

Trafficking of Women in Italy

Alternative Periodic Report to CEDAW

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ASSOCIAZIONE COMUNITÀ PAPA GIOVANNI XXIII

The Associazione Comunità Papa Giovanni XXIII (APG23)¹ is an International Catholic NGO, accredited with Special Consultative Status to the Economic and Social Council (ECOSOC) since 2006. All APG23 activities and initiatives involve direct sharing with the poorest and most vulnerable people, with the intent to alleviate their suffering in the short term but also to remove the causes of marginalisation and injustice.

APG23 works in almost every region of Italy with anti-trafficking street units²: from 2016 to 2019, APG23 got in touch every year with 10,000 victims of human trafficking, more than 1000 new every year. APG23 implements a lot of specific projects and initiatives of social inclusion for survivals of prostitution, sexual exploitation and trafficking. In all these projects it is always crucial the recognition of the dignity of the women and the necessity to ensure the fulfilment of all their human rights through their integration and also by addressing the root causes that prevent their achievement.

RIGHTS OF WOMEN ENSLAVED INTO PROSTITUTION

The violence that is found in the prostitution system is not isolated: there are disturbing connections between the behavioural patterns of consumers in the prostitution circuit and the many inside and extra familiar violence. The prostitution system is only the tip of the iceberg

¹ <https://www.apg23.org/en/>

² The regions where APG23 has worked in 2019 anti-trafficking street units are: Abruzzo, Campania, Emilia Romagna, Lazio, Liguria, Umbria, Marche, Piemonte, Puglia, Toscana, Sardegna and Veneto.

of the severe virulent and aggressive infection that permeates other layers of society, namely discrimination and violence against women³.

Although in Italy there are two rules that protect women victims of trafficking for sexual purposes (Art.18 Dlgs286/1998⁴ and Art.13 L.228/2003⁵) there are still some vacant aspects of the protection of victims of trafficking for sexual purposes.

1. Access to health.

In Italy, as specified in the National Action Plan against trafficking and serious exploitation 2016-2018⁶, all persons included in recovery and social integration programs have the right to be enrolled in the National Health Service. Today, in the health emergency we are facing, having a general practitioner is essential more than ever. However, the access to the health system remains problematic due to the residence problem (not always easy to obtain) and to linguistic and computer access problems.

Sexually trafficked women are subjected to violence by traffickers, exploiters and clients, throughout their lives which endangers their physical and mental health. This is why, as soon as they can leave the prostitution, they are immediately taken for health screening, with particular attention to those who are pregnant. However, doctors are not always competent to help these girls as there are no specific national protocols and guidelines for sex trafficking victims.

The APG23 experience shows that the protection of the right to health is not guaranteed for women who are still victims of trafficking, except in the case of access to the hospital emergency room after violence suffered by clients during intercourse or by exploiters, and for forced abortions after women become pregnant since many clients ask to have sex without a condom. There is no training in Italy for medical staff who come into contact with these women, specifically for adult ones, to recognise them as victims of trafficking, to facilitate the emergence of violence and the taking into account of social services and anti-violence agencies. As a result, these women are treated or have abortion and then they return to a life of exploitation and violence.

In addition to the physical aspect, a very important part is the psychological trauma that the experience of trafficking produces in women. Trafficking experiences are deeply traumatic, and many survivors demonstrate several symptoms of complex traumatising which make victims deficient in the areas of socialisation, the ability to cope with a work rhythm and to build functional and effective interpersonal relationships. Unfortunately, long-term psychological assistance is not easily guaranteed, and at the same time there are few professionals and therapists adequately trained in ethno-psychological and ethno-psychiatric issues. These two aspects are often added up to the difficulty of caring for victims, who experience psychological support in a hostile and sometimes even threatening way, since it

³ Irene Ciambenzi in Non siamo in vendita. Schiave adolescenti lungo la rotta libica. Storie di sopravvissute. (Not for sale. Teenage slaves along the Libyan route. Stories of survivors.) SEMPRE publisher, 2018. Pages 134-136

⁴ <https://www.camera.it/parlam/leggi/deleghe/98286dl.htm>

⁵ <https://www.gazzettaufficiale.it/eli/id/2003/08/23/003G0248/sg>

⁶ D.lgs.286/98 art. 35, comma 3: "The Ministry of Health, plays a role of guidance aimed at making uniform assistance to victims of trafficking throughout the country with regard to the medical care that our country is able to ensure and how it is delivered, with particular attention to vulnerable persons, taking into account gender issues (e.g. pregnant women or victims of violence, minors...)"

does not fit into their social and cultural categories.⁷ Most of the time, in order to have a suitable accompaniment, the girls are forced to access private services.

- How has Italy guaranteed the right to health to women victims of trafficking, trying to overcome bureaucratic (residence), linguistic and IT difficulties?
- How does Italy promote the emerging of trafficking victims reports through access to the hospital?
- What public psychological accompaniment plan is guaranteed in Italy for victims of trafficking, with particular attention to ethno-psychological and ethno-psychiatric care? Is this accompaniment system guaranteed throughout the country?

2. System monitoring and specific pathways for victims of trafficking in indoor prostitution and webcam exploitation.

Since the lockdown in March 2020, the APG23 anti-trafficking operators have noted a drastic decrease in the presence of women on the street: in 2017 almost 4,000 women in a single night were present on the street in the most part of the national territory covered by the APG23 first contact units and the street units of the National Anti-Trafficking Helpline; but in June 2020, only 1995 people were observed, half of them were mostly women from the East Europe⁸ and South America⁹. In addition, in 2020, there was an increase in the number of advertisements for paid sexual services online via dating sites, advertisements for body massages in online newspapers, apps exclusively accessible to men for erotic services behind webcams, and forums. Women who engage in indoor or web-based prostitution escape all possibility of identification and contact with organisations that could protect them and help them in the redemption and restoration of their fundamental rights. Postal and telecommunications police relating to child prostitution and online child pornography have multiplied, but leave the adult world more exposed.

- What measures has the Italian government put in place to monitor and combat indoor and web-based prostitution? Both to minor and adult women.

3. Lack of specific focus on women victims of trafficking with regard to the EU Dublin III Regulation¹⁰.

Many times, women are identified as victims of trafficking in the European country where they live, but then, due to the Dublin III Regulation, they are returned to the first European country where they applied for international protection in order to complete the bureaucratic process. In this way, many women, most of them pregnant or with children, have to leave the protection

⁷ Irene Cimbezi, Accoglienza, protezione e assistenza sanitaria: la tutela delle vittime ai tempi del Covid (pag.62-65). In sanità senza frontiere, Il corriere della salute migrante di tutti, 2020 edition

⁸ Romania, Bulgaria, Albania

⁹ Peru and Brazil

¹⁰ EU Regulation n. 604/2013 of the European Parliament and Council, 26th June 2013, establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection submitted in one of the Member States by a third-country national or by a stateless person

system and return to Italy or Spain where the anti-trafficking networks have not been alerted. These women have a high rate of finding themselves alone, without legal and social accompaniment to protect them from becoming victims of prostitution again.

In Europe, APG23 and other European NGOs initiated a European project to address this problem faced by women. The project SISA¹¹ envisages the creation of a transnational network of assistance and protection for victims and their children between Germany, Italy and Spain.

- What measures has the state put in place to protect mothers and children who are victims of trafficking from other European countries and who are deported to Italy, under the Dublin III Regulation?

4. The national action plan against trafficking and serious exploitation 2018-2021 has not been prepared.

The last plan launched covered the period 2016-2018. In 2019, the state collected opinions and additions from national social organisations and public bodies, and it was only at the end of 2020 that the Steering Committee was convened, which should quickly identify elements to renew the previous National Plan (2016-2018). Italy is now two years behind schedule in developing the guidelines. The draft is ready, but everything is stalled as at the political level the country is divided between the protection of women victims of prostitution and the desire of some politicians to recognise the rights of sex workers, even though national¹² and international¹³ legislation prohibits the prostitution of women. Moreover, this political stalemate has no reason to exist since the Constitutional Court, in its ruling 141 of 2019¹⁴, recognised that prostitution is never a totally free act as the sale of the service puts the woman in a level of subordination and therefore violence.

- Which steps is the Italian government taking to facilitate the drafting of the 2019-2021 anti-trafficking plan?

5. Adequate implementation of laws to facilitate the emergence and recovery of women forced into prostitution from EU countries (Bulgaria, Romania) and European states (Albania).

Trafficking has always seen a high number of women from Nigeria, but in recent years many women have come from EU countries or European states. These women have different needs than African women, in fact they do not need documents to regularise their presence in Italy and therefore it is more difficult to approach them in order to help them emerge from the violence they have suffered. Despite the fact that Article 13 of Law 228/2003 gives attention to women victims of trafficking for sexual purposes from the EU, and therefore not asylum seekers, in reality there is no adequate system for identifying and helping these women as

¹¹<https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/org-details/999999999/project/958004/program/31077795/details>

¹² Legge Merlin, legge n.75 del 1958

¹³ Convenzione sulla soppressione del traffico di persone e lo sfruttamento della prostituzione altrui (1949)

¹⁴ <https://www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=2019&numero=141>

almost all energies are directed towards women victims of trafficking who are asylum seekers. In addition, once Bulgaria and Romania joined the EU, all agreements to combat sex trafficking between these countries and Italy came to a standstill, believing that membership of the same international organisation was sufficient to combat the phenomenon. In reality, the free movement of people has increased trafficking in women.

- Which actions adapted to the new scenarios has Italy implemented to help women victims of sexual exploitation from the EU and other European countries?
- What agreements have been drawn up between Bulgaria, Romania and Albania to combat trafficking in women for sexual purposes?

6. Lack of structured protocols between Territorial Commissions¹⁵ and anti-trafficking bodies¹⁶.

In January 2021, the Guidelines for the identification of victims of trafficking among applicants for international protection and Referral procedures by Territorial Commissions were updated. Under the European Directive 2011/36/EU transposed by Legislative Decree no. 24 of 2014, the guidelines clarify more precisely both the vulnerability of victims that makes it difficult to identify them, the irrelevance of the victim's consent in case of the use of means of coercion, and specific assistance measures for minors. In spite of this update, in practice the fact that there are no structured protocols between territorial Commissions and anti-trafficking bodies makes it difficult to provide a pathway that goes beyond identification and that protects the person trafficked for prostitution purposes in his/her application for international protection. In fact, many people, even if identified as victims, are not protected and therefore return to the world of sex trafficking.

- How is the emergence, recognition and referral of a victim of trafficking for sexual purposes ensured when applying for international protection?

7. Slowdown in the collection of reports of trafficked persons and in the subsequent investigations and arrests.

In several Italian Police Headquarters, APG23 operators reported a slowdown in the collection of reports on victims of human trafficking and on the subsequent investigations. Some criticalities are explained as a lack of personnel and as different priorities of the anti-crime sections, changed following the terrorist attacks in Europe from January 2015 until today. Moreover, during the previous Conte government (01/06/2018-04/09/2019), more attention was paid to drug trafficking and dealing¹⁷.

¹⁵ The Territorial Commissions are the bodies responsible for examining applications for international protection, appointed by decree of the Minister of the Interior. They are chaired by an official from the prefectural career (with the title of Vice-Prefect) and composed of administrative officials specialised in asylum matters and a representative of the UNHCR (United Nations High Commission for Refugees).

¹⁶ Entities accredited for the implementation of assistance and social integration programmes are those recorded in the Register of Entities and Associations that are carrying out activities in favour of immigrants, established at the Ministry of Labour and Social Policies, as validated by Presidential Decree 394/1999 (Art. 52, 53, 54).

¹⁷ https://www.interno.gov.it/sites/default/files/2020-11/direttiva_commercializzazione_di_canapa_maggio_2019.pdf

Some important anti-mafia operations ended during the Covid-19 emergency, probably due to the inevitable reduction of other normally prioritised crimes (terrorism, drug trafficking)¹⁸. There are many examples where criminal organisations dealing in drugs have been dismantled and investigations have focused on those involved in the exploitation of prostitution¹⁹. Often, however, the victims of prostitution remain only a part of the activities to combat ethnic criminal networks and, if they do not have proper documents, they are sent back to their country of origin, therefore not entering a protection system but remaining on the functional margins of the investigations themselves. If women do not request referral to support structures or are not intercepted by Anti-Trafficking agencies, they fall back into prostitution with no expectation of redemption for their lives by continuing to move from one boss to another. In terms of arrests, there has been an increased focus on the Nigerian mafia. In this respect, the fruits of the investigations were harvested in early 2020. In many cases, the convictions took place 4-5 years after the victims' complaints, making it very difficult to find them still available to attend the end-of-trial hearings, because they had finished the protection programme or had changed city. The delays in investigations also create problems in arresting the madams who escape to European countries and continue their work as exploiters²⁰. Finally, delays in investigations also occur in the case of feminicides of girls forced into prostitution²¹.

8. Targeted actions to raise awareness and rehabilitate clients of women who are victims of sexual exploitation.

There are no interventions aimed at clients of women victims of sexual exploitation despite being required in the Directive 2011/36/EU *on the prevention and repression of trafficking in human beings and the protection of victims*, and the Council of Europe *Convention on the prevention and the fight against violence against women and domestic violence* (Istanbul Convention). The rehabilitation of people who use prostitution is proposed - albeit in a fragmentary way - only in the Centres for abusive men linked to cases of domestic violence and not to cases of violence in prostitution and sexual exploitation of trafficked women.

- How does the Italian Government plan to implement directive 2011/36/EU and the Istanbul Convention with respect to recovery paths aimed at clients who use prostitution?
- What awareness-raising plans does the Italian government have in place to sensitize the people that taking advantage of prostitution is equivalent to carrying out violence against women?

9. A path to combat prostitution that starts with the punishment of the client.

The EU recommended member states to implement the Honeyball Resolution²². The increase in demand creates an unacceptable imbalance between men and women at an intra-family,

¹⁸ <http://www.interno.gov.it/it/notizie/operazione-polizia-stato-contro-organizzazione-criminale-nigeriana>

¹⁹ https://firenze.repubblica.it/cronaca/2020/09/17/news/firenze_droga_smantellata_organizzazione_albanese_decine_arresti_sequestro_tonnellate_cocaina-267578495/ ;

²⁰ <https://questure.poliziadistato.it/it/Ferrara/articolo/13545ec7d15a59295001991623>

²¹ <https://www.modenaindiretta.it/operazione-fossalta-blitz-polizia-droga-prostituzione/>

²² European Parliament Resolution on sexual exploitation and prostitution and their consequences for gender equality of February 2014

social and equal opportunity policy level, leading to an increase in sexual harassment in the workplace, domestic violence, child abuse, and even femicide, in how much the idea is spreading that the man can exercise a "right of property" over the woman's body. Survivors of trafficking and sexual exploitation in the prostitution industry for years testify that the purchase of paid sexual services involves violence for women. Italy is among the countries that have not yet implemented the Resolution.

- What actions does Italy plan to take to implement and implement the Honeyball Resolution?

10. Femicide.

In total, in three years, we have become directly aware of 9 femicide's victims. The number may seem small compared to the total of femicides in Italy in the three years (206 women²³). Nevertheless, we would like to bring to light on these data as these victims live a double suffering: after being killed, without having a network, they find themselves abandoned both in the report of disappearance, and then in the procedures to give them a dignified burial. In many cases, if APG23 was not present, these women would remain for months and even for years in the morgue because of investigations. Once these are finished, there is no one who cares about their future. They are, therefore, women who are enslaved in their lives and once they are used and then dead, they are forgotten.

Regarding the Burial of the corpse, the bodies of girls enslaved to prostitution are not claimed by anyone and many times it is difficult to identify them because the exploiters hand the girls' documents. Since there is no social network around them, no one takes care of this aspect and the institutions do not have guidelines on how to deal with the burial of the body, leaving the body in the morgue for months or even years. In this case, the presence of APG23 in the territory has proved to be fundamental, since it facilitates the identification of the victim and the collaboration with institutions to provide for the burial or repatriation of the body. This is carried out thanks to the work of monitoring criminal activity, the establishment of a relationship with prostituted girls and the collaboration with institutions to save women from racketeering. Most women are foreigners and APG23 seeks to activate the repatriation of the corpse so that they can return the corpse to their loved ones and restore dignity to these women. This act of repatriation has been seen to be important both from a moral point of view, but above all it allows monitoring and awareness actions to be carried out. It helps to monitor because most of the time families are accomplices of their daughter's slavery and therefore having contacts with family members can help to combat trafficking in women; concerning the awareness raise, the action of bringing back the dead body of a woman as well as her whole story can be a warning to other girls to prevent them from entering the world of prostitution.

- Which national procedure have Italy taken for the burial and repatriation of murdered prostituted women?

²³ <https://femminicidioitalia.info>

Many of these aspects indicated by APG23 are recognized in 2019 by the US State Department which in the Trafficking in Persons 2019 report²⁴ downgrades Italy to the Tier2 group together with countries such as Albania, Zimbabwe, Mozambique and Zambia. This downgrading is not worthy of a country like Italy which should be a model country for the protection of human rights and in particular of women.

²⁴ <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>