

Policies and social practices to

FIGHT AGAINST TRAFFICKING OF HUMAN BEINGS

GUIDELINES

for social and institutional operators
for enhancing victim
protection and inclusion





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CARTT, A 18 -MONTHS LASTING JOURNEY

CARTT is proof that a good seed always leads to a good harvest. The partners of this project have enhanced this tool, made available by the European Union, to highlight the most important capital at their disposal, the human capital.

The series of workshops, the handbook, the International antimafias Caravan against human trafficking and the working camp of Rosarno have developed a real network of people who will be able to go beyond their technical collaboration. We too contributed to build an - albeit small - piece of Europe. ARCI, the Ligue d'enseignement, Libera, Inizjamed and Parada, with the cooperation of different actors who, although not formally being partners, have supported the project (the Spanish Casal des Joves, Avviso Pubblico - the network of local administrators for civic engagement against Mafia, the Italian trade unions confederation), have in recent months made an interesting co-operation that has managed to question, transform and innovate itself.

In days like these, in which the indissoluble link between the issue of the rights of migrants and the oppressive action of the merchants of men and women, seems to be so obvious that it cannot be hidden from the lazy eyes of indifference, partners organizations have shared best practices to counter new forms of slavery. Obviously, starting from their own structures and figures, those of participation, solidarity and inclusion. The International antimafias Caravan narrated and denounced situations but also highlighted the positive actions that are or should be made from Italy to France, Spain, Malta, Romania.

The intertwining link between criminal activities, the frequent lack of appropriate welfare policies and a reduction of rights cause the exploitation, the barbarism and the neutralisation of the human being as much as wars and persecutions do and we cannot hide what happens in places of “peace” behind the latter. After all that “it is too far away from me”, which concerns the ethnic,



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religious and political conflicts, cannot be the excuse for not wanting to seek “a closer to me”, which the caravan, traveling, crossing territories, meeting people, seeks precisely to do. The workshops were intended to compare the topics and understand the issues. Each partner identified a different problem, only to discover that, albeit in different forms, the issues are interchangeable.

Finally Rosarno, a field in southern Italy, in Calabria where precariousness and innovation, critical models of detachment (Rosarno fact) and fair models of reception (Riace) walk alongside. A laboratory made from human beings for other human beings. People who no longer want to count slaves in the streets, in the fields, in the workplace, introduced - as a commodity scrap - by land, sky and sea. One million people in slavery or at least as one defines trafficking in human beings under the Charter of Palermo, is a blow to Europe that wants to be called democratic, civil, is a bubble intended to explode if not covered, ruled, passed .

The European Convention on combating human trafficking is more of a signal, nevertheless it requires a concrete application by all Member States and a concrete and conscious support by people.

It is asked by the workers of Cerignola, by the Syrians who were shipwrecked in the Mediterranean between Malta and Sicily, by the women coming from the East to the street corners of the West, by children living oppressed childhood as the manholes of Bucharest, by the marginalised and exploited people sold in the South of the world who are reduced to a bar code, goods not even good enough to be accumulated.

Alessandro Cobianchi
CARTT Project Manager



PURPOSE AND SCOPE OF THE GUIDE

The partners of CARTT – Arci and Libera, (Italy) Inizjamed (Malta), Ligue de L'Enseignement (France) and Parada (Romania) - are committed in the different member states in realizing and addressing policies to increase public awareness and implement fight against trafficking. They are conscious about the value of victims as human being and their fundamental contribution in combating criminal organisations and all the illegal activity and economy generated thanks to the trafficking.

This handbook aims to sustain and counsel social and institutional operators in identifying and realize the best practices, actions and methods for the recognizing, monitoring, prevention and fight against human trafficking in order to propose policies, programs and strategies to the attention of national and European policy makers.

This guide has been designed to provide non government organizations and local institutional authorities all over Europe (both social operators and welfare national system managing personnel) with practical aid to understand and implement European directives and strategies on fighting human trafficking and to take action accordingly - in particular from the viewpoint of forced labour, children and women protection - some fundamental issues with which European societies has been dealing throughout theirs history. Another purpose of the guide is to highlight the broad spectrum of rights - human, civil and social - that are relevant to combating trafficking in persons. A further purpose of this publication is to demonstrate the importance of immigration and labour law, especially with regard to the identification, protection and rehabilitation of victims. Hence, this guide proposes a multi-faceted approach to combating and preventing human trafficking, by including a broad range of useful practical methods and standards of cooperation between different social and institutional actors.

Finally, this handbook would be a tool to strength the role of civil society of



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the member states in addressing local and national economical, political, and institutional key actors in cooperating against trafficking among the UE legal and strategic framework, due to facilitate the creation of partnerships and synergies.



BACKGROUND

NUMBERS AND MAIN CHARACTERS

Trafficking in human beings is the slavery of our times. All over Europe and through Mediterranean sea, victims are often recruited, transported or harboured by force, coercion or fraud in exploitative conditions, including sexual exploitation, forced labour or services, begging, criminal activities, or the removal of organs. It ought to concern every person, because it's a debasement of our common humanity. It ought to concern every community, because it tears at the social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime.

It is a severe violation of individual freedom and dignity and a serious form of crime. It occurs all over the world and affects almost every country as an origin, transit or destination country - or sometimes a combination of all. Despite the efforts of many, trafficking in human beings is a daunting plague on a vast scale across the world. Victims are hidden away in private homes, in illegal establishments, in factories, on farms, behind closed doors, in families, houses and other places in the cities, villages and slums of the world's richest and poorest nations. The situation is not improving but is very probably getting worse. Trafficking in human beings is a complex transnational phenomenon rooted in vulnerability to poverty, lack of democratic cultures, gender inequality and violence against women, conflict and post-conflict situations, lack of social integration, lack of opportunities and employment, lack of access to education, child labour and discrimination.

On the information governments have provided, only around 40,000 victims have been identified in the last year. In contrast, social scientists estimate that as many as 27 million men, women, and children are trafficking victims at any given time. This shows that a mere fraction of the more than 26 million men, women,



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and children who are estimated to suffer in modern slavery have been recognized by governments as such and are eligible to receive the protection and support they are owed.

Data collected by the Commission in September 2011 on victims of human trafficking, police investigations, prosecutions and convictions is currently being analysed in terms of gender, age, form of exploitation and citizenship. Three quarters of registered victims were trafficked for sexual exploitation (an increase from 70 per cent in 2008 to 76 per cent in 2010) and the rest for labour exploitation (a decrease from 24 per cent in 2008 to 14 per cent in 2010).

The latest estimates from the International Labour Organization of June 2012 covering the period 2002-2011 put the number of victims of forced labour, including forced sexual exploitation, to 20.9 million at a global level, with an estimated 5.5 million children being trafficked.

A lucrative form of crime, trafficking in human beings generates profits of dozens of billions of euro for the perpetrators each year. Estimated global annual profits made from the exploitation of all trafficked forced labour are US\$ 31.6 billion. Of this, US\$ 15.5 billion, that is 49 per cent, is generated in industrialised economies.

In Romania, according to the statistics, in the first half of 2014, 311 victims out of 448 were female, 160 of whom younger than 18 years. Of these, 262 were sexually exploited, 141 were exploited for labor and 45 for begging, pornography and were forced to commit theft¹.

Analyses of human trafficking for the first half of 2014, following socio-demographic indicators (gender, age, education) that are related to descriptive indicators of pre-operating period (recruitment and origin) and the actual operation, help to understand the factors and the social backgrounds which determine the entry in the human traffic. General features:

- Victim distribution has slightly decreased compared to the first half of 2013
- The decrease can be interpreted as an expression of human trafficking mobility at European level, as the number of victims from other countries of origin increased but also as a result of prevention policies and strategies to reduce the magnitude of the phenomenon at national level and intensification of operational actions conducted by law enforcement authorities in Romania in cooperation with the authorities of EU Member States and beyond.
- Out of 448 victims identified, 36% were trafficked and saved from traffic, considering the period under review. Out of 448 victims identified, 69% were female, 311 women. 64% of the victims were adults (288) and 36% minors (160)

¹ <http://www.anitp.mai.gov.ro/anitp-saluta-ziua-internationala-de-rugaciune-impotriva-traficului-de-persoane-8-februarie-2015/>; Statistical analysis of the victim identified during the first six months of 2014 in Romania, <http://www.anitp.mai.gov.ro/categoria/cercetare/analize/>



- Within adult victims, for the period under review, 134 were male and 154 female: the difference of vulnerability to trafficking is based on the categories of age
- Range age of majority is identified victims between 14-60 years, but the differences can be caught by correlating the operating mode. Victims of sexual exploitation aged 14-17 years old and 18-25 years old are predominantly women. Men aged 25-60 are predominantly exploited for labor
- Minors are a vulnerable category to trafficking, particularly regarding sexual exploitation. Thus from the total of 160 minors identified in this period, 98% are girls: 157 female and only three male victims.

Educational shortcomings can be considered as causing and precipitating the prostitution process by making the subject unable to choose an alternative. Victims:

- Have no more than lower secondary education (45% - 203 victims);
- This latter figure is followed by those with high school education at the time of trafficking (30% - 133 victims)
- the smallest share is represented by the highly educated people (6 victims), all of whom were females
- women with secondary education represents 34% of all victims;
- there is a great presence of male population with vocational schools, i.e. a total of 26 victims

Most victims, in the analysed period of time, came from rural areas. Victims can be gathered as follows: 55% (248 people) coming from villages or commons; 190 from urban areas; 11 from the capital. For the period under review, according to data held by ANITP counties in the center area of the country, Moldova and border counties have represented the main sources of trafficking,

Malta is a source, transit, and destination country for women and children subjected to sex trafficking. Sex trafficking victims have originated in Romania and Russia; children from Malta are also found subjected to forced labour, including in restaurants, private households, and in unskilled or semi-skilled labour. The approximately 4,500 irregular African migrants currently residing in Malta from African countries may be vulnerable to human trafficking in the country's informal labour market. There were reports that Malta may be a transit country for African women subjected to sex trafficking in continental Europe

Italy is a destination, transit, and source country for women, children, and men subjected to sex trafficking and forced labor. Victims subjected to human trafficking in Italy originate

from Nigeria, Romania, Morocco, Tunisia, Moldova, Slovakia, Ukraine, China, Brazil, Peru, Colombia, Pakistan, Bangladesh, Ecuador, Poland, Bulgaria, Pakistan, Egypt, and India. Men



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are subjected to forced labor in agriculture in southern Italy and in construction and service industries in the north of the country. Children subjected to sex trafficking in Italy are from

Romania, Nigeria, Brazil, Morocco, and Italy, specifically Roma and Sinti boys who may have been born in Italy. Transgender children from Brazil are subjected to sex trafficking in Italy. Nigerian children are subjected to labor trafficking through debt bondage and coercion through voodoo rituals. Roma children from Italy are subjected to forced labor in begging or petty theft. Disabled victims of trafficking from Romania are subjected to forced begging by Romanian transnational criminal networks. Men and women from Central Asia arriving in Italy through Russia, Turkey, and Greece are subjected to forced labor. Unaccompanied children, mainly boys from Italy is a destination, transit, and source country for women, children, and men subjected to sex trafficking and forced labor. Unaccompanied children, mainly boys from Bangladesh, Egypt, and Afghanistan, are at risk of trafficking.

France is a destination and transit country for men, women, and children from Eastern Europe, West Africa, and Asia, as well as the Caribbean and Brazil, subjected to sex trafficking and forced labor. France is also a limited source country for French citizens subjected to forced prostitution and forced labor. Sex trafficking networks controlled by Bulgarians, Nigerians, Romanians, and French citizens force women into prostitution through debt bondage, physical force, and psychological coercion, including the invocation of voodoo.

Women and children, many from Africa, continued to be subjected to forced domestic service. Many of these cases were reportedly inter-familial, in which families exploited family

members brought from Africa to work in their households in France; other cases involved a small number of diplomats. The Government of France estimates that the majority of the 18,000 to 20,000 people in France's commercial sex trade — which is dominated by women from Bulgaria, Romania, and Nigeria — are likely trafficking victims. Women from northern China are particularly vulnerable to sex trafficking due to social ostracising by southern Chinese immigrants. There are also reports that a significant number of children, primarily from Romania and West and North Africa, are victims of sex trafficking in France. Ethnic Roma and other unaccompanied children in France remained vulnerable to forced begging and forced theft. Transsexual persons from Colombia, Ecuador, and Peru were vulnerable to sex trafficking. Some French citizens were documented to have participated in child sex tourism in foreign countries. Women and children from Brazil were subjected to forced labor and sex trafficking in the French overseas territory of French Guiana.



DEFINITION AND ELEMENTS

The directive 2011/36/EU of 5 April on preventing and combating trafficking in human beings and protecting its victims define trafficking in human beings as “The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

- The definition can be broken down into the following elements:
- Activities: recruitment, transportation, transfer, harbouring or receipt of a person
- Means: force, deception, abduction, coercion, fraud, threats, abuse of power or a position of vulnerability
- Purpose: exploitation, including forced labour, or removal of organs
- Vulnerability: a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.
- Exploitation: shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.
- The consent of a victim of trafficking in human beings to the exploitation, whether intended or actual, shall be irrelevant where any of the means set forth in trafficking has been used.

When the conduct related to trafficking involves a child (person below 18 years of age), it shall be a punishable offence of trafficking in human beings even if none of the means set forth trafficking in itself has been used.

As Forced Labour, the ILO Forced Labour Convention No. 29 (1930) means all work or service that is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

- “All work or service” encompasses all types of work, employment or occupation. The nature or legality of the employment relationship is therefore irrelevant.
- “Any person” refers to adults as well as children. It is also irrelevant whether or not the person is a national of the country in which the forced labour case has been identified.
- “Menace of penalty” refers not only to criminal sanctions but also to various forms of coercion, such as threats, violence, retention of identity documents, confinement or non-payment of wages. The key issue is that workers should



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be free to leave an employment relationship without losing any rights or privileges.

“Voluntary” refers to the consent of a worker to enter a given employment relationship. While a worker may have entered an employment contract without any forms of deception or coercion, he or she must always be free to revoke a consensually made agreement. Free and informed consent has to be the basis of recruitment and has to exist throughout the employment relationship. If the employer or recruiter had used deception or coercion, consent becomes irrelevant. The following six elements point to a forced labour situation; usually two or more are imposed on a worker in a combined fashion.

Each of these acts, when committed intentionally or knowingly by an employer against an employee, is likely to be a criminal offence within existing criminal law of most countries.

1. Physical or sexual violence: Forced labour is frequently exacted from workers by the threat and application of physical or sexual violence. Violence against the individual will come within the scope of the criminal offence of assault. In many jurisdictions, assault is defined as any act which is committed intentionally or recklessly, which leads another person to fear immediate and unlawful personal violence.
2. Restriction of movement of the worker: A common means by which labour is extracted by duress from workers is through their confinement. The workers are locked into the workplace or their movement is restricted to a very limited area, often with the objectives of preventing contact with the host community, and extracting the maximum amount of labour from the individuals. Restriction of movement corresponds to the common law offence of false imprisonment, which is any restraint of liberty of one person under the custody of another.
3. Debt bondage/bonded labour: Occurs when a person becomes a security against a debt or loan. It is a situation that lies on the borderline between forced labour and slavery. The individual works partly or exclusively to pay off the debt which has been incurred. In most cases, the debt is perpetuated because on the one hand, the work or services provided are undervalued and on the other hand, the employer may provide food and accommodation at such inflated prices that it is extremely difficult for the worker to escape from debt. Debt may also be incurred during the process of recruitment and transportation, which affects the degree of freedom of the employment relationship at the final stage. The key to the hold of the employer over the employee is the appearance of lawfulness of the contract. So long as the contract is unlawful, which in many jurisdictions will be the case either as a result of the unlawfulness of the taking of a human being as security for a debt or the unfair contract terms of the



agreement regarding food and accommodation, the hold of the employer over the worker is the result of deception as to the rights of the worker. This falls under the offence of obtaining pecuniary advantage or services by deception, which is unlawful in virtually all countries.

4. Withholding wages or refusing to pay the worker at all: Workers are found in situations where they work in the expectation of payment but the employer either has no intention of paying the individual for the work performed or intends to withhold, unreasonably and without just cause, substantial sums from the worker's wages. The withholding of wages - where a person dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it - is theft in criminal law. The fact that the property is in the form of wages due does not remove it from the scope of the offence, even if withholding of wages may form other offences under labour law.
5. Retention of passports and identity documents: It is not uncommon in particular in the case of migrant workers, that the employer takes the worker's identity documents and/or passport, often on the excuse of arranging some immigration matter and refuses to return them to the individual unless he or she continues to work for the employer. The inability to prove identity or indeed even nationality often creates sufficient fear that the workers feel they are obliged to submit to the employer.
6. The withholding of identity documents and passports may be theft depending on the intention of the employer, or it may be part of an offence of deception. Passports normally remain the property of the government, which issues them. They are issued to an individual. The government that issues the passport has the right to its return and the duty to issue to its nationals a new passport subject to the qualifications of national law.
7. Threat of denunciation to the authorities: This is a form of menace or penalty that applies primarily to irregular migrant workers. While it may, depending on the circumstances of the work, also apply to nationals of a State, this is less frequent. The threat of denunciation to the authorities comes within the legal definition of blackmail in many jurisdictions. The standard definition is that a person is guilty of blackmail if, with a view to gain for him or herself, or another or with the intent to cause loss to another, he or she makes any unwarranted demand with menaces. A demand with menaces is unwarranted unless the person making it does so in to reflect the belief that he or she has reasonable grounds for making the demand and that the use of menaces is a proper means of reinforcing the demand. For the offence to be committed it may be immaterial that the menaces relate to action to be taken by the person making the demand.



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Trafficking in human beings takes many different forms, and evolves with changing socioeconomic circumstances. There follow some usual models of modern forced labour related to human trafficking.

Debt bondage: the system is often based on a complex system of contractors and sub-contractors (vessels, people who organised the trip, or sold documents, contracts, or found housing and so on) who all take their cut from these indebted workers, some of whom work for years without ever receiving any substantial income.

Forced child labour: while parents are promised education for their children, the boys and girls are often ruthlessly exploited in begging, criminal activities, or in the sex industry. Forced child labour and child trafficking, are usually under the responsibility of relatives.

Forced labour linked to migration and exploitative labour contract systems: migrant workers can find themselves "bonded" to a labour contractor due to ex-



cessive fees and with limited possibilities to change the employer in the destination country .The boundaries between clandestine work and organised crime are sometimes blurred.

Forced labour as a result of organised criminal trafficking: it happens in the sex industry all over the world. Because of the often clandestine nature of prostitution in many countries, organised criminal networks play a major role in supplying young women and children to bars, brothels or private homes. The Internet and tourism have possibly stimulated sex trafficking. Organised crime can also be involved in other forms of trafficking, such as trafficking for the purpose of labour exploitation. It is often linked to deceptive recruitment, racketeering and blackmailing to obtain a cut of migrant workers' earnings.



RISK SITUATIONS

Factors and conditions concurring to the definition of forced and (para) slavish labour

Factor	Condition
Social	<ul style="list-style-type: none"> • alienation and exclusion • existential isolation and loneliness • dependent condition of lack of sociality • condition of blackmail • no protection • vital need to remain in the work relation
Economical	<ul style="list-style-type: none"> • extreme need conditions • attachment to work based extreme need • wage amounting to one third of the official category wage • more than 12 working hours a day • consecutive hours with no break or rest • inadequate board and lodging rated as complementary of the wage • degrading hard work • impossibility of retributive negotiation • debt condition • small groups or dual work relation
Juridical	<ul style="list-style-type: none"> • lack of valid staying permits and identity documents/ passports • juridical vulnerability condition • retention of documents and non availability of the same • difficulty in projecting to go back home • impossibility of access to "ratification"
Political	<ul style="list-style-type: none"> • civil invisibility • no acknowledgement of status • no representativeness • poor or lacking collective participation • denial of the right to vote • non eligibility status
Psychological	<ul style="list-style-type: none"> • coercion to a state of submission • pseudo voluntary subordination • dependent, docile and complying attitudes for the lack of feasible alternatives • lowly reactive behaviour • dependence stress state • emotional stagnation and block • search for submission/protection • servile behaviour complying the will of the exploiter

Source: F. Carchedi, G. Mottura and E. Pugliese, "Lavoro servile e nuove schiavitù", editing by Franco Angeli, Milan, 2004



INTERNATIONAL LEGAL FRAMEWORKS

In 2000, the UN adopted a Convention against Transnational Organized Crime supplemented by three protocols. One of these protocols is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter referred to as “Palermo Protocol”), which contains the definition. The Palermo Protocol, anchored in core principles of the protection of freedom rather than in the regulation of the movement of people, defined the crime for the first time in a treaty and established the “three P paradigm” of Prevention, Protection, and Prosecution to guide government action in combating trafficking in persons. Since then, more than 150 countries have become parties to the protocol, and more than 140 have criminalized sex and labour trafficking.

Additionally, it requires from States parties to criminalize trafficking in human beings and to include this criminal offence in the national legislation. The Palermo Protocol contains regulations concerning the assistance to trafficked persons and requires that the return of a victim needs to be with due regard of the victim and preferably be voluntary. At the same time, the Palermo Protocol requires that States Parties ensure the possibility for trafficked persons to obtain compensation for the damage suffered.

Trafficking in human beings is specifically prohibited by Article 5 of the Charter of Fundamental Rights of the European Union.

The EU recognises trafficking in human beings as a violation of human rights: Article 5 of the EU Charter on Fundamental Rights prohibits trafficking in human beings outright. The EU’s competence to act in relation to trafficking in human beings is set out in the treaties, and in a number of legal documents. The Treaty on the Functioning of the EU (TFEU) situates the EU’s power to act on trafficking in relation to its nature as (i) a migratory phenomenon and (ii) a cross-border crime. Several Directives within the migration acquis either focus on or have implications for (some) third-country national victims of trafficking in human beings. Most notably, Directive 2004/81/EC sets out the legal framework for granting residence permits to non-EU victims of trafficking (and smuggling) – however, only in cases where the victim cooperates with the authorities.

A major step forward recently was the adoption of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. The Directive adopts a comprehensive, integrated approach that focuses on human rights and on the victims and is gender-specific.

It is expected to have considerable impact, once fully transposed by the Member States by 6 April 2013. It not only focuses on law enforcement but also aims to prevent crime and ensure that victims of trafficking are given an opportunity to recover and to reintegrate into society.

“In Malta trafficking for sexual exploitation, exploitation in the production of



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goods or the provision of services, and exploitation in the removal of organs is prohibited by the Criminal Code (Cap. 9 of the Laws of Malta). Act III of 2002 introduced Sub-title VIII BIS entitled Of The Traffic of Persons into the Criminal Code (Cap. 9 of the Laws of Malta) in accordance with Malta's commitment to the United Nations Convention Against Transnational Organized Crime and the protocols thereto. Malta ratified the Convention and Protocols, including the Palermo Protocol, on the 14th of September 2003."

"Subsidiary Legislation (SL 217.07) transposing European Union Council Directive 2004/81/EC on the residence permit issued to third country nationals who are victims of trafficking of human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, which provides for giving victims of trafficking or illegal immigrants who cooperate with the Maltese authorities permission to reside in Malta for a period of 6 months (renewable), was passed in 2007. This legislation also provides for a period of reflection not exceeding 2 months (prior to the granting of the 6-month residence permit) to victims of trafficking so as to give them the opportunity to detach themselves from the influence of the perpetrators of the offence and enable them to take an informed decision on the possibility of cooperating. Wherever the victim is found under circumstances which clearly indicate that he or she is a child or young person, he or she is assisted in terms of the Children and Young Persons (Care Orders) Act and is provided with the necessary care under this Act."

"Between 2002 and 2010, 10 cases of trafficking in persons were registered, which involved the conviction of 14 persons. All cases related to trafficking for the purposes of sexual exploitation." "The Action Plan is built on the premise that the competent authorities are to take appropriate action with a view to prevent trafficking in persons, to prosecute offenders and to protect victims."

In Romania, National Action Plan 2012-2014 for the implementation of the National Strategy against Trafficking 2012-2016, includes a number of activities falling and responsibility of the Directorate for Child Protection (DPC) - MMFPSPV. These are:

- evaluation of the implementation of case management for child victims of child trafficking;
- permanent updating of the indicators according to evolution phenomenon;
- development regular reports concerning the dynamics at national level;
- organization of regular meetings of the National Steering Committee for Prevention and Fighting the child labor;
- organizing inter institutional meetings of the local (county/district) for preventing and combating exploitation of child labor (EIL).

The responsibility of DPC-MMFPSPV in the trafficking and exploitation



of children at nationwide, in essence, by providing the legal framework adapted to the demands and needs identified from studies, analyzes and research in the field, is a constant preoccupation of the DPC, evidenced by appearance of HG 49/2011 approving the Methodology-framework on prevention and intervention in the multidisciplinary team and network, in situations of violence against children and domestic violence and the Methodology of multidisciplinary inter institutional intervention regarding children who are at risk of labor exploitation, victims of trafficking and Romanian migrant children victims of other forms of violence in other states. Amendments in 2013 to the Law 272/2004 on the protection and promotion of child rights republished, demonstrates again the preoccupation of the DPC in the same area, art. 89 emphasizing the child's right to protection against exploitation, trafficking, illegal migration, kidnapping, violence, pornography through the internet, as well as all forms of violence, irrespective of the medium where they are: family, educational institutions, crime and rehabilitation/detention, mass-media, workplaces, community, establishing mandatory public and private institutions also have knowledge of such cases to refer DGASPC the home of a child who will take appropriate action. Section V and VI of the law are also provisions relating to: protection of children against abduction, or any form of trafficking, children protection against other forms of exploitation.

In **Italy** the legislative decree nr. 24/2014 settles the principle of the importance to protect vulnerable people such as children, unaccompanied minors, elderly or handicapped persons, women particularly if pregnant, single parents with minor children, psychically unstable persons, people who have suffered tortures, rapes or other serious forms of psychological, physical or sexual violence.

The articles 600 and 601 of the Penal Code have been reformed in order to offer a definition of crimes such as reducing to slavery or maintaining in the condition of slavery and human trafficking in conformity with European Union Directive.

Among the most relevant features there is the insignificance of the victim's consent to exploitation when means of coercion have been used to obtain control over the same, the liability to punishment for inducement, aiding and abetting human trafficking.

As to minors similar conduct is considered crime of trafficking even in absence of coercive methods.

As to what concerns the victims' protection are to be mentioned the special tutelage for underage victims, the budgeting of the victims right to compensation, the individuation of the Dipartimento per le Pari Opportunità of the Presidenza del Consiglio dei Ministri **the authority for the coordination of all the interventions about human trafficking** and the adoption for the first time of a **National Plan of**



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Action against human trafficking, abuse and exploitation aiming at planning long-term strategies of intervention to prevent and contrast the phenomenon as well as at promoting actions to make public opinion aware and sympathetic in order to favour the victims social integration.

France prohibits trafficking for sexual exploitation through Article 225 of its penal code, amended in 2013, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for rape. In January 2009, the government amended its anti-trafficking law to include a specific definition of forced labor. The government reported convicting 19 trafficking offenders under its anti-trafficking statute in 2008, the most recent year for which data was available, compared with 33 convicted trafficking offenders in 2007. The government did not provide an average sentence for these 19 traffickers, but reported the maximum sentence was up to seven years imprisonment. In addition, the government reported convicting an additional 26 trafficking offenders for the forced prostitution of children, with sentences up to seven years. French officials continued to rely largely on anti-pimping provisions of the country's penal code to prosecute suspected sex trafficking offences.



HOW TO FIGHT AGAINST THB, A SHARED ASSIGNMENT OF THE SOCIETY OF OUR TIME

THE LACK OF COORDINATION AND COOPERATION AMONG KEY ACTORS

All over the 4 country investigated it comes out the extreme precariousness of the aid and protection system: there are still applied a logic of work by single projects, instead of setting up structured and stable services. This produces an extreme precariousness, a very intense turnover of operators at the expense of the building of the needed professionalism, with the occurrence of dangerous interruptions in the intervention between a grant and the next one, unless this gaps are “buffered” and covered with volunteer activities. In some country it doesn’t exist a system of interventions that does not depend on a single Ministry, but on an inter-ministerial coordination, as it is claimed by the level of challenge to be faced. An other emergency in coordination needs is the diversity of implementation of the same legal tools, for which the attitudes of the police headquarters differ enormously. In Italy for example, even though it was established that the protections programmes (articles 18 and 13) do not need victims will to be applied, very few police stations give the possibility to obtain a residence permit without filing a complaint. It is about ensuring, by various means (Internal Directives, training of the operators ...) the procedures to be more homogenized.

Furthermore to the “local” stakeholders we need to understand what forms of cross-sector collaboration are necessary in order to combat effectively child trafficking. E.g. what links can we make with those working in anti-corruption? Are they relevant and why? What forms of International cooperation are required? Also as implied above we need to move beyond recommendations that go towards those already doing something and reach out to ordinary people who perhaps inadvertently might be breeding the business. Where does the trust lie mainly e.g. in police or in NGOs and how can we capitalise on where the trust lies



in order to increase our impact in the fight against trafficking?

The discussions with a number of **Malta** NGOs involved in the field indicate that the recent changes and policy brought about by government of the island were more intended to appease the USA, and somehow show we are doing something after getting a low rating, rather than the result of political commitment. The current vacuum, at a time when the pressure from the USA is not so high, is a testimony to this.

PRIORITY FIELDS AND URGENCIES

A major question that emanates is: “Do we need more education?” And directed towards whom? Why does the **Malta** Action plan refer to education but this somehow seems not to be effective? Our preliminary research indicates that it is necessary to foster awareness among persons that child trafficking is actually happening? One possible specific category to target might be the people who “breed” the business e.g. those who pay for sex. These might be dismayed to know that there is an organisation behind the service they are receiving and that the persons providing the service might not be doing so voluntarily and that the person receiving the money might actually be receiving nothing! We need on the paradigm we ought to adopt in dealing with the “victims” of trafficking. As a minimum it ought to be clear to ensure that victims are treated as such and not as criminals e.g. as in the case of loitering. Yet beyond the protection of the “victim” one needs to ask whether any policies are to engage in a “victim support” paradigm or a more Rights based approach that recognises the power of “victims” to make decisions that are best for them and to cope and thrive in the future. Further reflections are necessary on how to apply a Rights Based Approach in policy making and policy recommendations. What are the implications for “recovery”? And Post-“recovery”?

About compensation. In **Italy** article 18 of immigration law 40/1998 is definitely a fundamental instrument for the protection of victims, although there are some critical issues, both in the application, and also some gaps in the legislation itself, for example, there aren’t concrete forms of compensation or it is very hard to meet the requirements to obtain them; therefore, article 18 certainly provides access to protection programmes aimed at the escape from exploitation and the integration in the society on the social and the occupational point of view, but doesn’t comply any kind and dedicated procedure for compensation at all. The same we can tell on Malta Action Plan and Romanian National Action Plan 2012-2014 too.

About governments, overall: as happen in **France**, few resources allocated, the insistence on a judicial solution that annulled the fiduciary relationship



with victims, the lack of a widespread coverage of the network throughout the countries, the weakening of the capacity of the toll in recent years; the lack of a political courage on the part of municipalities to create synergies with the third sector in order to generate alternatives. So the main issue is this lack of political courage, that led to substantially subordinate the possibility to put in place a greater protection system for women, men and children to the advantage of the possibility to get more votes and more voters.

THE IDENTIFICATION OF VICTIMS OF THB IN MALTA

Recruiting people in traffic takes place most often through direct approach by the recruiter who by false promises pretext opportunities to get workplaces abroad, manage to manipulate people and lure them in traffic. Sexual exploitation occupies first place among the forms of exploitation. Most of the victims trafficked from rural areas, with a low educational level.

The situation of Human Trafficking in Malta is still not well understood and is highly speculative. A major report, referred to often in this text, is the Trafficking in Persons Report 2014. Yet the report does not give any indication of the methodology used to arrive at its conclusions, not any indication of the sources. While it is quoted extensively in this piece of research, it is to be approached cautiously, and to a certain degree adds more to the speculation rather than provides an assurance that we know where we stand. The fact remains that there has been VERY little research in the field and too many reports based on hearsay and guesswork. Furthermore Maria Pisani, Director of Integra Foundation, asserts that the notion of trafficking is contested and there a huge grey areas, e.g. often cases of transnational sex work are labelled as trafficking.

Cases are far and in between.

“I came across one case of sex trafficking (Bulgarian), that to me fits the Palermo definition... there is also another one woman granted refugee protection on trafficking (again, fits perfectly the definition). I personally have not come across labour cases...” Maria Pisani”

An article published in the Times of Malta (25th July 2014) states that some 25 residents were identified as victims of human trafficking between 2003 and 2011, 24 of which were women primarily from Russia, Ukraine and Romania, and all were trafficked for sexual exploitation.

As per the 29th of July, we received information through the media of an alleged labour related case, where an Indonesian woman who was engaged to work as a care worker for an elderly man in Sliema had her passport taken away. It is alleged that she was ill-treated by the man’s son, and repeatedly threatened with violence against her. The alleged perpetrator was accused of human



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trafficking with the intent to labour exploitation, threatening the woman and breaching employment laws.

The Times of Malta (25th August 2014) further reported that Filipino workers are sometime asked to pay commissions, ranging between €1,000 and €5,000, to people who find them a job in Malta, resulting in their local work life starting tied up with paying commissions and other debts they might have incurred. This is an area rife with speculation yet indicative of the need to look beyond sexual exploitation and closer and further at the labour market.

Furthermore our research indicates that not all cases are dealt with through the courts. This seems to be the case both as related to labour, as well as related to sexual exploitation.

To make matters more complex, our research indicates that the police force often focus on the “moral” aspect, as in the cases of “lap dancing” in gentlemen clubs. Furthermore, according to Aditus Foundations (an independent, voluntary & non-profit organisation (NGO) established with a mission to monitor, act & report on access to fundamental human rights), at other times it could be that there is trafficking, but the police opt not to publicly report, not to endanger the victim.

The Trafficking in Persons Report 2014 reports Malta as being a “source and destination country for women and children subjected to sex trafficking ... Victims primarily originate from China, Hungary, Poland, Romania, Russia, and Ukraine”. No statistics to back this were provided. Newly emerged information is indicating the use of “Chinese parlours” to mask “human trafficking” for the use of “prostitution”. On the 15th July of 2014 it was reported that a Chinese employed ended up in court after forcing women into prostitution. Malta-today (15th July 2014) reported that:

“De Quan Feng was charged with human trafficking, living off the earnings of prostitution, running a brothel and operating trading premises without license... Taking the witness stand, one of the victims told the court she arrived in Malta in April last year to work as a masseuse in a parlour owned by the accused. An agent in China took care of all communication with the person who was to be her employer... He promised I would be doing normal massage and earn over 10,000 yen, equivalent to €1190 monthly ... The witness explained that in the beginning, she did not know what her customers expected... Repeatedly asked by the prosecution to give details about her work, the witness became emotional and upset... Subsequently, the court continued hearing how through subtle threats, De Quan Feng pushed the three women into prostitution. “He would tell us that we should perform inappropriate actions on our clients to earn more money... We incurred huge debts to be able to pay for the move to Malta and needed to be employed... One of the women also recounted how she could not afford to rent an apartment and was forced to live in a makeshift area above the parlour.”



Tanja Contino from the International Organization for Migration (IOM), Malta, believes that the laws to prosecute exist and are in place however there is much more to be done from the judiciary. IOM has no say about the reflection period it is something that is to be reinforced by the Maltese authorities. Tanja identifies that the main problem in Malta that it is so small and it is not easy to relocate the victim for example there are not too many shelters. There is need for more resources. Cooperation is good in Malta since it is small it is easily to connect and get agencies together. There is more need of resources, physical ones like a proper shelter not the one shared with domestic violence victims, needing a hotline a proper one related to HT and also to have more awareness to other entities, ministries, general public.

Mostly in Malta HT is related to Asylum seekers from Africa. There are situations where they start as smuggling situations but then they are changed into a situation of HT because they are tortured, kept, kidnapped until they fork out money. From West Africa it is a bit more in transit; they pass from Malta on the way to somewhere else. Eastern Europe trafficking both for men and women, for labour and prostitution situations, some of them are not so straightforward. Like having passports confiscated and get paid shit.

It is always grey area to decide when it is HT or not. Many a time it depends on the willingness of the person but there again it depends on the psychological situation of the person. It is more a situation of particular series of facts, however it is never straightforward. More than anything one must assess the gravity of the situation that the person involved is living in. Here in Malta mostly HT victims were women mostly for prostitution. But there were asylum seekers that can be considered HT victim being exploited for labour exploitation. The Maltese authorities are aware of it and they are increasing training to the identified departments like ETC. Now we may be facing also possible HT victims, from China in labour exploitation.

The future lies in raising more awareness not only to the government entities and NGOs but also the general public. From IOM side, they are having more collaboration with the ministry, and more training to service providers for better identification and support of victims.

Two trade unions, the General Workers Union (GWU) and the Unjoni Haddiema Magħqudin (The Times, 2nd August, 2014) recently raised the point of Filipino workers ending up at the mercy of their employers who threatened to withdraw their work permit if they complained about unfair conditions or wanted to change job. According to Kevin Camilleri (GWU), the union knows of Filipino workers whose employers made them work long hours without “being granted the leave entitlement they were entitled by law and with salaries below the minimum wage ... (yet) such people were scared to speak up for fear of losing their work permit and, therefore their right to be in Malta. Most sent money



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to their families back home.” (The Times, 23rd Jul, 2014). Dr. Bugri (The Times, 2nd August, 2014), pastor of the New Life Christian Communities, frequented by many Filipinos, suggested that a lot of abuse could be addressed by ensuring that the work permit was issued on the name of the employee and not on the employer, as is the current practice. This proposal, as was the case in Spain, was also made by the GWU to the Director of Employment and Industrial Relations. This suggests that the ETC (Employment & Training Corporation) and the Director of Employment and Industrial Relations could be important stakeholders in the fight against trafficking.

MAPPING RISK SITUATIONS, SECTORS AND CIRCUMSTANCES

According to the US Trafficking in Persons Report 2014, “Filipina domestic workers, Chinese nationals working in massage parlours, and women from Central and Eastern Europe working in nightclubs represent populations vulnerable to exploitation. Maltese children in prostitution were vulnerable to sex trafficking in Malta”. Furthermore “the approximately 5,000 irregular African migrants from African countries currently residing in Malta may be vulnerable to human trafficking in the country’s informal labour market”.

The fact that there is growing evidence that human trafficking is more of a reality than it is reported to be does not necessarily translate in victims approaching the services available. Victim Support Malta (VSM) was identified as a potential stakeholder at a national level. VSM’s main aim is Helping Victims and Witnesses of Crime REBUILD their lives. Also part of their mission is to inform and support ALL victims of crime, whether they would have reported the crime or not, and whether they are Maltese or foreigners. Their service embraces a policy of equality that guarantees a professional help to all victims irrespective of their personal qualities. Roberta Lepre, Director of VSM, stated during the interviews that human trafficking is not exactly their area of expertise, mainly to reason that so far as VSM since 2004 they have never had a case of human trafficking. Nevertheless Lepre mentions that they have already attended training organised by the ministry of home affairs, as part of the national action plan on human trafficking in 2012. Furthermore she affirms that they are willingly to be involved more as an internal capacity within VSM to be able to identify cases of human trafficking and as a national service would be able to raise awareness and provide information to victims.

Dr. Lara Dimitrijevic served as legal officer at the Jesuit Refugee Service for more than 3 years and currently is the director of Women’s Rights Foundations (WRF). WRF is a voluntary organisation committed to empowering women concerning their legal rights and committed to informing, educating and empowering women concerning their legal rights. WRF achieve this by protecting



women's rights through influencing laws, policy and practice, preventing violence against women by raising public awareness and training and providing voluntary services to inform women and their children about their legal rights.

She had encountered victims of HT in both aspects of her different roles described above. Mainly victims are either referred to them by other entities like the social workers or the police or the victims themselves seek to find support.

Cases vary however she mentioned that through her experience and work she is seeing patterns that Malta is an en-route of human trafficking from Africa to places like Spain, Holland or Italy. Other cases are of Eastern European nationalities and increasing numbers of Philippines and Romanians. Some cases related with this en-route involve HT for brothel and prostitution services. Other cases may involve Chinese under false pretences of jobs such as masseurs and beauty therapy parlour and forced labour. There were some isolated South American cases being exploited by working without being paid.

Many a time to recognise a case of HT through patterns, especially where minors are involved. The pattern follows a series of protégé at various roles and stages in the journey of the victim. She mentions there is whole network composed of roles like Trolley Boys and welcoming Big Mammams. Everything is calculated, and also in the detention centres there are informants and when they are released of detention they have people waiting for them to take them over under their protection.

In the examples given by Dr. Dimitrijevic, when victims were forwarded to the law or voluntarily gave themselves, in all cases none of the victims was made to return to Malta.

Many a time the case takes shape depending on the nationality of the victim. Examples vary from Russians and eastern Europeans for brothels and prostitution, to Romanian, Bulgarian and Philippines to companionship, household accommodation and cheap or forced labour to en-route (transit route) trafficking and prostitution to other countries for victims coming from African countries.

She mentioned also a legal type of HT. This is coming through eastern European and Russian countries where someone can practically buy a person for marriage and companionship. She considers this as a type of HT since the person involved soon becomes victim because they are sexually and labour exploited. Prices vary up to 5K euros. This is considered a form of HT because there is exploitation under false pretences leading to an act which is forcing to victims to do what they came for. This exploitation is very specific. This type of HT holds until there is exploitation, lying and abuse. Cases vary where the victims have their passport and money confiscated by abuser and have their life controlled by the abusers of the HT. This can be seen in the different contexts depending on country of origin. In poorer countries there were cases where parents would have



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sold their own children. Although in many cases it involved women there were rare isolated cases when HT involved also male victims.

As part of the support they seek that the victims seek refuge in a shelter and when and where possible goes into the asylum seeking process rather than sent back to country of origin right away. Like this they try to make sure that victim is safe. This is done specially during the reflection period.

On a national level the police have a dual role which may not be totally the ideal situation for a victim of HT. Police are the investigators but also the prosecutors in cases of HT.

From the cases she had encountered so far, she does not know of any form of compensation towards the victim except aid from government through social work services in entering a shelter and paying flights back to country of origin (deportation).

Part of the support they are offering they help the victims to a report always with their consent. They have to inform victims that in the case of reporting there is many a time the risk of deportation for the victim. As WRF they offer legal consultation and aid too when victims are asked to go to courts. Whether a victim is ready to go back to their country of origin depends on culture, family structures and independent cases.

Apart from securing ways that at any point foreigners should be in a possession of their passport there should be also more awareness on what is HT so that victims and bystanders to recognise at early stages.

Dr. Dimitrijevic believes that right now Malta is still in initial stages. There is the need of more and more collaboration, consultancy between experienced stakeholders. Now that a task forces made of governmental agencies and two NGOs has been set up there is a lot of work to be done and hopefully better consultation and liaison should be done with NGOs as so far she does not feel that not enough is being done.

Tanja Contino from the International Organization for Migration (IOM), Malta, recognises that within the parameters and duties of IOM they are rarely in a position to recognise right away a victim of human trafficking (HT). She also mentions that many a time they don't get in contact with the victims themselves directly but more through the process of migration. The role of IOM is to provide assistance to individuals who are ready to go back to their country under the voluntary return program. When IOM finds a situation of HT part of their role is to provide technical cooperation with the Maltese government and police through an agreement with the Ministry of Home Affairs and national security. With the ministry IOM works more on policies and procedures to be followed with victims.

Tanja mentions that she does not consider IOM to be on the front line where HT is concerned and many a time they are referred to after a victim has



been identified by other entities like the Refugee Commissioner (RefCom), other related NGOs or the police.

Tanja recognises that there are indicators of HT and which IOM together with ministry have come up with and have inserted also as part of the standard procedures and in the booklet IOM has provided for service providers in the HT fields. Although she mentions that it is not always the same, however one strong common point is when victims don't possess their passport or other travelling documents and they clearly stated that their documents are being held by someone else. Another indicator is when potential victims are always accompanied by someone else and this person is always talking in the name of the victim.

So far it has not happened that IOM identifies directly a victim of HT because mostly they are referred to them. But if it had to happen, IOM would support potential victim through confidentiality, support and explanation but then they would have to refer to other entities. It is a very sensitive issue and special care would be taken to build trust with the victim. Tanja emphasis that anything occurring with a HT victim occurs within the Standard Operating Procedures drafted within the mentioned Ministry.

Tanja recognises that with HT victim most of the cases are never straight forward as victims may not be totally in a regular migration position and because victims don't trust and they are in fear it is not always easy to get through with them.

Tanja mentioned that many if not most of the cases that IOM has encountered the victims choose to go back to their country through the voluntary return program. Many a time IOM assists in this process and also offers the necessary referrals like counselling or contact with other related NGOs. IOM organises travelling and travelling documents and were needed foreign safety contacts at airports. IOM always takes in consideration the factor whether it is safe for the victim to travel back to their own country of origin. Thus there is always an assessment of the victim's situation. So far most of the victims encountered chose not to prosecute and instead prefer to go back to their country.

A notable case that is still open is the prosecution of a police officer for alleged involvement in human trafficking, convicted in 2011, and currently under appeal (The Times, 25th July, 2014).



IDENTIFICATION OF THE CHILDREN VICTIMS OF TRAFFICKING IN ROMANIA

There are several ways of identifying victims through intimations of people in the community, child's telephone, complaints of institutions that come into contact with the victim (inclusive regional centres trafficking), self-informing. Community must be informed and sensitized by SPAS to be actively involved in signalling risk situations. Report a risk situations can be done even by a child, family or community members and professionals.

Exists in data sheets to signal (alerts) which the SPAS and other institutions that are in EIL team complete and forward them to DGASPC, triggers the stages of case management. These sheets contain a number of indicators of trafficking and exploitation issues. More information can be found in the Practical Guide for Monitoring and Exploited Children at Risk of Labor Exploitation funding was supported by the Department of Labor of the United States of America (USDOL) International Program for the Elimination of Child Labour (IPEC) of the International Labour Organization (ILO) as revised in 2008.

It is envisaged, also, as established in HG 49/2011, creating another risk matrix and summary sheet for all forms of violence against children.

Moreover, HG 49/2011 also has stipulations in this regard, Head. IV. Case management in situations of violence against children and domestic violence involves, going through several stages (identification, detailed assessment, service planning, service delivery, monitoring and reevaluation, the final stage of the process of service provision and specialist interventions, monitoring and post-services and closing the case). In the detailed evaluation, the interview with the child is very important because it can have a significant role in the development of detailed evaluation and investigations.

The steps recommended in the interview are:

- a) Preparation of the interview;
- b) Establish contact with the child victim of violence and parent / protective person;
- c) Knowledge of child;
- d) Exploring the problem and context;
- e) Summing those expressed by the interviewed person;
- f) Formulate a presumptive diagnosis multidimensional;
- g) Provide support and negotiation continue the relationship with the child victim;

Interviewing is a method of assessment used by psychologists and social workers in order to identify the needs of the child and then the necessary rehabilitation services and social reintegration.

The Trafficking in Persons Report 2014 reports that "Agenzia Appogg run(s)



a social services hotline that could receive calls about human trafficking, but there was no available data indicating that the hotline received any trafficking-related calls during the reporting period". Together with the IOM (International Organization for Migration), an expert group on policies as related to human trafficking was created some way back, with the Jesuit Refugee Service to focus on legal services, and Caritas for focus on shelter and social opportunities, yet our indication is that this group is mainly not fully functioning.

THE ROMANIAN INTEGRATED SYSTEM AGAINST THE CHILDREN TRAFFICKING

At local level, the composition of the intrasectoral team that works against the children is:

- General Directorate of Social Assistance and Child Protection
- Police Inspectorate/Directorate General of Bucharest City Police and Police Unit of the Sectors.
- County School Inspectorate /School Inspectorate of Bucharest.
- Labor Inspectorate
- Gendarmerie Inspectorate Country /Gendarme General Directorate of Bucharest
- Country Department of Public Health/Public Health of Bucharest
- Nongovernmental organizations.

In some case it also recommends involving municipality representatives, trade unions, church, probation services, of Legal Medicine Units, establishments of emergency receipt and regional centers of the Ministry of Interior - National Agency against Trafficking in Persons. Between the institutions members of the local intersectoral team is established a Partnership Convention for a minimum period of three years. Among the members of the local intersectoral team, the responsibilities are established to provide specialized information, consultation appropriate, references to other specialists, facilitating the involvement of the institution in case.

THE INTERVENTION METHODOLOGY

The Law HG 49/2011 is a significant achievement in the field of the children victims of trafficking because approves the **methodology** used by the multidisciplinary team and network on prevention and intervention in situations of violence against children and domestic violence intervention. The methodology is addressed on exploited children who are at risk of labor



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exploitation, child victims of trafficking, Romanian migrant children, victims of other forms of violence in other countries also.

The law defines violence against children as a complex concept and integrating the various forms of physical, emotional, sexual, neglect, exploitation economic/labor exploitation, sexual exploitation, kidnapping and/or extinction, migration in situations of risk, traffic, violence through internet, etc.. This form of violence is related to all environments which the child is in relationship: family, educational institutions, medical institutions, protection, research environments offences and rehabilitation / detention, internet, media, jobs, sports media, community etc.. According to GD 49 the main forms of violence against children are: abuse, neglect, exploitation and trafficking of children.

The local sectorial team (EIL) for the prevention and fighting child labor, established according to Government Decision no. 867/2009 concerning the prohibition on hazardous child labor, **may have responsibilities in the field of violence against children and domestic violence, having an advisory role for case managers**, regarding the particularities of cases and cooperation between institutions participating in case management and makers, in terms of developing strategies, review their service establishment, development activities prevent the formulation of recommendations.

Among tasks of EIL, we can mention the annual statistical data analysis performed by the **General Directorate of Social Assistance and Child Protection (DGASPC)** on child abuse and neglect, child exploitation and risk in situations of labor exploitation, child victims of trafficking, child victims of other forms of violence in other countries and domestic violence. Another task of the EIL is to make recommendations on improving the activities of preventing and combating violence against children and domestic violence. Moreover, the EIL has the responsibility to monitoring the children victims of violence and to organize a flow of information from the local (community) to the national level and vice versa.

At local level, the public social assistance service send the **appropriate alerts files to the General Directorate of Social Assistance and Child Protection (DGASPC)**.

At the national level professionals involved in cases management and monitoring of cases of violence against children and domestic violence prepare **detailed assessment report** that includes corresponding plan, on the basis of the work of the multidisciplinary team and send to Department for Child Protection (DPC) – and to the MMFPSPV the **statistical data** on the situations of violence against children and domestic violence.

The Department for Child Protection (DPC) – and the MMFPSPV centralizes data from the General Directorate of Social Assistance and Protection of Children concerning whole issue of violence against children, prepares reports yearly, country reports and formulates the proposals to amend legislation.

Returning to the provisions of HG 49/2011, should be noted that this



document details the conceptual framework concerning child labor and child trafficking and migrant Romanian children, victims of other forms of violence in other states. Specifically, in the field of preventing and combating trafficking in children, and in the protection and assistance of trafficked children, there are certain specific responsibilities from the following institutions and structures:

Ministry of Internal Affairs (MAI) , through National Agency Against Trafficking in Persons (ANITP) has the role to coordinate, evaluate and monitoring the nationwide, how the institutions implement policies status in human trafficking and in protecting and monitoring assistance to victims, and through structures to combat organized crime ensure combat trafficking;

MMFSPV – DPC ensures monitoring of children’s rights, coordinating and controlling the activities of protection and promotion of children’s rights at national level;

Ministry of Foreign Affairs to ensure communication in this field between the Romanian authorities and foreign authorities.

Subgroup for coordinating and evaluating activities to prevent and combat child trafficking was established by Government Decision no. 1295/2004 approving the National Plan of Action to Prevent and Combat Trafficking of Children, stipulated by the implementing Regulation of provisions of Law no. 678/2001 regarding the prevention and fight against human trafficking, approved by Government Decision no. 299/2003. The coordination of subgroup was provided by the National Authority for Child Protection and in 2009 was initiated the takeover of its functions within the National Steering Committee for the Prevention and Combating child labor.

At the central level, **National Steering Committee for the Prevention and Combating child labor** is the structure of coordination and monitoring of the programs developed in Romania for the prevention and elimination of the worst forms of child labor (Governmental Decision no. 617/2004, with subsequent amendments). National Steering Committee for the Prevention and Combating child labor is coordinated by the Ministry of Labour, Family and Social Protection, with a tripartite structure (government, trade unions, patronized) with the following responsibilities:

- to establish policy priorities and programs, including areas, sectors where the action programs should be developed;
- to obtain the government support and resources for these programs of action.
-
- Starting with 2008, National Steering Committee for the Prevention and Combating Child Labor, hold additional responsibilities:
- identify and propose solutions to attract additional financial resources for its operation respectively to organize meetings for functioning subcommittees of working and functioning to the technical secretariat;



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- propose institutions represented to initiate and to implement some national programs for the prevention and elimination of the worst forms of child labor.

In 2009, National Steering Committee for the Prevention and Combating Child Labor decided to extend its powers to forms of violence against children and, later, for domestic violence, and in December 2013 was held its first meeting.

Specialized Unit of the Child Labor (**USMC**) was founded in 2000 in the National Authority for Child Protection and was officially recognized by the Order of the Secretary of State of National Authority for Child Protection no.294/2005, with further modifications and supplemented. USMC is composed of seven members. USMC was created with the goal of become an executive organ of National Steering Committee for the Prevention and Combating Child Labor, based on the provisions the National Plan of Action for the Elimination of child labor, approved by Government Decision no. 1.769/2004. The main responsibilities of USMC are the following:

- maintaining regular contacts with local intrasectoral teams (EIL) and to establish a uniform modalities reporting and monitoring;
- training of EIL and other professionals involved in the field;
- monitoring exploited children and at risk of child labor at the national level, analysis of data and elaboration of projects, strategies, as well as the annual report of National Steering Committee for the Prevention and Combating Child Labor (CND);
- ensuring the secretariat of National Steering Committee for the Prevention and Combating Child Labor (CND);
- the granting of consultancy for the implementation agencies (NGOs and other institutions that implement action programs in the field);
- support for elaboration of legal acts in the field;
- identification and dissemination of good practice;
- developing projects for strengthening the USMC the executive organ of the National Steering Committee for the Prevention and Combating Child Labor (CND).

ASSISTANCE TO CHILDREN VICTIM OF THE TRAFFICKING

DGASPC and SPAS is local public institutions with responsibilities for policy implementation and legislation in the protection and promotion of children's rights. The types of interventions that can take the DGASPC are: maintaining the child in the family with the case monitoring, establishing emergency placement (the disposal of emergency placement, presidential ordinance) placement their relatives, in foster care and in residential services. Types of services that can be



provided under a service plan/individualized protection plan: counselling, psychotherapy (other therapies) medical services, counselling/legal assistance, representation in court, mediation, school reintegration, school/vocational counselling, training.

The favourite partner, public and private institutions to assist victims of trafficking are : General Directorate of Bucharest Police, National Agency Against Trafficking of Persons, Romanian Immigration Office, Caritas Romania, ARAS Romania, ESPACE P Belgium, Ecumenical Association of Churches in Romania – AIDROM, ARCA - Romanian Forum for Refugees and Migrants, Social Alternatives Association, Save the Children Romania, United Nations Information Center Romania, UNICEF, JRS Romania, Parada Fondation, Dynamo International, Reachingout Asociation Romania, Association for the Advancement of Health, Association APEL, Association for the Development of Alternative Practices for Reintegration and Education (ADPARE).

REPATRIATION OF CHILDREN VICTIM OF TRAFFICKING

According to HG 14443/2004 concerning the methodology for the repatriation of Romanian children unaccompanied and ensuring special protection measures for their, DPC-MMFPSPV, after its notification on Romanian minors who are unaccompanied by parents or other legal representatives in other states, including victims of human trafficking, ask the DGASPC near at home (of the child/of the family), conduct a social inquiry showing the socio-familial situation and forward the documentation received to the Ministry Foreign Affairs for their repatriation.

For the case of minors, victims of trafficking, ANITP occurs which ensure, that all children are assured them safely to return home. Regarding inclusion should be mentioned provisions of Article 13 GD 1443/2004, according to which DGASPC the repatriated child's home will undertake all necessary its reintegration in the family. Monitoring cases regarding the evolution of each child returnees is made the General Directorate of Social Assistance and Child Protection for a period of at least 6 months after repatriation which will report every two months, it transmits to DPC- MMPFSPV.

Following on describe the experience of the NGO 'GTR - Generatie Tanara Romania' in the field of children trafficking.

First Contact: GTR Association has collaboration contracts with Romanian Police, Romanian Child Protection Offices, International Social Services and of course with other national and international entities, the victims are referred to us both at national and international level. The victims are referred to GTR Association both at national but also at international level. GTR are not involved in



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outreach activities.

Set a dialogue: the dialogue with the victims take place within the Centre of GTR Association, within a safe shelter and in this work we do not have a specific timeline as the traumas and experiences are different from victim to victim and because of that we must work independently with each victim. Each victim needs a specific set of assistance. As each victim is different, the interviews take place when is considered by the psychologist and case manager. At this stage we are in contact also with the responsible person from where the victim is referred.

Assistance: GTR Association provides to the following assistance: Airport assistance (in case of repatriation issues), accommodation, food and non-food items, medical assistance, psychological assistance, psychiatrically assistance (if needed), legal assistance (on trial against traffickers or ID documents) school re/integration, professional trainings/ courses, job re/integration, family reintegration (if is possible), establishing a long term project. The main condition to start the aid by GTR is that the victim expresses her wish to be part of a reintegration project within GTR. Each victim is familiarized with the services that can be provided by us, but in the same time the victims are familiarized with the set of rules that should be respected in order to go further with the project. The team of GTR consists of one case manager, psychologist, social worker, doctor, lawyer and mediator.

Prosecution of offenders: GTR Association offers also legal services to each victim. Compensation: beneficiaries never received any compensation though the Court decision was a favorable one in this regard. In case you refer here at the funds for supporting the victims, at national level, GTR Association never obtained funds for their support.

Civil society and public services: during the years, GTR Association established partnership agreements with many public services, but GTR Association does not have any favorite partners in this issue. (The first partnership agreement was issued with Hospitals and doctors as the medical assistance was/is a primordial need). Also with the public services GTR Association established during the years collaboration, which are important for the organizations.

Integration and labour right: GTR provides also educational support for minors but also for adults in accordance with the victim's will when it is established by victim and team.

Also on the field of labour integration, during the years GTR Association established many cooperation agreements with different stakeholders and they are important pylons in our work, GTR consider that the political actors should know better our country's realities and based on this they should generate more jobs in order to improve the people's lives.

Return: GTR doesn't organize the return of victim of trafficking. Usually, The Romanian authorities organize the return of the victims.



THE IDENTIFICATION OF VICTIMS IN ITALY

The Italian system of protection operative since 2000, coordinate and financed by the Dipartimento per le Pari Opportunità, presents a structure based on three guiding principles of action (emergence, individuation and first assistance, social inclusion) to which are connected as many types of intervention:

National Green Anti-Trafficking Number

- First assistance programme according to the article 13 of the law 228/2003 (Measures against Human Trafficking) “Foundation of a special programme of assistance for the victims of the crimes provided for by the articles 600 and 601 of the Penal Code”;
- Assistance and social inclusion programme provided for by the article 18 of the legislative decree 286/98 “Consolidation Act of the provisions concerning rules and regulations for immigration and the condition of foreigners” .

Green Number 800-290-290 operating 24h is free and anonymous and it allows to come into contact with multilingual qualified people. It provides anybody with detailed information on the law and the help guaranteed to people victims of trafficking and abuse in Italy, when asked it addresses them to welfare services available according to the programs ex article 13 of the law 228/03 and ex article 18 of the legislative article 286/98. This service is also addressed to citizen who want to report situations of abuse as well as to social workers in order to help their job at national level.

Elisa Donadel is the responsible of one of the most relevant experiences among italian identification, rescue, and victim inclusion projects. “We are a complex business unit of the Service for the Promotion of Social Inclusion of the Directorate of Participatory Social Policies of the Municipality of Venice. We are a service belonging to this Directorate, so a very clear choice was made, years ago, I do not even remember how many, but this service has become what I described in 1997, at first with its interventions on prostitution and then, with the introduction of Article 18, in 1998, we have become a service that has a central role on the interventions on trafficking and prostitution concerning the City of Venice, and we can say that participating in the announcements of Article 18 first, and of Article 13 then, our service has become the leader of the network of those who are working on the issue in Veneto region, it is the system of intervention in the region, a system of public and private entities, where there is a strong assumption of responsibility on the part of local authorities, in particular Venice and Verona Municipalities, and which governs the entire chain of operations, from emer-



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gence to identification, to first and second treatment, to social inclusion.

One last thing about this that I consider important, is that this system has centralized some devices, especially what is called the Territorial Unit of Article 13, that is entirely managed by the team of the Crisis Unit, which is managed directly by the operators of the Municipality of Venice, along with the linguistic-cultural mediators whose task is to take charge of all the reports from Veneto, they take charge of the request for activation and then have access to the getaway points, the first acceptance and then the structures dedicated to Article 13, in which it is carried out all the activity of reflection on the part of the victims and of identification, first of all health care and the first preliminary actions to have access to Article 18, but above all, the task of identification that we carry out with the police, of all cases taken in charge, for both social and judicial paths.

We have centralized this thing in order to offer the same opportunities especially in the complex phase of evaluation that is not only quantitative, but also qualitative, to offer to all people, irrespective of the territory of emergence, the same opportunities; this is something that we have centralized for all the territory of the Veneto region, and that we govern directly. This device of the reports in our area is made up by the crisis and assessment unit but also by the Toll, as the person who collects the reports. It is a team which is active 24 hours a day, 365 days a year, and as I said before it is multi professional, including the figure with the educational role - so to speak, each of them has a specific vocational training, even if the purpose is education - and cultural and linguistic mediation.

The other thing is that this Crisis Unit has also the task of developing the so-called multi-agency proactive actions with law enforcement officers, in particular in those areas where the intervention by the social entity is not able to reach the target at risk, e.g. in cases of labour exploitation, in which the social intervention cannot enter alone in the places where the exploitation takes place, these proactive activities take place mainly in two areas, in the context of indoor prostitution, so massage centres, apartments, and so on - this is also the case in which you enter the places together with the police - and in the workplace: these are done with the police but also with those agencies who have an inspection task, the regional offices for work like Inail, Spisal, with whom we have partnerships that are included in the Article 13 project, and others that are under construction, especially, in this period, with the Spisal and Inail, in which we are doing experimentations and from the next year, if the announcement will be published and if they won't become structured in formalized protocols.

I am responsible for the entire complex unit, that it, is not only the crisis and assessment unit but there are also the Street Units, the City of Venice also has its own. Compared to others, being structured as a service also means to be directly and operationally active on the phenomenon, it seems to me that in the other towns of Italy there is not such a thing. So I am the Coordinator, of both Cri-



sis and Assessment Unit and of the Street Unit, that is for the population at risk, both for prostitutes and now we are starting a European project with the Contact Unit for the Begging Phenomenon, because this is an area where we want to intervene; furthermore we have a team that implement Article 18, which carries out the social protection programs, in co-participation with private social actors, we have a group, [interruption] So we are present operatively throughout all the phases, both with our devices and through the management of the entire system, I coordinate everything. It is important for me to underline this because I don't think that there is another public body structured like we are, we are a service that works with projects, whether national, regional and European, because we have to integrate the resources of such a complex system, we are about 25 entities, local authorities and if we extend to law enforcement structures, the number rises to 50 more or less [Elisa says that the subjects are 56] and they all work within a shared strategy, the networking is critical to us; moreover, all our devices are tested, because our work is also about a continuous training and evaluation of interventions, together with the University of Padova and the interdepartmental Centre for the Rights of Peoples, etc., in short, the Centre is now directed by Mascia, so we a protocol with the University with respect to this."

So the projects in the article 13 provide assistance to presumed victims of trafficking as well as to the ones identified as such for a three months period of minimum time which, if possible, can be extended for the next three months. People supported by state or private non-profit organizations have the right to adequate conditions of housing, nutrition, legal and sanitary assistance. In many cases when the individual project of help provided for by the article 13 ends, assistance goes on within the project provided for by the article 18.

From 2006 to 2012, the projects provided for and financed by the article 13 have been 166 and 3.770 the victims of trafficking helped.

The projects provided for by the article 18 and lasting 12 months guarantee to trafficked people the possibility to be admitted to a series of services and activities on the basis of a plan of personal assistance worked out according to specific needs: right of abode, psychological counselling, legal assistance, linguistic and cultural mediation, accompanying to welfare services, vocational training, apprenticeship, help in job hunting and fitting in the workplace.

From 1999 to 2012 665 projects provided by the article 18 have been financed.

From 2000 to 2012 more than 65,000 people have got in touch with projects provided for by the article 18 and have received some form of help (information, psychological counselling, legal assistance, guide to welfare services); 21,378 of them have taken part in a programme of social protection. People who have benefited from the programme can also benefit from a "temporary residence permit for humanitarian assistance".



MAPPING RISK SITUATIONS, SECTOR AND CIRCUMSTANCES

The government of Italy continued robust protection for victims of trafficking, but did not always proactively identify victims of trafficking among vulnerable migrants. The government and NGOs assisted up to 2,000 foreign victims of trafficking every year. About 70 percent of victims were women and one and a half percent were transgender. About 10 percent of victims were children. Forty percent of victims were subjected to labor trafficking.

Gianluigi De Vito is a journalist who did researches on human trafficking directed to labour exploitation. Among his latest enquiries there is a research on the scenery of women immigration from Georgia.

He starts an analysis on the Italian word “badante” which is a neologism explained by the reliable Italian dictionary Treccani as “a person who does not have any qualifications and nurses old, ill or non-autonomous people”. As we can see the definition itself is discriminating for the process of job finding. This is the case of women immigrants from Georgia who suffer twice: abused in working conditions and obliged by their husbands to help them in stealing.

The first ones were middle- aged women arrived in Italy after the war of 2008 in Georgia: they came mostly to the south of Italy because they thought that on expiry of their tourist visa it would have been easier to live as a clandestine because of less accurate police controls and more friendly social environment. It seems that the theory was effective and since 2010 the arrivals of Georgian immigrants have had a sudden rise.

One of the first effects of the growing presence of Georgian women in areas of southern Italy is the “war” between Georgian and Romanian labour slaves. Two young workers, Lavinia, a Romanian girl, and Eka, a Georgian one, witness what usually happens: “We earn 100 euro more than the Georgian women on an average” says Lavinia “We earn 700-800 euro, they 600-700” And Eka adds: “The real difference is in the sort of job. For difficult situations such as seriously ill and incapable persons they want only us because we are in the condition to accept anything”. Moreover women from Eurasia “last” longer because Georgia is more far away than Romania and going back home is more difficult and expensive. “Things have taken a turn for the worse even for us” says Lavinia “ Demands on us have increased: if our employers pay us a little more they want us to speak Italian or they choose a Georgian worker and pay her less”

Nowadays massive arrivals of immigrants from Eurasia are making the situation more difficult and conflicting for Georgian women: most of them entered Italy with a three months’ residence permit and then they became illegals. Until some years ago most of them were middle- aged women for jobs of care taking. Lately international crime holdings are investing more and more in human trafficking not only for forced labour but also for other types of abuse and exploita-



tion. The Georgian newcomers are younger and often accompanied by their partners: in a situation of widespread unemployment women are obliged to work in families or on the fields illegally recruited by profiteers who extort money from them while men get mixed up in gangs, involved in robberies, drug crimes and murders.

De Vito reports a very interesting testimony that he presents as “a clandestine letter from the bench of fear” in Bari, piazza Umberto. The writer is a Georgian woman who wants to remain anonymous.

“Dear Bari, dear inhabitants of Bari, my name is unimportant, neither my story is important. You could consider it the usual story of a poor, jinxed girl who left home because she had no alternative. I arrived in Bari when my mother, forty years old, had just died of cancer and left a middle-aged husband and two daughters. My sister married very young. My father got hooked on drugs, my sister and her husband were jobless and our house, the only property, was mortgaged. For long months I worked as a clandestine for a few hours a day.

But I had all the same to send money to the family because I am their chief support. I found some friends with whom to take part in a sort of lottery: four of us give the other three 250 euro a month so only one in turn has the opportunity to send home the sum of 1000 euro to face serious problems such as emergency surgery or health problems. When I could not pay the monthly sum I was obliged to borrow money from loan sharks at usurers’ interests.

For months I slept with nine women in a very bad house for some weeks twenty of us lived there. I paid 5 euro a night for a mattress on the ground or for a folding bed that one day was stolen. After many years as a clandestine I met a family who took me on regularly: 700 euro a month for doing the housework and babysitting. My free time was on Thursday afternoon and on Sunday morning. My employers were very good persons but when I asked for arranging my free hours in different days so that I could attend school courses, they answered they would cut my wage down of 100 euro. But I had never refused to do whatever they asked for: even to clean the bathrooms thrice a day when they had friends and guests coming and going at any time.

I couldn’t afford to lose 100 euro which were vital for me. I found another job: to nurse seriously ill old people in hospital overnight. 60 euro to stay from nine in the evening to half past eight in the morning beside a poor old man who all the night long asked me to hold him by the hand and to implore his daughters to let him die at home. It lasted for five nights and I felt ashamed of getting my 300 euro. What a kind of job is nursing who is more dead than alive?”

Today more than ever it is difficult to measure the extent of the phenomenon, because the field of so-called “gray areas” has increasingly expanded. The labour shortage creates additional possibilities of exploitation: it’s the case of agriculture, where the economic crisis is squeezing the workforce to the lowest



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rungs of exploitation, so the job itself is perceived as a “gift”, and no conditions can be put. It is kind of a flattened downwards labour market, that now threatens to involve 50-60% of the employees, including the “regularly employed” who then agree to receive half the salary due. The debt incurred for the trip (which we know as a typical element of women trafficking for the purpose of prostitution), is now also a male prerogative for many Central African people. These indebted men (male debt goes from € 35,000 to 40,000), being not able to give back the money with an earned income, are employed in three classic “activities” in order to repay: little drug trade, begging, male prostitution. Also many unaccompanied minors whose original migration project is to become street vendors are soon “hired”, also using forms of violent coercion, by those who in the chain of the hyper-precarious forms of the informal economy- often linked to illegal and sometimes criminal nets - are just above them in the road hierarchy (in recent times, we see the spread of a kind of a protection money weekly asked by the Neapolitan boys selling “socks for the road” to young Bangladeshi who have stalls to sell mobile phones covers.)

Andrea Morniroli is an NGO’ expert of the phenomenons. He explains in few words how it’s possible to contrast trafficking of human being, slavery and forced labour. In fact, 30,000 people who availed themselves of the appointed services (in particular those in charge of assisting victims of trafficking for sexual exploitation) are now out of the trafficking system. Other tens of thousands of women in prostitution have learned to use the local services, the health services especially, considerably contributing to the protection of health for all citizens (only in Naples, we calculate 3000 men who “buy” unprotected sex).

In addition, the economic result is extraordinary: compared to an investment of € 9,000,000 over the years, according to the Direction Investigative Antimafia, whereas revenues that have been stolen from the underworld amount to about 50,000 euro for each person helped, that means an amount equal to a total of 1.5 billion euro, who could not be re-invested, for example, in the trafficking of cocaine. We’ve witnessed the birth of solidarity networks between public and private social actors, between the different public institutions, between volunteers and professionals, between secular and Catholic actors (from the Committee for the Rights of Prostitutes to the Charity Sisters) – synergies that you can’t easily find in other areas, with a considerable sensitization and mobilization of civil society, in particular as an engagement of active minorities in different territorial contexts.

But there are some serious critical points, in these experiences: the extreme precariousness of the aid and protection system: we are still applying a logic of work by single projects, instead of setting up structured and stable services. So, this produces an extreme precariousness, a very intense turnover of operators at the expense of the building of the needed professionalism, with the occurrence



of dangerous interruptions in the intervention between a grant and the next one, unless this gaps are “buffered” and covered with volunteer activities. Furthermore, we have not yet managed to build a system of interventions that does not depend on a single Ministry, but on an inter-ministerial coordination, as it is claimed by the level of challenge to be faced. As a consequence, there is an enormous diversity of implementation of the same tools, for example, even though it was established that the assistances programmes do not need victim will to start, we still see very few police stations that give the possibility to obtain a residence permit without filing a complaint. It is about ensuring, by various means (Internal Directives, training of the operators ...) the procedures to be more homogenized.

THE IDENTIFICATION OF VICTIMS IN FRANCE

The Government of France complies with the minimum standards for the elimination of trafficking. The government sustains funding for a network of shelters offering comprehensive care to trafficking victims, and identified more victims of pimping and sex trafficking. However, authorities continues to focus primarily on sex trafficking, with limited attention provided to forced labor offences. The government lacked formal referral procedures for victims who were citizens or legal residents. The government provides limited resources to identifying victims of labor exploitation.

Authorities generally did not offer victims reflection periods, and various prefects’ policies for residence permit issuance were inconsistent. The government undertook a number of joint investigations and prevention projects with European partners. The government’s number of criminal cases classified as trafficking rather than as pimping, however, remained far below the estimated occurrence of trafficking in France. Authorities took action against public officials complicit in trafficking offences, as well as French citizens involved in children sex tourism.

The government increased its partnership with the Romanian government in order to improve the protection, return, and reintegration of Romani people unaccompanied minors. The French government provided witness protection services and issued one-year residency permits, which can be renewed every six months, to victims of trafficking who cooperated with authorities in the investigation and prosecution of traffickers; the government also provided identified victims with assistance and a 30-day reflection period to decide whether to cooperate with law enforcement. A trafficking victim may receive a permanent residency card though only if the defendant is successfully convicted by the government. The government did not report the number of victims that received res-



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idence permits or cards in 2009. One NGO continued to express frustration with the fees required for the residency permit and renewal of the permit.

An official of the «DIRECCTE Provence Alpes Côte d'Azur» (local/regional head of companies, competition, consumption, work and employment) tells that this is actually a marginal phenomenon and that the real problem lies elsewhere. First we must distinguish concealed work and the work of “undocumented”. Today, tenders are on a European scale as the answers. However some companies do not meet the guidelines:

- The work of legal aliens gives equal rights for French workers, the employer is liable using them outside of the obligations related to the labor code
- The undeclared worker risks nothing except that being underpaid or not paid at all
- This practice in Marseille is known to all; places well identified by certain employers and by individuals wishing not to be reported or who can not being reported for various reasons exist and function as the “slave market”

In conclusion these practices feed the difficulty of fair businesses and go against workers in the event of an accident in an exposed area

For the company it is considered as “criminal” and leads to the removal of any recruitment assistance. As for the undocumented workers, they appear only rarely and in community, adding the difficulty of the French language and fear of deportation.

The government reported police and other authorities identified and referred 799 trafficking victims to NGOs for assistance in 2009; however, it reported that it did not officially collect or track data on the actual number or percentage of these identified victims that it referred for shelter and assistance. The NGO Committee Against Modern Slavery (CCEM) reported 216 cases of forced labor in France in 2008; 120 of these victims were reportedly placed in protective custody.

The Non-governmental Organizations are involved in the integrated system against children trafficking. They are involved in the intersectorial team, at local level. In France the police identified 751 victims of pimping and sex trafficking in 2012, compared to 654 victims in 2011. Nine of these victims were males.

The central government and city of Paris provided funding for the Ac-Se system, which is an NGO-managed network of 49 NGO-run shelters that assists vulnerable adult victims of sex and labor trafficking. Ac-Se assisted 68 victims of trafficking in 2012, providing them with shelter, legal, medical, and psychological services. Shelters located throughout France allowed NGOs to place victims far away from where they were exploited. Local governments provided French language classes to victims. Some victims could qualify for subsidized housing and job training programs. Victims receive the equivalent of approximately 395 euro as an initial stipend from the government, and approximately 114 euro per month subsequently. NGOs objected that the financial stipend was insufficient to permit victims to rehabilitate successfully. Victims had to wait an average of 14 days



for access to a shelter, a decline from the average 40-day wait in 2011. The central and municipal governments also partially funded the operation of a shelter in Paris and a small number of emergency apartments.

Child protective services placed child victims of trafficking into children's shelters. The government continued to operate a hotline for children in abusive situations, including human trafficking. French authorities did not report overall funding allocations to NGOs for victims of trafficking.

The lawyer of an association that is in charge of a group dedicated to the "Rights of aliens" in Marseille, tells: "People are mostly received in an access rights approach and especially for obtaining a residence permit allowing them to work (residence labeled either as "private and family life" or "employee" or "temporary worker").

The Article 2.2 about the admission to residence under Labour (circular from the Ministry of the Interior) requires multiple eligibility principles and guidelines of administrative procedures to the relevant departments of the French administration, such that many customers give up or drop and in fact fall within the circuit of parallel work to survive. Most do not speak French and the exchange of information takes place between citizens of the same community.

This explains the almost total disregard of the rights and regulations of the country. Various strategies are organized between foreigners to circumvent the law, without allowing regularization. In Marseille this practice is known to all without ever saying his name, and what's more this situation "arranges" the different actors which explains the few complaints on this issue."

MAPPING RISK SITUATION, SECTOR AND CIRCUMSTANCES

In forced or servile labour, the main factor and conditions are:

- Workers must wait, sometimes up to three years of continuous work for holidays.
- The salary is not reported in full, driving the lack of regularity of wages and the ignorance of the salary for the worker.
- Workers have no information about their rights
- No change in salary
- Doubt about the legality of labor contracts, such as workers who are on a temporary contract for over 6 or 7 years in the same company? (in France a CDD can not exceed more than 18 months) /or «by-hour» contract, depending on the weather.

In order to identify the problems of foreign workers and illegal labor in the South of France, it is inevitable to understand the causes. Above all, it is



necessary to distinguish between undeclared work and forced labor.

Although both may be connected, one does not necessarily imply the other. Undeclared work, especially in construction, can sometimes be the result of an “agreement” between companies and workers. In the department of Bouches-du-Rhône, labor inspection is carried out by 68 screeners. In 2013 (provisional data), they conducted nearly 5,100 inspections of which 2,300 that were carried out on construction sites. 730 checks covered illegal work. The labor inspectorate sent 6,200 letters of observations to businesses. It took 137 decisions to stop construction and 174 minutes were forwarded to the prosecutor. 24 of them involved illegal work, of which 10 concerned the construction sector. It has in this way found a kind of “balance” with illegal work, a balance that, should it be broken, could lead to an economic collapse. Despite the signing of a departmental convention against illegal labor between the state and its partners this February, these practices are a recognized trade.

Some key Urssaf Paca figures on the fight against undeclared work - 2013 **5,385 preventive actions were carried out in 2013 over the whole region. 926 actions targeted at LCTD controls**, partly in partnership with the local police, the national police, the DGCCRF, the DIRECCTE, customs, and the other Urssaf, of which **733 actions which are subject to recovery**. This represents a total of **34 million recovered euros**.

LCTD control operations, better targeted and coordinated, lead to a better **recovery rate (79.2%)**.

To illustrate the challenge posed by social evasion: the 34 million recovered euros represent €68 million in gross wages, or **3,962 full-time employees paid the minimum wage for 1 year** (Annual SMIC: €17,162.64 in 2013).

Small businesses that cannot or do not wish to assume the charges of employer costs related to employment frequently turn to “undeclared” work. Like some large companies that abuse of this, they turn to subcontractors in order to maintain competitive rates. Markets and bids are henceforth playing on a European scale, companies frequently resort to foreign workers and illegals. The application of the rules of labor law and control then prove to be particularly difficult. A situation that clearly serves those who respect the labor law, but also the workers themselves.

Whether it is undeclared, illegal or forced labor, foreign workers, frequently undocumented, often live in precarious conditions and have few means of defence. The issuing of residence permits under work requires numerous administrative steps and procedures that often result in a renouncement on the part of the foreign workers.

Then kept in an irregular situation, they rarely succeed to get out and enter into a system of frequent illegal work. Their ignorance of the French language and their fear of exclusion push them to a community grouping that maintains an almost total ignorance of their rights regarding labor and related regulations.



However, foreign workers in France, whatever their status may be, have the same rights as others, and only employers that violate labor laws take the risk of being sanctioned. This issue of access to rights raises the question of wages, working conditions and obviously the legality of contracts.

Following the conclusion of the rapid evolution of fraud regarding illegal work towards more and more complex forms, the 2013-2015 National Plan on the fight against illegal work plans to combat these fraudulent situations through a more efficient prevention policy, better targeting of controls, increased coordination of control bodies and greater professionalism of agents.

Under European law, the penalties against employers who employ foreigners without a residence permit and / or work permit have been strengthened. French law also includes a number of provisions that guarantee employees the rights acquired through their work (wages and social contributions). Furthermore, an employer may accompany the employee in an irregular situation in the context of an exceptional admission procedure of stay through work (art. L. 313-14 CESEDA), of which the conditions are strictly controlled by the document of November 28, 2012.

Beyond the necessary verbalization of the companies concerned, it is important for the control services to inform interested parties of their rights to compensation, which remain open even in the case of return to their country of origin.

In terms of penalties, the Ministry of Justice invited the public prosecutor to reflect the seriousness of the facts in the treatment of procedures and to ensure diligent prosecution. In administrative matters, the services must mobilize themselves so that the new, more deterrent, administrative penalties are widely implemented by the competent authorities. In cases of repeated and characterized offences, the administrative closure of the establishment may be considered.

Despite the many protection and disincentive measures, and the establishment of ad hoc indicators, the system endures and sometimes “arranges”, and especially puts these workers in dangerous situations. In Marseille, it is called the “slave market”.

Reference points:

14% of construction companies resort to moonlighting

A study by the Urssaf (from 07/30/2014) gives figures on the widespread practice of undeclared work in construction. In Ile-de-France, in the painting and glazing industry, employees over the age of 60 are particularly concerned.

Construction is the sector where the moonlighting rate is the highest, ahead of the hotels and restaurants sectors. The study of the Urssaf indicates that 13.7% of French companies have recourse to this, which concerns 8% of employees. And still, these figures are probably underestimated, the newspaper specifies.

Fraud can take many forms: undeclared employees, concealment of part of



the working hours, or non-compliance with regulations on posted workers.

Example:

A quarter of businesses in Ile-de-France

Fraud is particularly important in painting and glazing (24% of fraud), and in structural work (21.9%). The fraud rate is also higher than average in plastering, masonry and metal structures.

Moreover fraud affects more **employees over 60 years old** (18.5% are employed illegally), the Ile-de-France region (24.3% of companies have recourse to this) and very small businesses (one third of craftsmen) according to the Urssaf.

Among the advanced causes, EU rules on posted workers, and the subcontracting cascade that has developed in the building sector.

Interview with a union representative of the BTP/Bouches du Rhône :

In France the construction industry (BTP) is the largest employer.

Economic conditions, including the unemployment rate does not always put into practice the resolutions described in official documents.

A local convention for the fight against illegal work in partnership with URSSAF PACA and Caisse of « weather leaves » BTP CAPEB (Confederation of Crafts and Small building companies) and the state represented by the « le Préfet de Région » was signed on February 13, 2014.

Nevertheless, it is clear that some form of “balance” is maintained by this part of illegal work, remove it would lead to a significant drop in our national economy.

On one hand, many small businesses would have no other choice but to give up, because of the weight of charges related to work.

On the other hand, large companies that answer the call for procurement market are not directly involved on the procedures for hiring construction workers. They use many subcontractors. These multiple layers of intervention darken the readability of the application and compliance with procedures and regulations. Moreover, these same companies could not compete on their responses to call for tenders. The latter being at European scale the use of foreign workers generates drifts. At the employees level, it is common to see them “housed” on the site in an ALGECO box or a caravan, precarious conditions favourable to social isolation already created by the ignorance of the language and de facto rights and regulations conditions. Threats of homecoming may exist. And the servitude often relies on labor paid per job or “disguised” as a bonus.

Aggrieved employees rarely use unions for several reasons, including fear of justice even if “Programmable” action only considers the respect for labor rights and not the status of the person. In brief, the economical “atmosphere” is a factor favouring illegal work, but not only, it is active at all levels of society, it is also part of local practices which suit each other...



HOW TO ENSURE EU RIGHTS OF VICTIMS OF TRAFFICKING

POLICY AND PRACTICES IN ENHANCING VICTIM PROTECTION AND INCLUSION

In **Romania**, the processes of family disorganization, correlated with poverty, generated increase in the number and the incidence of problems about certain groups of children, such as, leaving children by parents, the juvenile delinquency, drug, abuse/neglect/exploitation, including labor exploitation and other forms, traffic, street life, etc. These problems are still present in Romanian society, despite programs dedicated to combating them. Dynamics of contemporary society revealed new aspects of the importance of reconciling family and professional life, so that, further action is necessary for parents through which provide assistance and support necessary parenting, access to integrated care and education, in nurseries, day care services, while ensuring access to good care and pre-school education.

In **France** the government demonstrated protection efforts, providing funding to sex trafficking victims, while providing insufficient care and identification for labor trafficking victims. The government did not have a formal procedure for identifying victims who were French citizens or legal residents. Victims who did not have a legal status in France needed to cooperate with law enforcement to receive care. Labor inspectors did not receiving training on human trafficking and reportedly did not specifically search for indicators of human trafficking, resulting in authorities classifying trafficking victims as illegal migrant workers. The government sponsored trainings for social workers and other government employees on trafficking victim identification, as well as training for managers and employees of major hotel groups on suspicious activity that they should report to police.

In **Italy** Observers reported that procedures for referring victims of trafficking to services—and the quality of services—varied by region; police did not consistently apply guidelines for victim identification and referral. NGOs



Policies and Social Practices to Fight against Trafficking of Human Beings

reported that screening for trafficking was inadequate among the large number of refugees and migrants coming from Libya and Tunisia; it is possible authorities missed opportunities to identify victims of trafficking among these groups. There were reports of asylum seekers and unaccompanied children arriving to Italy's Adriatic ports via Greece who were summarily returned to Greece under the EU Dublin II regulation without proper screening for protection needs, trafficking victimization, or age and best interest determinations for children. Victims were not required to cooperate with law enforcement to obtain a residence permit. The government provides victims with three to six months' assistance, shelter for an additional 12 months, and reintegration assistance. Victims may obtain a subsequent work or study permit, which can lead to permanent residency, if the victim finds employment or is enrolled in a training program through designated NGOs. Lack of specialized assistance for male victims of trafficking limited their access to these permits. Tightening of migration policies made it more difficult for victims of trafficking to obtain temporary residence permits and procedures on issuance of permits varied among provincial police headquarters.

About **Malta**, the evaluation of the US Trafficking in Persons Report 2014 is that "The Government of Malta does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Although the government developed victim referral guidelines, it reduced the amount of public funds for trafficking programs by 70 per cent." On the more positive side, the 2014 report states that "the government passed an amendment to the criminal code that enhanced penalties for offenders and better aligned the code with international law on consent".

RECOMMENDATIONS FOR ROMANIA

Further reform in the protection and promotion of children's rights have to be closely linked to further reform social assistance will have to ensure, in fact, transforming it into a proactive system. Such intent cannot be achieved only by shifting emphasis from passive individual assisting, on building the social protection measures around family protection, through increased social security and individual responsibilities with a policy that focuses the child and family. It is necessary to keep in mind ensuring the framework necessary development of social services in relation to the granting of direct financial benefits, and social services designed to support growth and care of children in their families, while facilitating the promotion of the support of parents in view of ensuring a balance between family life and professional by standardizing quality of care in the field of children's during the day implement an integrated system of care and education of children and quality assurance monitoring of these services.



RECOMMENDATIONS FOR ITALY

Collect and disseminate disaggregated law enforcement data to demonstrate efforts to combat both sex trafficking and forced labor; formalize standard procedures for police and other officials to systematically identify and refer victims of trafficking to services and protection, and ensure procedures are applied consistently; improve efforts to screen irregular migrants and asylum seekers to identify possible human trafficking victims and protect them from deportation that may contribute to re-trafficking; establish an autonomous national rapporteur to enhance anti-trafficking efforts and share Italy's best practices on victim protection with other countries; increase efforts to identify victims of domestic trafficking specifically among children within the country who are vulnerable to forced labor and sex trafficking. Moreover, investing more on communication and on the narration of the phenomenon, of the interventions that are carried out, of which the population actually has a superficial knowledge. The prevalence of stereotypes and prejudices about both immigration and prostitution unable to bring out clearly the phenomenon of exploitation, to bring to light situations of actual slavery, bringing out the long chain of responsibilities. It is necessary for NGOs to invest more on social mediation, through a stronger combination of the rights of the "firsts" with those of the "lasts". We have to spread the so-called "best practices" more, to socialize them, to expand the experiences of training and awareness raising of the citizenship.

RECOMMENDATIONS FOR FRANCE

Greatly increase investigations, prosecutions, and convictions under the trafficking statute, ensuring that convicted offenders are sentenced to jail terms; amplify training and enforcement of labor trafficking; increase anti-trafficking training for prosecutors and judges, ensuring that emphasis is placed on increasing the use of the trafficking statute; implement a national action plan that formalizes a referral mechanism that adequately addresses the needs of both sex and labor trafficking victims; improve victims' access to restitution; standardize residence permit issuance policies and consider decreasing the fees for trafficking victims; ensure women and children arrested for soliciting or theft are screened for trafficking indicators; offer trafficking victims the 30-day reflection period; ensure victims of trafficking receive care regardless of cooperation with law enforcement; and enhance the collection of law enforcement and victim assistance data.



RECOMMENDATIONS FOR MALTA

Jean Pierre Gauci of the People for Change Foundation clarified that the amendments the report refers to were made through Act XVIII of 2013. It is available here: <http://www.parlament.mt/actslist?legcat=13>.

Of particular relevance is the part of the Act which made the consent of a victim of trafficking to the exploitation, whether intended or actual, irrelevant.

The government of Malta is justifying the 70% cuts in the costs referred to in the report by asserting that: “now that the basic structures are in place, the financial allocations need only be such as to sustain the relevant effort (Times of Malta, July 28, 2014). The Maltatoday (10th August, 2014) reported that the Ministry for Home Affairs and National Security claims to be reviewing police procedures and sponsoring training abroad for capacity building. Furthermore the ministry claims that a study “assessing boat migrants who were trafficked before arriving in Malta, or who are vulnerable to trafficking in the future, indicated that most of them do not experience forced recruitment or conditions of dependence before landing in Malta, “and were therefore not trafficked” (Maltatoday, 10th August, 2014)”.

The US Trafficking in Persons Report issued a number of recommendations, namely to:

- Strengthen efforts to identify trafficking victims proactively among vulnerable populations, particularly migrants, women, and children in prostitution;
- Increase efforts to investigate and prosecute trafficking offences and convict and punish trafficking offenders;
- Continue to ensure that convicted trafficking offenders, including any officials convicted of complicity in trafficking, receive adequate punishment, including time in prison;
- Ensure law enforcement officials receive adequate trafficking-specific training;
- Ensure that victims of trafficking are not punished for acts committed as a direct result of trafficking, particularly children induced into prostitution;

Ensure victim services are adequately funded; and train authorities on the use of the standard operating procedures for victim referral

RECOMMENDATION AT EUROPEAN LEVEL

We have approached this research with a dose of healthy scepticism as time after again during our research, we encountered grey areas and tentative conclusions. Clearly there needs to be more commitment on the policy making side, where policies are independent of any pressures or rankings from the outside, but the result of acknowledging and identifying the sector as one worth its atten-



tion as part of any strategy against poverty, exclusion and violence. Cartt partnership will be working together in the next future, to further the awareness on the subject, and advocate for more political commitment.

Focusing on the desirable policies and interventions at the European level, the most important is sensitization in the countries of origin, definitely: awareness raising actions for customers and the police could be undertaken, and therefore, in general, a raising awareness action for all those who may have a first contact with women, with the victims. Certainly from a legislative point of view it would be appropriate to start a multi-year anti-trafficking plan that allows to plan interventions in the long term, in other words, a greater recognition of the status of victims.

Moreover, the urgency is to settle a definitely, integrated programme to sustain the interventions for victims rights, so to define the use of funds allocated at the european, national, regional and local level, foreseeing a budget per person to implement personalized paths. Now the Commission have only one program covering the entire crime, in the whole planning there are a hundred million euro allocated every seven years, and this is not enough to solve the problems of 28 European Union countries.





CARTT
CAMPAIGN FOR AWARENESS RAISING
AND TRAINING TO FIGHT TRAFFICKING



AGAINST HUMAN TRAFFICKING