evaluate, fund and supervise the

body of the Programme) has funded 154 projects throughout the country². The call for the submission of project proposals is launched yearly by the Department for Equal Opportunities, which technically and financially manages the Programme³.

Currently, a system of “welfare mix” guarantees the services to the victims of trafficking in most regions throughout Italy. Not every project necessarily provides all types of services directly; in several cases, in fact, the wide range of activities and services is assured by the projects’ network. The projects function as reception centers and assistance providers that offer an “individualized programme of social protection” tailored to the needs of the person sheltered and in compliance with the tenets of the law.

Within each individual programme various activities can be carried out with different kinds of support:

- co-elaboration of individualized autonomy projects;
- shelter and protection;
- board and lodging;
- support for possible crime reporting;
- legal assistance;
- regularization (permit of stay obtainment);
- health and social services;
- psychological assistance;
- relationship support;
- socialisation;
- educational and training activities;
- Italian language classes;
- vocational guidance;
- starting-off of social and occupational insertion.

The person taken care of can be housed in different types of shelters depending on how the receiving organisation is structured. The main typologies of shelters offered in Italy within the art. 18 projects are:

- Flight and emergency shelters (for a short first stay period in which the motivations are verified and a first draft of the personal programme is worked out);
- First care shelters (for stays of 2 or 3 months in which the programme is carried out and all steps for the regularization are undertaken);
- Second care shelters (for stays of 2 or 3 months in which the programme is developed in an advanced phase);
- Autonomy houses (houses where the women are hosted while beginning a job and waiting to find an own house);
- Minors are often inserted in families;
- an alternative way through which the programme can be carried out (also after the person has been hosted in a shelter) is the Non residential programme (in which the person is supported at different levels – legally, psychologically etc. – but enjoys an autonomous accommodation usually shared with “significant others”, such as partners, family members or friends)⁴.

It is important to underscore that in some cases a person can be hosted in all these types of shelters following the order listed (from the flight house to the autonomy house) or only in one or two shelter typologies; furthermore, due to special protection provisions or to practical reasons (i.e.: job insertion, family reunion), a person can be hosted in different phases of her/his individual programme by distinct projects throughout Italy.

projects of social protection and assistance targeting victims of trafficking especially for the purpose of sexual exploitation.

² It is important to underline that several projects have been funded in all the three calls.

³ The grant is co-financed by the Department for the Equal Opportunities (70% of the eligible costs) and by a local authority (30%).

⁴ This is an alternative solution offered to those people who have “significant relationships” and an autonomous accommodation. This form of “shelter” is permitted within the Programme of Social Protection and Assistance on the basis that it is fundamental to value a woman’s personal network in order to support her social inclusion in Italy.

Between March 2000 and February 2001, the art. 18 projects have taken care of 5.577 people, of which 1.755 (31.5%) have applied for an individual programme of social protection.

Other measures for combating trafficking in human beings

Another important tool must be mentioned in this framework of governmental and non-governmental actions to combat trafficking in human beings: the *Numero Verde Nazionale contro la Tratta* 800-290.290 (Toll Free Number against Trafficking). This is a national hotline directed to victims of trafficking, clients, social agencies and the population at large. Financed by the Interministerial Committee for the implementation of art. 18, the *Numero Verde* is composed of a single central headquarter that functions as a filter for the calls and 14 territorial branches located in 14 different regional or interregional areas throughout Italy.

In most cases, the territorial branches of the *Numero Verde* are managed by the same NGOs responsible for the implementation of projects funded within the art. 18 Programme. From July 2000 to June 2002, the *Numero Verde* received 416.398 calls: 139.728 (33.56%) were "good calls", i.e. calls by the target group.

The types of information asked concern the following: *Numero Verde*, Programme of Social Protection and Assistance, legal advice, socio-sanitary services and addresses. The information is provided in the various languages spoken by the target group, including: English, Albanian, Russian, French, Spanish, Rumanian, Bulgarian.

Finally, within each *Questuras* (usually within the Immigration Office), the Ministry of Interior has appointed a "unique referent" officer who is responsible for the "Art. 18 cases of human trafficking"; such an officer plays a significant role of interface between all the relevant actors involved: police offices, NGOs, local authorities, national authorities, *Numero Verde contro la tratta* and, of course, victims.

Conclusions and recommendations

Trafficking and exploitation of migrant persons is an unacceptable violation of human rights. It is a growing phenomenon and its main feature is complexity, from different points of view:

- Gender (male, female, FTM/MTF) and age (children, youngsters, adults) of the victims;
- The nationality of the involved persons (Eastern European Countries, Africa, Asia, South America);
- The degree of deception, physical and psychological violence and exploitation, dependency to which the victims are subjected in the recruitment and trafficking process (in the origin and transit countries) and in the destination countries;
- The degree of awareness of the victims in undertaking such a "migratory project" and the degree of coercion they are subjected by their exploiters;
- The different purposes of trafficking and kinds of exploitation (prostitution, sex industry, pornography, domestic work, "black" labour, begging...);
- The different kinds and shapes of the criminal organizations running the trafficking and exploitation system;
- The different and inhomogeneous responses given in the EU Countries.

As a consequence, in order to tackle this complex phenomenon a wide-ranging and systemic strategy has to be implemented:

_ on a short term prospect:

- preventive measures in the origin and transit countries (not only information campaigns but also training for professionals);
- protection and assistance to victims in the destination countries;
- real opportunities for social and occupational insertion on a permanent basis in the countries of destination;

- opportunities of social and occupational insertion in the countries of origin for the victims that choose voluntary return;
- measures to fight the criminal organizations;
- training for the different professionals engaged in the field;
- data collection and collation;
- diversified and multidisciplinary and multi-approach research, with special regard to the new forms of exploitation;

_ and on a long term prospect:

- local development initiatives in the countries of origin in order to tackle the root causes of the migratory processes that lead to the decision to leave the home country and, eventually, to be involved in the system of trafficking;
- social, cultural and educational initiatives to be implemented in origin, transit and destination countries about issues such as: gender discrimination and equal opportunities, democracy, legality, sexuality, human relationships...

The implementation of all these measures need a consistent approach in the EU Countries and in Third Countries, supported by adequate legislation and intervention systems at different levels. In particular, programmes of protection and support for the victims and shared measures against the criminal organizations must be built up through a transnational, national, local systemic approach.

Finally, we also would like to stress the effectiveness of the Italian system based on Art. 18 (Legislative Decree n. 286/98) whose points of strength are:

- a horizontal and vertical transversal/circular/global approach which implies the involvement of law enforcement agencies, the judicial system, public authorities (Ministries, Regions, Provinces, Municipalities) and NGOs at local, regional and national level;
- a real chance for the victims to escape trafficking, violence and exploitation and to access social and occupational insertion through specific programmes (in which multiple ad hoc services are supplied) and a special permit of stay that can be converted on a permanent basis for study or work reasons;
- the fact that the above mentioned opportunities are not necessarily connected with a direct co-operation of the victims with the law enforcement agencies (report to the police) since besides the so-called *judicial path* also a *social path* is foreseen. This is because some of the victims do not have relevant information about the criminal organization, or the criminals have already been prosecuted, or "simply" because at the beginning they are too scared for their own or their relatives' safety, but these factors do not diminish their "victim status" and therefore the need to offer them help and support.
- It should be stressed that in the *social path* the victims have to give information - through the public or private social intervention body responsible for the programme - about their trafficking and exploitation experience, contributing in such a way to the police investigation; moreover, if required, the victims will testify in court; finally, in the Italian experience many of the women who began the *social path*, after having been reassured and having gained new trust in institutions and legality, came to the decision to report to the police.

The potential of the art. 18 model could be still further enhanced at different levels, nevertheless, we are convinced it is an effective system to help victims of trafficking. Unfortunately, it is up to now a "unique" model in Europe, but we recommend a special attention to it and the adoption of its main principles at European level.

Annex 1

Immigration Consolidation Act (Legislative Decree 25 July 1998, n. 286)

Article 18 (Residence permits for social protection grounds)

1. Whenever police operations, investigations or court proceedings involving any of the offences set out in art. 3 of Law 75 (1958),⁵ or in art. 380 of the Code of Criminal Procedure,⁶ or whenever the social services of a local administration,⁷ in the performance of their social assistance work, identify situations of abuse or severe exploitation of a foreign citizen, and whenever the safety of the said foreign citizen has seen to be endangered as a consequence of attempts to escape from the conditioning of a criminal organisation which engages in one of the afore-cited offences, or as a consequence of statements made during preliminary investigations or in the course of court proceedings, then the chief of police, also acting on the proposal of the Public Prosecutor, or with the favourable opinion of the same Public Prosecutor, may grant a special residence permit enabling the foreign citizen to escape from the situation of abuse and conditioning perpetrated by the criminal organisation and to participate in a social assistance and integration program.
2. Along with the proposal or opinion specified in the above para 1, the chief of police shall receive notice concerning the elements which support the existence of the above-mentioned circumstances, with special reference to the severity and imminence of the danger to the foreign citizen and the importance of the contribution offered by that foreign citizen to combating the criminal organisation, or to the identification and capture of the perpetrators of the criminal offences set out in para 1. The modalities of the participation of the foreign citizen in a social assistance and integration program shall be notified to the mayor.
3. The implementation regulations shall establish the necessary requirements for the programs to be entrusted other than institutionally responsible for social services in the local administration and also for their related monitoring. The same regulations shall identify the requirements that these subjects shall meet to ensure their competence and ability to promote social assistance and integration, as well as the availability of adequate organisational facilities.
4. The residence permit issued in pursuance to this article has a duration of six months and may be renewed for one year or for a longer period, if required for judicial purposes. Said permit is revoked in the case that the holder drops out from the social programs or engages in behaviour which is incompatible with the program's goals, as reported by the Public Prosecutor or by the local administration's social service, within its sphere of competence, or as ascertained by the chief of police, or in the case that the other conditions that initially warranted the issuance of the residence permit should no longer apply.
5. The residence permit provided for by this article enables access to social services and to educational institutions, as well as enrolment in the Employment Bureau, and the possibility of access to employment, providing that the minimum age requirement is met. Should the holder of the residence permit be employed at the date of expiry, then said permit may be renewed for the duration of the employment contract. In the case of an indefinite employment contract, the modalities for the issuance of residence permits on such grounds shall apply. The residence permit provided for by this article may also be converted into a residence permit for educational purposes, when the holder of said permit is enrolled in an official educational institution.
6. The residence permit provided for by this article hereto may be granted upon proposal of the Public Prosecutor of the Supervisory Judge of the Juvenile Court, following the release from a custodial institution of a foreign citizen who has served a detention sentence for offences committed as a minor, and has given concrete evidence of participation in a social assistance and integration program.
7. The financial burden resulting from the hereto article is estimated as ITL five billion in 1997 and ITL ten billion annually, starting from the year 1998.

⁵ The law on exploitation of prostitution of others

⁶ Cases in which the police must arrest the offender

⁷ City Councils or Regions



ON THE ROAD

**Voluntary Association
ONLUS**

Head and Administrative Office:

Via delle Lancette, 27-27A
64014 MARTINSICURO (TE)
telephone 0039.0861-79.66.66 – 76.23.27
fax 0039.0861-76.51.12
e-mail: mail@ontheroadonlus.it

The *On the Road* Association has been operating since 1990 through intervention in the fields of prostitution and trafficking of human beings for the purpose of sexual exploitation.

ON THE ROAD develops structured activities and services directly addressed to the people affected by such forms of exclusion, especially to the victims of trafficking, with an approach based on the promotion and protection of individuals' rights:

- outreach units
- drop in centers
- programmes of social assistance and integration ex art. 18 D.Lgs. 286/98 through different kind of shelters and support activities (at legal, health, psychological, educational, social level)
- vocational guidance and training programmes, on the job practical training in enterprises, insertion in the labour market

Simultaneously, *ON THE ROAD*, from a local, national and trans-national perspective, contributes to the promotion of the policies in the field, to the elaboration of models of intervention, of professional profiles and of training curricula; it carries out research-intervention projects and issues a variety of publications.

For example the participation in the *Inter-ministerial Committee on Trafficking*, the promotion of national networks such as the *National Coordination Table on Prostitution and Trafficking* and the *Ad hoc Group of the C.N.C.A. on Prostitution and Trafficking*, intervention and training and consultancy (in Italy, Europe, Albania...).