The Italian system of assistance and integration of victims of trafficking in human beings

by Associazione On the Road

(Isabella Orfano and Marco Bufo)

In Italy, civil society and particularly the Non-Governmental Organisations (NGOs) have always been at the forefront of action against social exclusion. Especially in the case of strategies to support victims of trafficking in human beings and to fight the phenomenon, NGOs have played, and still play, a central and exemplary pioneering role. They succeeded in involving public institutions at the central and local level in order to insert the issue of trafficking in their political agenda and to plan and implement adequate policies and activities. A “welfare mix” culture deeply permeates the Italian social policies and interventions system, which are thus based on a strong co-operation between the public and private no profit sectors, and this also applies to anti-trafficking actions. This also contributed to the development and establishment of the current system of social assistance and inclusion that provides a wide set of measures and opportunities to trafficked persons.

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1 This presentation is based on an updated version of excerpts of “Country Report: Italy” by Isabella Orfano, with the assistance of Marco Bufo, in Research based on case studies of victims of trafficking in human beings in 3 EU Member States, i.e. Belgium, Italy and The Netherlands (2003) funded by the European Commission and developed by Payoke (Belgium), Associazione On the Road (Italy) and De Rode Draad (The Netherlands) within the Hippokrates Programme (JAI/2001/HIP/023).

2 Funded in 1990, Associazione On the Road provides support and assistance to sex workers and trafficked persons through structured services (outreach units, drop-in centres, shelters, etc.) managed by trained professionals. Based on a multi-agency approach, On the Road works for the promotion and protection of the human and civil rights of the assisted persons. Within the Italian Social Assistance and Integration Programme for trafficked persons, On the Road offers accommodation and protection; social, health, psychological and legal counselling and assistance; accompaniment to the social and health services; vocational guidance and training; on-the-job training programmes and direct insertion into the labour market. These services are provided also thanks to a wide multi-agency network in the three regions of the Adriatic coast where On the Road directly works (Marche, Abruzzo and Molise): 3 Regions, 8 Provinces, around 100 Municipalities, the Law Enforcement and Judicial agencies, other NGOs, companies, trade unions etc. The Association also manages awareness raising activities, community work, training modules, research and publications and is engaged in national networking and policy development initiatives.

3 We use the word “Non Governmental Organisation” as conventionally employed at the international level, but it is important to highlight that in Italy such a term (“organizzazione non governativa”) specifically refers to the agencies accredited by the Ministry of Foreign Affairs to carry out projects of international cooperation. In this presentation, “NGOs” will then be used to refer to no profit social agencies such as voluntary associations, associations of social promotion, social cooperatives, religious institutions, foundations.
Since 2003 trafficking in human beings is a serious offence provided for in the Italian criminal code. Law no. 228/2003 “Measures against trafficking in persons” complies with the main elements of the UN Protocol since it covers all forms of trafficking, slavery and servitude and contains elements of the crime – violence, abuse of authority, profiting from a situation in which the other person is in a situation of physical or psychological inferiority, as well as internal and cross-border trafficking. The law also provides for the compulsory confiscation of profits deriving from trafficking and the funding of a special assistance programme (named “Article 13 Programme”) with a yearly fund of 2.500.000 euros.

The latter is a three-month programme that, when applicable, may be extended for other three months. The first call for proposals was launched in August 2006 and the first round of 26 funded projects, spread all over Italy, will start off by December 2006. The public or private accredited organisations will offer a set of protection and first assistance measures (accommodation, social and legal assistance, and health care services) to victims of slavery, servitude and trafficking. Once the programme is over, foreign victims can continue to be assisted under the so-called “Article 18 programme”.

The Article 13 Programme, as well as the Article 18 Programme (see below), is managed by the Interministerial Committee for the Implementation of Article 13, that is composed of representatives of the Department for Rights and Equal Opportunities, the Ministry of Justice, the Ministry of Welfare, the Ministry of Interior and by tow representatives of Local Authorities (Regions, Provinces and Municipalities). The call for proposals will be launched yearly by the Department for Rights and Equal Opportunities, which technically and financially runs the Programme. It is important to underscore that each grant – by law – is co-financed by the Department for Rights and Equal Opportunities (80% of the eligible costs) and by local authorities (20%).

The NGOs applying for the funding must involve as project partner a local authority. In order to be eligible for the funding, the NGO or the association must be enrolled in the register of NGOs and bodies carrying out assistance to migrants set up by the Executory Regulation of the Legislative Decree no. 286/98 at the Presidency of the Council of Ministers.

However, due to its quite recent implementation, it is not currently possible to assess the impact and evaluate the results of the anti-trafficking law, both at the judicial and social level. While waiting to verify the effectiveness of the law no. 228/2003 “Measures against trafficking in persons”, it is possible to state that the most effective tool implemented so far in Italy to fight human trafficking is doubtless the art. 18 of the Legislative Decree no. 286 of 1998. Such article has proved to be an effective instrument to support victims of trafficking, investigate the phenomenon, and punish the traffickers. Most of all, it has acknowledged the status of victims of trafficking to thousands of migrant people - women in particular - and provided them with special assistance, protection and a stay permit for humanitarian reasons.

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4 Since 1998 until 2004, 4,289 art. 18 residence permits have been issued (source: Italian Ministry of Interior).
Social Assistance and Integration Programme (Art. 18): how it works

The enactment of the Legislative Decree no. 286/98 (in particular of Article 18) has represented a milestone both in the fields of social policies and the fight against the trafficking in human beings. Through financial support provided by this law, the Italian Government has started to promote, on one hand, the social inclusion of trafficked people, and on the other, the struggle against trafficking and, therefore, setting up the first coordinated and structured programme of social protection of victims of human traffic and strengthening the fight against traffickers and exploiters.

The Legislative Decree no. 286/98 has provided for the implementation of the Programme of Social Assistance and Integration and a set of actions, all managed by the Interministerial Committee for the Implementation of Art. 18 (the same managing body of the Art. 13 Programme). Its assignment is to propose policies, evaluate, fund and supervise the projects of social assistance and integration targeting victims of trafficking.

Since its activation, the Programme has funded 447 projects throughout the country. The call for the submission of project proposals is launched yearly by the Department for Rights and Equal Opportunities, which technically and financially runs the Programme. It is important to underscore that also in this case each grant – by law – is co-financed by the Department for Rights and Equal Opportunities (70% of the eligible costs) and by a local authority (30%).

NGOs, associations and local authorities (Municipalities, Provinces and Regions) yearly submit their project proposal to the Department for Rights and Equal Opportunities. The NGOs applying for the funding must involve as project partner a local authority. In order to be eligible for the funding, the NGO or the association must be enrolled in the register of NGOs and bodies carrying out assistance to migrants set up by the Executory Regulation of the Legislative Decree no. 286/98 at the Presidency of the Council of Ministers.

The Article 18 permit applies to foreign citizens in situations of abuse or severe exploitation where their safety is seen to be endangered as a consequence of attempts to escape from the conditioning of a criminal organisation or as a result of pursuing criminal action against the traffickers. People granted the Article 18 permit are obliged to participate in a social assistance and integration programme offered by various local NGOs and local public authorities funded by the above-mentioned Interministerial Committee. They are also afforded access to social services and educational institutions, enrolment with the State’s employment bureau and are provided access to employment.

5 Within the Programme of Social Assistance and Integration 48 projects were funded in the first call (2000-2001), 47 in the second (2001-2002), 58 in the third (2002-2003), 69 in the fourth (2003-2004), 67 in the fifth (2004-2005), 82 in the sixth (2005-2006), and 76 in the seventh (2006-2007). It is important to underline that most projects have been funded in all seven calls so far launched. In seven calls 447 projects have been funded.
Two separate ways of obtaining the residence permit actually exist. The first one is a judicial procedure (“judicial path”), in which the Public Prosecutor has an important role to play, and the second one is a social procedure (“social path”), involving the local authorities, associations and NGOs as main reference points.

The “judicial path” implies that the victim will cooperate with the police and the prosecutor. She/he will be instrumental in bringing charges against the perpetrator by filing of a complaint.

The “social path” does not require the formal report to the Questura but the submission of a “statement” (containing provable key-information) by an accredited Article 18 agency or by the public social services of a City Council on the behalf of the victim. This is because some victims do not have relevant information about the criminal organisation; or the criminals have already been prosecuted; or “simply” because, at the beginning, they are too scared for their own or their relatives’ safety to press charges. Nonetheless, these factors do not diminish their “victim status” and the need to receive help and support. In the Italian experience many women who began the social path, after having been reassured and having gained new trust in institutions and legality, came to the decision to file a complaint against their traffickers and/or exploiters.

It is possible that, due to the statutory obligation of accusation on the part of the Questura when a notitia criminis is found, also a person within the social path is asked to testify, but not at the very beginning.

Both in the “judicial path” and in the “social path”, a victim or the prosecutor can also request a special evidence pre-trial hearing (incidente probatorio) when there are specific conditions that may jeopardize the trafficked person’s safety or the evidence.

Both methods lead, in the end, to a residence permit for education or for work, allowing the foreigner to remain in Italy in conformity with the regulations governing the presence of non-European Community foreigners.

This is an important starting point, not only because it places the main emphasis on the protection of the victims and on providing a means of escape from exploitation, whether sexual or labour, but also because, from the point of view of fighting crime obtaining the trust of an exploited individual and providing him/her the opportunity to start a new life in Italy is the first step in overcoming fear, threats of vengeance by traffickers, distrust towards institutions and fear of deportation, which often prevent the victim from reporting his/her exploiters.

The Article 18 permit is renewable, and it does not oblige the person to go back home once the programme is over. In fact, if the person has a regular job at the end of the programme, they can remain in Italy accordingly to their work contract’s conditions and, eventually, they can also apply for permanent residency.
Victims of trafficking can directly access a programme of social assistance and integration or they can be referred to an agency running an Art. 18 project through several channels and/or the support of different actors such as: law enforcers, social services providers, voluntary organisations, acquaintances, friends, clients, partners, Numero Verde Nazionale contro la Tratta, outreach units, drop-in centres and so on.

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 centres and assistance providers that offer a so-called “individualised programme of social protection” tailored to the needs of the person sheltered and in compliance with the law.

Within each individual programme various activities and services are provided to the victim:

- Board and lodging
- Social counselling
- Psychological counselling
- Social and health care services accompaniment
- Free legal consultancy and assistance
- Social activities
- Educational and training activities
- Italian language classes
- Education
- Vocational guidance
- Training activities
- Job placement

In some cases a person can be hosted in different phases of her/his individual programme by distinct projects throughout Italy.

In order to support the social and professional inclusion of the victims entered in the programme, vocational training classes can be provided either directly by the organisations or by local agencies. Several models of job insertion of this specific target have been tried out in the last few years. One of the most effective has proven to be the “Formazione Pratica in Impresa – FPI” (Practical Training within Enterprises), conceived by Associazione On the Road. There is also a segment of the target group that prefers to directly access the job market without attending vocational training classes or programmes such as FPI. In these cases, the persons are supported in their job hunting and in their process of job insertion.
Other relevant THB policy measures

Numero Verde Nazionale contro la Tratta 800-290.290 (Toll-Free Hotline)

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 and law enforcement 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 and public institutions responsible for the implementation of projects funded within the Art. 18 Programme. The types of information asked for concerned: Numero Verde, Programme of Social Protection and Assistance, legal advice, socio-sanitary services and addresses. Information is provided in the various languages spoken by the target group, including: English, Albanian, Russian, French, Spanish, Rumanian, Bulgarian.

Other “Azioni di sistema”

In the implementation of the Social Assistance and Integration Programme, the Interministerial Commission also funded other initiatives, within the so-called “azioni di sistema”:

- Printing and distribution of stickers advertising the toll free number in the main languages spoken by the target (included several Nigerian dialects);
- Public awareness campaign to publicize the Numero Verde through radio and TV commercials;
- National seminars aimed at social operators working in agencies running Art. 18 projects;
- The research Trafficking and smuggling in persons for the purpose of exploitation carried out by the Research Centre on Transnational Crime of the University of Trento in collaboration with Ministry of Justice;
- The “Voluntary Repatriation Programme” run by the Italian branch office of the International Organisation for Migration (IOM) in collaboration with the Ministry of Interior.

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6 From July 2000 to March 2006, the Numero Verde received 494.372 calls: 34.92% were “good calls”, the rest were: “calls external to the target group”, “interrupted calls”, and “wrong numbers”. The majority of calls were those of citizens (61%), followed by those of victims of trafficking (11%), relatives (9%), clients (8%), police (7%), exploited sex workers (3%) and suspected persons (1%). These figures need to be interpreted because it is not always easy to clearly distinguish the given categories. For instance, the distinction between a citizen and a client is sometimes problematic since a person usually prefers to present himself as “a citizen” rather than “a client”.
Law enforcement’s practical tools

As far as practical instruments implemented by law enforcement agencies are concerned, the police forces have recently been equipped with special and highly technological devices. The police forces have also increased the number of raids and expulsions of illegal migrants suspected to be involved in the trafficking chains. Sometimes, however, such measures also involve victims of trafficking who are not always informed by the law enforcers about their right to access to a programme of social protection and, therefore, they are immediately repatriated.

Within each Questura (usually within the Immigration Office), the Ministry of Interior has appointed an “unique referent” officer who is responsible for the “Art. 18 cases of human trafficking”. Unfortunately, not all Questure have assigned this task to an officer that, when existing, has proved to play a significant role of interface amongst all relevant actors involved: law enforcement agencies, Ngos, local authorities, national authorities, Numero Verde contro la Tratta and, of course, victims.

Finally, international police cooperation has also been enhanced.

Conclusions

Before the enactment of the Legislative Decree, the institutional response to problems engendered by the growth of trafficking was weak and inconsistent. Immediate forced repatriation and/or temporary shelter was provided to those people who illegally entered Italy and were caught by the police.

Considering the aims achieved at local and national level, we believe that the points of strength of the Article 18 Programme are:

- the global approach which implies the involvement of law enforcement agencies, judicial system, public authorities (Ministries, Regions, Provinces, Municipalities) and ngos at the local, regional and national level; and, therefore, the resulting development of an in/formal network of different agencies engaged in the fight against trafficking and in providing services to victims;
- an approach that conjugates the duty to protect victims with the need to fight against organised crime;
- a real chance for victims to escape trafficking, violence and exploitation and to access social and occupational insertion through specific programmes;

7 Italy has signed 62 agreements with 40 countries in order to exchange know-how and information to counteract illegal immigration. (Particularly relevant it seems to be the agreement signed in Tirana in 1997 with the Albanian Government, according to which all the Albanian citizens, who are found to illegally stay in Italy, can be immediately expelled. Furthermore, an Italian Interforce Police Mission has been established in Albania to supply counselling and operative cooperation in the reorganisation of Albania's police forces, and to reinforce measures to control the Albanian territory.)
the issuance of a special stay permit (for “extraordinary reasons with the possibility of work”\textsuperscript{8}), renewable, that can be converted on a permanent basis for study or work reasons and, thus, allowing victims to become regular migrants and fully-fledged citizens;

- the fact that the above-mentioned opportunities are not necessarily connected with the direct victim’s co-operation with the law enforcement agencies since, along with the so-called judicial path, also a social path is foreseen.

- the considerable rise of arrests and sentences of traffickers and exploiters as a result of the collaboration of people (mainly women) inserted in the Programme, as it has often been pointed out also by the most important representatives of the law enforcement agencies and the Public Prosecutor’s Offices;

- no instrumental use of Article 18 by migrants to legalize their irregular stay on the Italian soil has been detected due to the specific structure of the system in force, as both police sources and scientific studies indisputably have demonstrated\textsuperscript{9}.

- the diversified set of actions implemented by the Interministerial Committee;

There are of course some aspects that need to be taken in serious consideration by the Italian national and local institutions in order to ameliorate the system of social assistance and protection set up and to fill some gaps that still remain between the law on paper and its application:

- the Government should acknowledge the crucial function took on by the Art. 18 agencies as social services providers on behalf of the State. Allocating adequate funding to support the projects is therefore a priority that should be very high in the political agenda. The newly approved anti-trafficking law will provide a “Fund for anti-trafficking measures” that is supposed to increase the annually allocated budget for the Article 18 Programme, nevertheless a more structured and definite provision will probably be more adequate to financially support the Programme;

- it is of utmost importance that the Interministerial Commission for the Implementation of Art. 18 establishes an annual public monitoring and evaluation system of the funded projects to assess the results both on the social and the judicial level, to identify the best practices to assist trafficked persons and, most of all, to set minimum standards required to agencies running the projects;

- the set-up of a more structured national network of the Art. 18 projects is still lacking. Its institution would greatly contribute to share methods and know-how on regular basis and, furthermore, it could supply a sort of national “resource database” to promptly respond to specific needs (accommodation availability, work placement, and so on);

- the application of the law is not fully and homogenously implemented throughout the territory. Some Police Headquarters (\textit{Questure}) in fact apply only the “judicial path”

\textsuperscript{8} Previously it has called “permit for humanitarian reasons” but, due to privacy protection reasons, the \textit{Ufficio del Garante della Privacy} (Office of the Guarantor of the Privacy) imposed the new definition.

\textsuperscript{9} Regione Emilia-Romagna, Associazione On the Road (eds.), \textit{Article 18: protection of victims of trafficking and fight against crime (Italy and the European scenarios)}, On the Road Edizioni, Martinsicuro, 2002.
and, in some cases, they do so only if it is “judicially useful”, thus, on the one hand, not entirely respecting the law and, on the other one, significantly diminishing the effectiveness of the system but, most of all, not respecting the victims’ rights and needs;

- the implementation of a repressive strategy through continuous police raids and forced repatriation do not favour the accomplishment of the aims set by the law. In many cases, in fact, when stopped or deported, victims are not informed of their right to access a social assistance and integration programme;
- the need to implement training activities directed to all professionals employed in the field to proper identify and assist victims of trafficking: social workers, law enforcers, public prosecutors, and so on;
- the legislation does not cover the protection of family members, who may run very substantial risks at home or in other countries. Therefore, changes to this rule are highly recommended to ensure an easier procedure to issue permits for family reunion, regardless of income or other requirements, at least for the victims’ children\textsuperscript{10};
- the Art. 18 Programme has been mainly applied to victims of trafficking for sexual exploitation in prostitution, even though it is directed to all forms of human traffic. It is therefore necessary to fully implement the programme providing services and schemes for victims of other types of trafficking and exploitation;
- multidisciplinary and multi-approach studies, with special regard to the new forms of trafficking and exploitation, are much needed. Furthermore, updated and significant investigations would help to develop efficient and \textit{ad hoc} prevention measures on human traffic and, therefore, to better meet victims’ needs.

The evaluation of Article 18 Programme underlines that it is essential that “the actions of public and private social agencies at local level be not only a sum of actions, but rather - together with any non symbolic/non demagogic work by local administrations and institutions - the core of an organic policy, capable of dealing with the various aspects of the phenomenon”\textsuperscript{11}. 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 and to fight criminal organisations.

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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), 12 or in art. 380 of the Code of Criminal Procedure, 13 or whenever the social services of a local administration, 14 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.

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12 The law on exploitation of prostitution of others
13 Cases in which the police must arrest the offender
14 City Councils or Regions
Law n. 228 dated August 11, 2003

Measures against trafficking in persons

The Chamber of Deputies and Senate approved.

THE PRESIDENT OF THE REPUBLIC

HEREBY PROMULGATES

The following Act:

Art. 1.

(Appendment of Article 600 of the Penal Code)

1. Article 600 of the Penal Code is replaced by the following:

“Art. 600. – (Placing or holding a persons 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, or exploiting him/her in any other way, shall be punished with imprisonment from eight to twenty years.

Placement or maintenance in a position of slavery occur when use is maid of violence, threat, deceit, or abuse of power; or when anyone takes advantage of a situation of physical or mental inferiority and poverty; or when money is promised, payments are made or other kinds of benefits are promised to those who are responsible for the person in question.

The aforesaid penalty becomes harsher, increasing by one third to 50%, if the offences referred to in the first paragraph above are perpetrated against minors under eighteen or for sexual exploitation, prostitution or organ removal purposes”.

Art. 2

(Appendment of Article 601 of the Penal Code)

1. Article 601 of the Penal Code is replaced by the following:

“Art. 601. – (Trafficking in human beings). – Whoever carries out trafficking in persons who are in the conditions referred to in article 600, that is, with a view to perpetrating the crimes referred to in the first paragraph of said article; or whoever leads any of the aforesaid persons through deceit or obliges such person by making use of violence, threats, or abuse of power; by taking advantage of a situation of physical or mental inferiority, and poverty; or by promising money or making payments or
granting other kinds of benefits to those who are responsible for the person in question, to enter the national territory, stay, leave it or migrate to said territory, shall be punished with imprisonment from eight to twenty years.

The aforesaid penalty becomes harsher, increasing by one third to 50%, if the offences referred to in this present article are perpetrated against minors under eighteen or for sexual exploitation, prostitution or organ removal purposes”.

**Art. 3**
*(Amendment of Article 602 of the Penal Code)*

1. Article 602 of the Penal Code is replaced by the following:

   “Art. 602. – (Sale and purchase of slaves). – Whoever, in cases other than the ones referred to in article 601, purchases or sales or transfers any person who is in any of the conditions referred to in article 600, shall be punished with imprisonment from eight to twenty years.

   The aforesaid penalty becomes harsher, increasing by one third to 50%, if the offences referred to in this present article are perpetrated against minors under eighteen or for sexual exploitation, prostitution or organ removal purposes”.

**Art. 4**
*(Amendment of Article 416 of the Penal Code)*

1. The following paragraph is to be inserted after the fifth paragraph of Article 416 of the Penal Code:

   “If the above-mentioned association aims at perpetrating one of the crimes referred to in Articles 600, 601, and 602, imprisonment from five to fifteen years shall be provided for in all cases referred to in the first paragraph, and from four to nine years in all cases referred to in the second paragraph”.

**Art. 5**
*(Fines applicable to legal persons, corporations and associations for offences against individual personality)*

1. The following paragraph is to be inserted after Article 25-**quater** of the government decree n. 231 issued under parliamentary delegation on June 8, 2003:

   “Art. 25-**quinquies**. – (Offences against individual personality). – 1. With reference to the perpetration of the offences referred to in Section I of Heading III of Title XII of Book II of the Penal Code, the following fines shall apply to corporations:

   a) For the offences referred to in Articles 600, 601 and 602, a pecuniary penalty amounting to one thousand shares;

   b) For the offences referred to in articles 600-**bis**, first paragraph, 600-**ter** first and second paragraph, and 600-**quinquies**, a pecuniary penalty ranging from three hundred to eight hundred shares;

   c) For the offences referred to in articles 600-**bis**, second paragraph, 600-**ter**, third and fourth paragraphs, and 600-**quater**, a pecuniary penalty ranging from two hundred to seven hundred shares.

   2. In the event of conviction for any of the offences referred to in paragraph 1, letters a) and b) above, the disqualifying sanctions referred to in article 9, paragraph 2 shall apply, for at least one year.

   3. Should the corporation or one of its organisational units be exclusively or mainly run with a view to allowing or facilitating the perpetration of the crimes referred to in paragraph 1, irrevocable disqualification from practicing the activity in question shall apply, under Article 16, paragraph 3”.

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Art. 6

(Amendments to the Code of Criminal Procedure)

1. The Code of Criminal Procedure is amended as follows:

a) The words “600, 601 and 602” of article 5, paragraph 1, letter b) are deleted;

b) The words “416, sixth paragraph, 600, 601, 602” are added before the words “referred to in articles” of Article 51, paragraph 3-bis.

c) Number “602” is added after the words “by articles”, and number “602,” is added after number “601” of article 407, paragraph 2, letter a), number 7-bis).

Art. 7


1. Numbers “600, 601, 602,” are added after the words “513-bis, 575” in Article 7, first paragraph of Law n. 575 dated May 31, 1965 and subsequent modifications.

2. Numbers “600, 601, 602,” are added after the words “referred to in articles” in Article 14, paragraph 1, of Law n. 55 dated March 19, 1990 and subsequent modifications.

3. The words “416-bis” of Article 12-sexies, paragraph 1, of the decree-law n. 306 dated June 8, 1992, converted and amended by Law n. 356 dated August 7, 1992 and subsequent modifications, are replaced by the words “416, sixth paragraph, 416-bis, 600, 601, 602”.

Art. 8


1. The words “600, 600-bis, 600-ter, 600-quater, 600 quinquies, 601, 602” are added after the words “in articles”; and the words “and referred to in article 3 of Law n. 75 dated February 20, 1958” are added after the words “Penal Code” in Article 10 of the decree-law n. 419 dated December 31, 1991, converted and amended by Law n. 172 dated February 18, 1992, paragraph 1.

2. If the offended party is a minor, the provisions of the last sentence of paragraph 3 of Article 14 of Law n. 269, dated August 3, 1998 shall apply.

Art. 9

(Provisions concerning the interception of conversations or communications)

1. With reference to any proceeding concerning the offences referred to in Book II, Title XII, Heading III, Section I of the Penal Code, as well as in Article 3 of Law n. 75 dated February 20, 1958, the provisions of Article 13 of the decree-law n. 152, dated May 13 1991, converted and amended by Law n. 203 dated July 12, 1991 and subsequent modifications shall apply.

Art. 10

(Undercover activities)

1. With reference to any proceeding concerning the offences referred to in Book II, Title XII, Heading III, Section I of the Penal Code, as well as in Article 3 of Law n. 75 dated February 20, 1958, the provisions of Article 4, paragraphs 1, 2, 4, 5, 6, and 7 of the decree-law n. 374, dated October 18, 2001, converted and amended by Law n. 438 dated December 15, 2001 shall apply.

2. This, without prejudice to the provisions of Article 14 of Law n. 269, dated August 3, 1998.
Art. 11
(Provisions pertaining to the penitentiary system and concerning prosecution witnesses)

1. In Paragraph 2 of Article 9 of the decree-law n. 8 dated January 15, 1991, converted and amended by Law n. 82 dated March 15, 1991 and subsequent modifications, the words “and in articles, 600-bis, 600-ter, 600-quater, and 600 quinquies of the Penal Code” are added after the words “referred to in article 51, paragraph 3-bis of the Code of Criminal Procedure”.

2. In Article 16-None of the above-mentioned decree-law n. 8 dated 1991, the following point is added after paragraph 8:

“8-bis. The provisions of this present article also apply, as they are compatible, to any person convicted for any of the crimes referred to in Book II, Title XII, Heading III, Section I of the Penal Code, who may collaborate with the prosecution, even after conviction, and meeting the requirements envisaged by Article 9, paragraph 3”.

Art. 12
(Anti-trafficking measures Fund)

1. As from the date this present Act comes into effect, an anti-trafficking measures Fund is hereby established by the Prime Minister’s Office.

2. Said Fund shall be used to finance support and social integration programmes for trafficking victims, and for all other social protection purposes referred to in article 18 of the Amalgamated Law consolidating the provisions concerning immigration regulation and the status of aliens of Legislative Decree n. 286 dated July 25, 1998.

3. The following resources shall be appropriated for the Fund referred to in paragraph 1 above: the amounts appropriated under Article 18 of the Amalgamated Law referred to in Legislative Decree n. 286 dated July 25, 1998; all confiscated proceeds of crime under seizure orders following conviction or plea bargain for any of the offences envisaged by Articles 416, sixth paragraph, 600, 601, and 602 of the Penal Code; all confiscated proceeds of crime seized, for the same offences, under article 12-sexies of decree-law n. 306 dated June 8, 1992, converted an amended by Law n. 356 dated August 7, 1992 and subsequent modifications, departing from the provisions of paragraphs 4-bis and 4-ter of the aforesaid article.

4. In Article 80, Paragraph 17, letter m) of Law n. 388 dated December 23, 2000, the following words are added at the end: “, except from any amount appropriated under Article 18”.

5. Paragraph 2 of Article 58 of the regulation referred to in Presidential Decree n. 394, dated August 31, 1999 is abrogated.

Art. 13
(Launching of a special support programme for the victims of the offences envisaged by Articles 600 and 601 of the penal Code)

1. Excepting all cases envisaged by Article 16-bis of decree-law n. 8 dated January 15, 1991, converted and amended by Law n. 82 dated March 15, 1991 and subsequent modifications, a special support programme is hereby launched for the victims of the offences envisaged by Articles 600 and 601 of the Penal Code, as replaced by Articles 1 and 2 respectively of this present Act. Said programme shall be carried out within the limits of the resources referred to in Paragraph 3; it shall aim at temporarily guaranteeing adequate accommodation, food and healthcare conditions to the aforesaid victims. The above-mentioned programme shall be defined by a regulation to be adopted under Article 17, paragraph 1, of Law n. 400 dated August 23, 1988, upon the proposal of the Minister for Gender Equality, liaising with the Minister of the Interior and the Minister of Justice.

2. Should the victim of any of the offences referred to in articles 600 and 601 of the Penal Code be an alien, there shall be no prejudice to the provisions of Article 18 of the aforementioned Amalgamated Law referred to in legislative decree n. 286 of 1998.
3. The costs entailed by the enforcement of this present article, amounting to 2.5 million Euros per year as of 2003, are covered by proportionally reducing the 2003-2005 budget appropriation written in the current fund “Special Provision” base previsional unit of the Ministry of the Economy and Finance’s forecast for 2003, by partially utilising the provision pertaining to the above-mentioned Ministry.

4. The Minister of the Economy and Finance is hereby authorised to issue, by decree, any budget supplementary estimate required.

**Art. 14**
*(Preventive measures)*

1. With a view to improving the effectiveness of preventive actions targeting offences such as enslavement, continuing enslavement or servitude, as well as all offences concerning trafficking in human beings, the Minister of Foreign Affairs defines cooperation policies with the countries that are confronted with said crimes, taking into account their cooperation contribution as well as their awareness vis-à-vis human rights protection issues; the Minister of Foreign Affairs, liaising with the Minister for Gender Equality, also organises international meetings and information campaigns, even in the Countries of origin of most trafficking victims. With the same purpose, the Minister of the Interior, the Minister for Gender Equality, The Ministers of Justice, Work and Social Policies may organise, if necessary, training courses for the relevant staff and any other useful initiative.

2. The implementation of this present article should not entail any further cost to be charged to the State Budget.

**Art. 15**
*(Coordination provisions)*

1. In Article 600-sexies, first paragraph, of the Penal Code, the words “as well as by articles 600, 601, and 602” are added after the words “600-quinquies”.

2. In Article 600-sexies, second paragraph, of the Penal Code, the words “as well as articles 600, 601 and 602 if the offence is perpetrated against a minor” are added after the words “600-ter”.

3. In Article 600-sexies, fourth paragraph, of the Penal Code, the words “as well as articles 600, 601 and 602” are added after the words “600-ter”.

4. Finally, the following paragraph is added to article 600-sexies of the Penal Code:

   “Any mitigating circumstance other than the one envisaged by Article 98, concuring with the aggravating circumstances referred to in the first and second paragraphs, cannot be considered as equivalent or prevailing with respect to the latter, and punishment mitigation is to be calculated based on the harsher punishment resulting from consideration of the above-mentioned aggravating circumstances”.

5. Article 600-septies of the Penal Code is replaced by the following:

   “Art. 600-septies. – (Confiscation and ancillary punishments). In the event of conviction, or of plea bargain under Article 444 of the Code of Criminal Procedure, for all crimes referred to in this present section, without prejudice to the right of repayment and compensation for damage of any offended person, confiscation is envisaged under Article 240 and, when it is not possible to confiscate the proceeds of crime, confiscation of the offender’s property, up to the equivalent value of the aforementioned proceeds is envisaged. In any case, the shut-down of any business whose activity aims at perpetrating the offences referred to in this present section is prescribed, as well as the revocation of the relevant trade licences, or concessions or television and radio broadcasting licences”.

6. In the first paragraph of Article 609-decies of the Penal Code, the following: “600,” is added after the words “by articles”, and the following: “601, 602,” is added after the words “600-quinquies”.

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7. In Article 392 of the Code of Criminal Procedure, paragraph 1-bis, the following: “600,” is added after the words “in articles”, and the following: “601, 602,” is added after the words “600-quinquies”.

8. In Article 398 of the Code of Criminal Procedure, paragraph 5-bis, the following: “600,” is added after the words “by articles”, and the following: “601, 602,” is added after the words “600-quinquies”.

9. In Article 472 of the Code of Criminal Procedure, paragraph 3-bis, the following: “600,” is added after the words “by articles”, and the following: “601, 602,” is added after the words “600-quinquies”.

10. In Article 498 of the Code of Criminal Procedure, paragraph 4-ter, the following: “600,” is added after the words “in articles”, and the following: “601, 602,” is added after the words “600-quinquies”.

Art. 16
(Transitional provisions)

1. The provisions of paragraph 1, letter a) of Article 6 only apply to offences perpetrated after this present Act’s effective date.

2. The provisions of paragraph 1, letter b) of Article 6, only for the purpose of designating the offices playing the role of Public Prosecutor, or examining judge, or pre-trial examination magistrate, do not apply to those proceedings in which the crime notification to the judicial authority is registered as per Article 335 of the Code of Criminal Procedure before this present Act’s effective date.

3. The provisions of paragraph 2, Article 7 do not apply to prevention proceedings that are already pending the day this present Act takes effect.

This present Act, bearing the Great Seal of this State, shall be included in the official Collection of the Italian Republic Legislative Acts. All relevant actors shall comply with and enforce it as a Law of the State.

Date: La Maddalena, on the 11th day of August 2003.

CIAMPI

BERLUSCONI, Prime Minister
PRESTIGIACOMO, Minister for Gender Equality
CASTELLI, Minister of Justice

Endorsed by Mr. CASTELLI, Minister of Justice