



# ITALY

Legal System	Constitution	Bill of Rights	Country Structure	Form of Government
Civil Law	Written	Yes	Single State	Republic

## 1. INTRODUCTION

### 1.1. Italy and Modern Slavery (Human Trafficking)

Due to its geographical position within the “Central Mediterranean Route,” a significant number of migrants arrived in Italy during recent years. According to data from the Ministry of the Interior, the peak was reached in 2016, when 181,436 migrants entered the Italian territory. Since then, the number of migrants has decreased. In the first three months of 2020, about 3,000 migrants arrived in Italy compared to about 7,000 in 2018.

In 2014, the first evaluation report drafted by the Group of Experts on Action against Trafficking in Human Beings (**GRETA**) urged Italian authorities to improve the legal framework for actions against trafficking of human beings. In the following years, Italy has adopted a number of legislative and judicial measures to improve protection of victims and strengthen the institutional framework. In particular, Italy adopted its first National Action Plan against Trafficking in, and Serious Exploitation of, Human Beings (**National Action Plan on Trafficking of Human Beings**) and set up a Steering Committee (*Cabina di Regia*) for planning, implementing, and financing actions against human trafficking. Moreover, various provisions of the Italian Criminal Code (**ICC**) have been amended, such as the provisions punishing slavery (Article 600 of the ICC), trafficking of human beings (Article 601 of the ICC), and illegal brokering and labor exploitation (*caporalato*)(Article 603-bis of the ICC).

GRETA conducted a second evaluation in 2018. The final report published in 2019 (**GRETA Report**) acknowledged improvements in the Italian legal framework, but still expressed concerns and urged Italian authorities to implement further actions to strengthen protection of victims and prosecution of perpetrators.

Italy is mainly a destination and transit country for migrants. According to the data gathered by the Italian Department of Equal Opportunities (*Dipartimento delle Pari Opportunità*), in 2018, there were 820 newly assisted victims of human trafficking. Most of those victims were subjected to sexual exploitation (534), followed by labor exploitation (37), forced begging (9), and forced criminality (7).<sup>1</sup> In the first half of 2019, there were 355 newly assisted victims. Again, most of the victims were subjected to sexual exploitation (180), followed by labor exploitation (33), and forced criminality (4).<sup>2</sup>

According to the data collected by the Ministry of the Interior, human trafficking in Italy is the third most important source of income for criminal organizations, after the arms and drug trades.<sup>3</sup>

<sup>1</sup> <http://www.pariopportunita.gov.it/wp-content/uploads/2017/12/Servizio-Informatizzato-per-la-Raccolta-di-Informazioni-sulla-Tratta-Dati-2018.pdf>.

<sup>2</sup> <http://www.pariopportunita.gov.it/wp-content/uploads/2017/12/Servizio-Informatizzato-per-la-Raccolta-di-informazioni-sulla-tratta-Dati-I%20B0- semestre-2019.pdf>.

<sup>3</sup> <https://www.osservatoriointerventitratta.it/en/human-trafficking-in-italy/>.

Two national public bodies have the primary responsibility to monitor and collect data on human trafficking: (i) the Department of Equal Opportunities (*Dipartimento delle Pari Opportunità*) and (ii) the National Anti-Mafia Directorate (*Direttorato Nazionale Anti-Mafia*). However, insufficient monitoring and lack of data on human trafficking are still critical issues in Italy.

## 1.2. Italy's Policy and Legal Position

Following the implementation of the 2016 National Action Plan on Trafficking of Human Beings, Italy has taken a multi-disciplinary approach to combat human trafficking by establishing a Steering Committee. The Department of Equal Opportunities leads the Steering Committee, which has the purpose of planning, financing, and implementing measures to fight human trafficking in Italy. The Steering Committee has representatives from various Ministries, the National Anti-Mafia Directorate, various police corps, and regional and local authorities. Trade unions and NGOs have also been invited to meetings of the Steering Committee as consultants.

Italy has ratified various international treaties and implemented a number of EU Directives on human trafficking. During its membership on the UN Security Council in 2017, Italy made the fight against human trafficking a priority. In November 2017, under the Italian Presidency, the UN Security Council unanimously adopted Resolution 2388 on human trafficking in areas affected by armed conflicts.<sup>4</sup>

## 2. OVERVIEW OF ITALY'S LEGAL APPROACH TO COMBATING MODERN SLAVERY AND HUMAN TRAFFICKING

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### 2.1. Italy's Regional and International Law Obligations

#### 2.1.1. *Fundamental human rights*

Italy is a founding member of the Council of Europe, an international human rights organization. Italy has ratified various international conventions dealing with human trafficking, such as the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (year of ratification: 1966), the European Convention on Human Rights (1955); the ILO Convention 105/1957 for the Abolition of Forced Labour (1967); the UN International Covenant on Civil and Political Rights (1977); and the Charter of Fundamental Rights of the European Union of 2000, prohibiting slavery or servitude, forced labor, and trafficking in human beings.

#### 2.1.2. *Slavery and trafficking*

Italy has ratified a number of international conventions, such as the UN Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, ratified in 2006. At the European level, by Law No. 108 of 2 July 2010, Italy ratified the Council of Europe Convention on Action against Trafficking in Human Beings adopted in 2005.

Moreover, by means of Legislative Decree No. 24 of 2 March 2014, Italy implemented Directive 2011/36/EU of the European Parliament and Council on Preventing and Combating Trafficking in Human Beings and Protecting its Victims.

<sup>4</sup> <http://unscr.com/en/resolutions/doc/2388>.

### 2.1.3. *Effect under Italy’s law*

According to the Italian Constitution, Italy conforms to the generally recognized principles of international law (*diritto consuetudinario internazionale*). To be effective and binding, international treaties must be ratified through a ratification law and a ratification act.

With regard to EU law, the automatic applicability of certain provisions and obligations in Italy depends on the type of EU legislative tool used. EU Regulations are directly applicable in Italy, while domestic law is needed to implement EU Directives. Many EU provisions relating to human trafficking are contained in EU Directives.

Italy is a civil law country. Therefore, most criminal or civil provisions protecting human rights and prohibiting human trafficking derive from Italian law or the Constitution.

## 2.2. Human Rights Protections Under Italy’s Law

The Italian Constitution identifies and protects various fundamental human rights. According to Article 2 of the Italian Constitution, “*the Republic recognizes and guarantees the inviolable rights of the person, both as an individual and in the social groups where human personality is expressed. The Republic expects that the fundamental duties of political, economic and social solidarity be fulfilled.*”

Moreover, Italy has ratified various international Conventions and Treaties protecting human rights.

## 2.3. Criminalization of Modern Slavery

Various provisions of the ICC punish modern slavery and human trafficking, including Articles 600 (“Placing or holding a person in conditions of slavery or servitude”), 601 (“Trafficking in persons”), 602 (“Purchase and sale of slaves”), and 603-*bis* (Illegal brokering and labor exploitation of human beings).

## 2.4. Supply Chain Reporting

No specific law regulates human rights supply chain reporting in Italy. However, after Italy’s implementation of Directive 2014/95/EU<sup>5</sup> relating to disclosure of non-financial and diversity information by large undertakings and groups (**Non-Financial Reporting Directive** or **NFR Directive**), certain entities are subject to reporting obligations relating to, *inter alia*, protection of human rights.

## 2.5. Investigation, Prosecution, and Enforcement

### 2.5.1. *Investigation and prosecution of criminal offenses*

In Italy, a public prosecutor (*Pubblico Ministero*) investigates and prosecutes criminal offences. However, a judge (*Giudice delle Indagini Preliminari* or *Giudice dell’Udienza Preliminare*, depending on the circumstances) decides whether to judicially prosecute an individual for a criminal offence.

### 2.5.2. *Mutual assistance/international cooperation*

By means of Legislative Decree No. 34 of 15 February 2016, Italy implemented EU Council Framework Decision 2002/465/JHA in relation to joint investigation teams (**JTS**) set up for a fixed period following an agreement between EU countries.

<sup>5</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0095&from=IT>.

The National Action Plan on Trafficking of Human Beings refers to cooperation with Europol and Interpol, the possible use of JTS, and bilateral agreements with certain countries for the repatriation of their citizens. Moreover, a Working Group on International Cooperation has been set up under the direction of the Ministry of Foreign Affairs.

### 3. ITALY’S FEDERAL CRIMINAL OFFENSES RELATING TO SLAVERY, SLAVERY-LIKE CONDITIONS, AND HUMAN TRAFFICKING

#### 3.1. Overview of Criminal Offenses

The ICC contains various criminal offenses and penalties relating to human trafficking. Articles 600, ff., of the ICC are the main provisions targeting human trafficking.<sup>6</sup> The offenses are punishable by a maximum and minimum penalty of imprisonment and pecuniary fines, as the case may be, which may vary depending on the existence of aggravating or mitigating circumstances.



Italian criminal law-makers have been very active recently in the field of anti-human-trafficking.

To begin with, Legislative Decree No. 24 of 4 March 2014, implementing Directive 2011/36/EU of the European Parliament and the Council on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, amended Articles 600 (Placing a person in a position of slavery or servitude) and 601 (Trafficking in persons) of the ICC. Furthermore, it set the ground for the adoption of a National Action Plan on Trafficking of Human Beings, including compensation to victims of trafficking from an *ad hoc* State Fund, and a targeted program for assisting victims of trafficking.

Another legislative effort encompasses Law No. 199 of 29 October 2016 on “Provisions to counter the phenomena of undeclared employment, exploitative labor in agriculture and the realignment of wages in the agricultural sector,” which amended Article 603-*bis* of the ICC (illegal brokering and labor exploitation)

<sup>6</sup> Italy is a single state and does not have a federal system. As a result, it does not have state or territory laws applicable to human trafficking.

and criminalized labor exploitation irrespective of the presence of a broker. Additionally, it placed administrative responsibility onto legal entities and provided for mandatory forfeiture of money, goods, and profits under this offence. Workers who are victims of offences under Law No. 199 of 29 October 2016 can apply for a payment from an *ad hoc* State Fund.

- Law No. 47 of 7 April 2017 on “Provisions concerning the protection measures of third-country unaccompanied children” is of interest, too. Article 17 on “Child victims of trafficking,” sets forth a specific assistance program targeted at children who have been trafficked, which includes damage awards.

By means of the Decree of the President of the Council of Ministers of 16 May 2016, a “Single program for the emergence, assistance and social integration of victims of trafficking and exploitation” (*i.e.*, victims of crimes under Articles 600 and 601 of the ICC) has been passed. It aims to further build on and replace certain projects under Legislative Decree No. 286 of 25 July 1998 (**Italian Consolidated Immigration Act**).

In addition, several secondary sources of law with an international focus on human trafficking have been recently adopted:

1. Legislative Decree No. 142 of 18 August 2015 on common procedures for the recognition and revocation of the status of international protection, which added victims of human trafficking to the list of “vulnerable persons” whose applications for international protection must receive priority; and
2. Law Decree No. 113 of 4 October 2018 on international protection, immigration, and public security, converted into Law No. 132 of 1 December 2018, which amended certain provisions of the Italian Consolidated Immigration Act and Legislative Decree No. 142 of 18 August 2015. In summary, the new law allows Police Headquarters to issue temporary residence permits for humanitarian reasons to foreign citizens seeking asylum as victims of domestic violence or serious work exploitation, persons in urgent need of medical care, persons coming from a country that is in a temporary situation of natural disaster, and persons who have performed acts of high civic value.

## 3.2. Slavery Offenses Under the Criminal Code

### 3.2.1. General

Generally, slavery offences under the ICC are mainly regulated under Articles 600, 601, and 602, which fall under the broader family of “Offenses against an individual’s freedom,” as recently amended by, *inter alia*, Legislative Decree No. 21 of 1 March 2018.

According to Article 600 of the ICC, named “Placing or holding a person in conditions of slavery or servitude”:

1. whoever exerts on any other person powers and rights corresponding to:
  - ownership; placing or holding any other person in conditions of continuing enslavement, sexually exploiting such person, imposing coerced labor or forcing said person into begging, or into unlawful conduct;
2. that result in exploiting such persons or in having their organs unlawfully removed;
3. shall be punished with imprisonment from eight to 20 years.

The placement or maintenance in a position of slavery occurs when use is made of violence, threat, deceit, abuse of power, or exploitation of a position of vulnerability; or when anyone takes advantage of a situation

of physical or mental inferiority and poverty; or when money is promised, payments are made, or other kinds of benefits are promised to those who are responsible for the person in question (Article 600, paragraph 2 of the ICC).

Under Article 601 of the ICC, named “Trafficking in persons”:

1. whoever recruits, introduces into the territory of the State, transfers outside that territory, transports, yields authority over a person to another person, offers lodging to one or more persons who are in the conditions specified in Article 600, or performs this conduct against one or more persons by deceit, violence, threats, abuse of authority or taking advantage of a situation of vulnerability, or of a weaker physical or mental condition or a condition of need, or by promising or giving money or of any other advantage to the person having control over that person;
2. for the purpose of inducing or forcing a person to perform work, sex, or begging or, in any case, to perform unlawful activities entailing the person’s exploitation or removal of organs;
3. is punished with imprisonment from eight to 20 years;
4. the same penalty shall apply to whoever, even without using those means, performs the prohibited conduct against a minor;
5. commanders and officers of a national or foreign vessel who commit any of the prohibited conduct are also criminally punished.

Finally, according to Article 602 of the ICC, named “Purchase and sale of slaves”:

1. whoever, if outside the scope of Article 601 of the ICC, purchases, sells, or transfers title over a person who falls under Article 600 of the ICC;
2. is punished with imprisonment from eight to 20 years.

Acting with the intent to accomplish the prohibited conduct is sufficient for the action to constitute human trafficking. In such a case, the punishment is mitigated. Different aggravating circumstances are stipulated in the ICC, such as, *inter alia*, human trafficking against minors, crimes committed by an organized group or mafia, and crimes perpetrated by relatives. When these circumstances are applicable, the punishment is increased by an additional one-third up to an additional two-thirds.

HUMAN TRAFFICKING PENALTIES IN ITALY	Duration of imprisonment
Placing or holding a person in conditions of slavery or servitude (Article 600 of the ICC)	8 to 20 years
Trafficking in persons (Article 601 of the ICC)	8 to 20 years
The crime (Article 601 of the ICC) is perpetrated by a ship’s captain or officer	Up to one-third more
For the crew working on a ship within which the crime (Article 601 of the ICC) was perpetrated	3 to 10 years
Purchase and sale of slaves (Article 602 of the ICC)	8 to 20 years
In all cases under Articles 600, 601, and 602 of the ICC, if (i) the victim is a minor; (ii) the crime is perpetrated in connection with slavery or sales of organs; or (iii) the conduct severely threatens or harms the life or physical or mental health of the victim	Increased from one-third to one-half

HUMAN TRAFFICKING PENALTIES IN ITALY	Duration of imprisonment
In all cases under Articles 600, 601, and 602 of the ICC, if crimes are committed with forgery of administrative documents	Increased from one-third to one-half
In all cases under Articles 600, 601, and 602 of the ICC, if the victim is less than 16 years old	Increased from one-half to two-thirds
In all cases under Articles 600, 601, and 602 of the ICC, if the victim is a minor and if perpetrated by a relative, a public officer, or a person who has custody, or if committed against a minor with a disability	Increased from one-half to two-thirds
In all cases under Articles 600, 601, and 602 of the ICC, if the crimes are committed with the use of narcotic substances, alcohol, or other substances dangerous for the health of the victim or if committed against three or more victims	Increased from one-half to two-thirds

Finally, Article 12 of the Italian Consolidated Immigration Act concerning Access to the Territory, Stay, Residence, and the Removal of Foreigners prohibits smuggling of people. It provides that whoever illegally smuggles or facilitates the entry of foreigners into Italy is punished with imprisonment from one to five years and a fine up to EUR 15,000. The punishment is harsher if this criminal conduct is performed to force foreigners into prostitution or other forms of sexual or labor exploitation or to exploit foreign minors into the performance of illegal acts.

### 3.2.2. Extraterritorial application

Articles 6-10 and 604 of the ICC have extraterritorial scope and permit the prosecution in Italy of Italian persons and foreigners conspiring in the crime with Italian persons regardless of where (out of Italy) the conduct constituting an offence occurs. The same applies if the victim is an Italian person.

The extraterritorial jurisdiction of Italian courts extends to all forms of human trafficking and attempted human trafficking. The public prosecutor can prosecute a person in Italy under Italian law regardless of whether the conduct constituting the offense, or its consequences, occurred in Italy.

## 3.3. Slavery-Like Offenses in Italy’s Legal Order

### 3.3.1. Servitude

Article 600 of the ICC punishes “Placing or holding a person in a condition of slavery or servitude.” The punishable conduct is defined as:

1. exercising over a person powers corresponding to those of the right of ownership;
2. placing or holding a person in continuous subjection (realized through violence, threat, deception, abuse of authority, or profit from a situation of vulnerability, physical or mental inferiority, or a situation of necessity, or by the promise or payment of sums of money or other advantages to someone who has authority over the person), forcing the victim to perform work, sexual services, begging, or any other illegal activity that involves exploitation, or to undergo organ removal.

The perpetrator is punished with imprisonment from eight to 20 years.

Finally, under Article 602 of the ICC, whoever trades or sells a person in a state of servitude is equally punished.

### 3.3.2. *Forced labor*

Article 603-*bis* of the ICC addresses “Illicit intermediation and work exploitation.”

This Article makes it a crime:

1. to recruit workers on behalf of third parties under exploitative conditions, taking advantage of the workers’ state of need;
2. to use, hire, or employ workers—including by means of an intermediary—exploiting them and taking advantage of their state of need;
3. indicators of exploitation are: (i) repeated payment of wages excessively below the level fixed by national collective agreements or disproportionate to the quantity and quality of performed work; (ii) repeated violation of regulations concerning working time, weekly off time, compulsory leave, and holidays; (iii) violation of workplace safety and hygiene regulations; and (iv) degrading working conditions, methods of surveillance, or housing conditions.

The perpetrator is punished with imprisonment from one to six years, plus a fine from EUR 500 up to EUR 1,000 for each recruited worker. Punishment is five to eight years of imprisonment, on top of a fine from EUR 1,000 up to EUR 2,000 for each recruited worker if the crime is committed by means of violence or threat.

Specific aggravating circumstances include when: (i) the number of recruited workers is more than three; (ii) one or more recruited persons are minors of non-working age; and (iii) the offence has exposed exploited workers to seriously dangerous tasks and working conditions.

Article 603-*ter* of the ICC also provides for particularly severe additional punishments, such as disqualification from managing corporations and enterprises.

Forced labor is also punished under the Italian Consolidated Immigration Act. Article 22, paragraphs 12 and 12-*bis* of the Italian Consolidated Immigration Act (Employment and exploitation of illegally staying third-country nationals) punishes the employment of foreigners without the residence permit required under Article 22 of the Italian Consolidated Immigration Act or whose permit has expired without applying for the renewal in accordance with the law, been revoked, or been withdrawn. Punishment for this offence ranges from six months to three years of imprisonment, plus a fine of EUR 5,000 for each employed worker.

Furthermore, Article 12, paragraph 5, of the Italian Consolidated Immigration Act, which concerns “Aiding and abetting of illegal immigration” with reference to foreign nationals only, works as a residual provision. It punishes the facilitation of the illegal stay of a foreign national to gain an unfair profit from the illegal condition of the foreigner. Punishment is imprisonment up to four years, plus a fine up to EUR 15,000.

### 3.3.3. *Deceptive recruiting for labor or services*

The ICC does not specifically make deceptive recruitment a crime. However, Articles 600 and 603-*bis* of the ICC on forced labor are broad enough to cover such an offense.

### 3.3.4. *Early and forced marriage*

Article 84 of the Italian Civil Code stipulates that minors, defined as those under 18 years of age, do not qualify to enter into a marriage. Only upon court decree can a minor at least 16 years old enter into a marriage.

The ICC recently for the first time has added the offence of early and forced marriage.

Pursuant to Article 558-*bis* of the ICC:

1. whoever forces anyone to enter into a marriage or a civil union using violence or resorting to threats is punished with imprisonment from one to five years;
2. the same punishment applies to whoever induces someone to contract a marriage or a civil union by taking advantage of vulnerabilities, psychological inferiority, or a state of necessity, or by abusing a family or working relationship or other authority over another person;
3. if the criminal conduct involves a minor, the punishment is increased;
4. the offence applies to Italian citizens, whether they are the perpetrators or the victims.

### **3.3.5. Debt bondage**

The ICC does not specifically make debt bondage a crime. However, Articles 600 and 603-*bis* of the ICC on forced labor are broad enough to encompass such an offense.

### **3.3.6. Any other relevant offenses**

Italy has no other relevant slavery-like offences.

### **3.3.7. Extraterritorial application of the offenses**

Refer to Section 3.2.2.

## **3.4. Human Trafficking/Smuggling-Related Criminal offenses**

### **3.4.1. International and domestic trafficking/smuggling of people**

Under Italian Law, two specific offenses make human trafficking a crime: (i) “Trafficking in persons” (as in Article 601 of the ICC; refer to Section 3.1.); and (ii) “Smuggling of migrants” (as in Article 12 of the Italian Consolidated Immigration Act; refer to Section 3.2.1.). The common ground for both crimes is to have individuals unlawfully enter Italy. Only Article 601 prohibits the subsequent exploitation of the trafficked persons.

In general, it is a crime:

1. To recruit, bring into Italian territory, transfer outside Italy, transport, yield authority over a person onto another person, or shelter persons who are in a condition of servitude;
2. when committed with deceit, violence, threats, or abuse of authority, or by taking advantage of a person’s vulnerability, weaker physical or mental condition, or a condition of need, or by promising or giving money or any other advantage to a person having control over that person.

This crime is punished with imprisonment from eight to 20 years, subject to aggravating circumstances. For instance, the penalty may increase by one-third up to one-half more if: (i) the victim is a minor; (ii) the crime is perpetrated with the intent to enslave persons or to sell organs; (iii) the conduct threatens or attempts to severely harm the victim’s life or physical or mental health. The penalty may increase by one-half up to two-thirds more if: (a) the victim is less than 16 years old; (b) the victim is a minor and the crime is perpetrated by a relative, a public officer, or a person who has custody over the minor, or the minor has a physical or psychological infirmity; or (c) crimes are committed by using narcotic substances, alcohol, or other substances dangerous for the victim’s health.

### 3.4.2. *International and domestic trafficking in children*

From an international perspective, in 2014, the European Commission launched a project called **TEMVI** (Trafficked and Exploited Minors Between Vulnerability and Illegality) involving several Member States, including Italy. The Member States were required to identify and report—after three years of monitoring—which sectors appeared more profitable for criminal organizations trafficking in children. Italy’s response was prostitution.

From a domestic perspective, the ICC has no specific offense only for trafficking in children. Trafficking in children is punished as an aggravated form of trafficking in persons under Articles 601 and 603-*bis* of the ICC.

### 3.4.3. *Victim harboring*

The ICC has no specific offence named “Victim harboring.” However, such an offense may fall under “trafficking in persons” as provided for by Article 601 of the ICC.

### 3.4.4. *Extraterritorial application of human trafficking and smuggling offenses*

Refer to Section 3.2.2.

### 3.4.5. *International and domestic organ trafficking*

Law No. 236 of 11 December 2016 made unlawful organ trafficking a crime. It then was included in Article 601-*bis* of the ICC, entitled “Organ trafficking taken from a living person.”

According to Article 601-*bis* of the ICC:

1. Whoever unlawfully trades, sells, purchases or, in any way and under any title, provides or trades organs or parts of organs taken from a living person is punished with imprisonment from three to 12 years and a fine from EUR 50,000 to EUR 300,000;
2. Whoever brokers the donation of organs from a living person with the goal to obtain an economic advantage is punished with imprisonment from three to eight years and a fine from EUR 50,000 to EUR 300,000;
3. Persons who practice a healthcare profession and engage in this crime will permanently lose their practicing license;
4. Unless amounting to a more serious crime, whoever organizes or advertises travel or advertises or disseminates by whatever means announcements in connection with the trafficking of organs or parts of organs is punished with imprisonment from three to seven years and a fine from EUR 50,000 to EUR 300,000.

## 3.5. Online Exploitation of Children Offenses

The ICC does not specifically make online exploitation of children a crime.

However, Articles 600-*bis*–600-*quinquies* of the ICC address child prostitution in various forms.

Under Article 600-*ter* of the ICC, whoever uses minors to make pornographic materials or recruits or induces minors to take part in pornographic entertainment is punished with imprisonment from six to 12 years and a fine from EUR 24,000 to EUR 240,000.

Article 600-ter of the ICC also punishes the recipients of child pornography and those who advertise it.

### 3.6. Child Sex Tourism Offenses

Article 600-bis of the ICC punishes “Child prostitution” meaning prostitution by underage individuals (*i.e.*, younger than 18 years of age).

Under Article 600-bis of the ICC, whoever recruits or prompts a minor to prostitution or favors, exploits, manages, organizes, or exerts control over the prostitution of a minor or takes profit from it is punished with imprisonment from six to 12 years and a fine from EUR 15,000 to EUR 150,000.

Unless amounting to a more serious crime, whoever commits sexual acts with a minor by giving money or other benefits (even if just as a promise) is punished with imprisonment from one to six years and a fine from EUR 1,500 to EUR 6,000.

Aggravating and alleviating circumstances may apply.

Article 600-quinquies of the Italian Civil Code specifically prohibits tourism connected to the exploitation of child prostitution, as defined in Article 600-bis. The perpetrator is punished with imprisonment from six to 12 years and a fine from EUR 15,493 to EUR 154,937.

## 4. ITALY’S SUPPLY CHAIN REPORTING LEGISLATION

No specific law requires supply chain reporting in Italy. However, legal provisions introduced in compliance with certain United Nations principles and European Union legislative initiatives focus on the inclusion of aspects related to the sustainability principle and the ESG elements (*i.e.*, environment, social, and governance elements) in the corporate strategies of large companies and groups.

In the last few years, Italy has shifted from voluntary reporting to mandatory reporting, subject to verification and potential fines in case of non-compliance with applicable Italian laws.

The first fundamental step was the EU’s adoption of the NFR Directive that was inspired—*inter alia*—by the UN’s publication of the so-called 17 Sustainable Development Goals (SDGs)<sup>7</sup> on 25 September 2015. According to the SDGs, both countries and companies are responsible for ensuring—among other principles—the protection and respect of human rights in the exercise of their activities.

In Italy, the NFR Directive was transposed into Legislative Decree No. 254 of 30 December 2016 (**Legislative Decree No. 254/2016**). Pursuant to Legislative Decree No. 254/2016, which has further extended the areas covered by the NFR Directive, large entities of public interest (*Enti di interesse pubblico di grandi dimensioni*)<sup>8</sup> must draft and publish every year a non-financial declaration concerning environmental, social, personnel, human rights, and anti-corruption matters to ensure the understanding of the business activity, its trends, its outcomes, and its relevant impacts. CONSOB<sup>9</sup> verifies the compliance of those entities with Legislative Decree No. 254/2016. In case of breach, certain fines can be applied.

<sup>7</sup> <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>.

<sup>8</sup> Pursuant to Article 16 of Legislative Decree No. 39/2010, large entities of public interest are banks, insurance companies, re-assurance companies with registered offices in Italy, extra EU re-assurance companies with secondary offices in Italy, and Italian corporate issuers of securities listed on Italian and EU regulated markets.

<sup>9</sup> The *Commissione Nazionale per le Società e la Borsa* (CONSOB) is the Italian public authority responsible for regulating the Italian securities market. Its activity is mainly aimed at the protection of the investing public.

The non-financial declaration must contain information relating to human rights protection, including the measures implemented to prevent the human rights violations and discriminatory conduct.

In addition, Law No. 145 of 30 December 2018 (**2019 Italian Financial Law**) amended Legislative Decree No. 254/2016 to require large entities of public interest to describe the procedures and safeguards in place to manage the principal risks highlighted in their reporting and potential breaches.

## 5. FORCED LABOR: OVERVIEW OF ITALY'S APPLICABLE EMPLOYMENT AND MIGRATION LAWS

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### 5.1. Employment Law Rights for Victims of Human Trafficking and Forced Labor

Workers who perform subordinate activity are entitled to some basic employment rights, such as minimum wage—as established by applicable national collective agreements (**CCNLs**)—social security contributions, sickness leave, rest time, health, and safety at work.

Italian law also regulates different “non-standard” employment contracts—such as on-call jobs and occasional collaborations—that are used mainly for intermittent or seasonal work and provide for a lower level of worker protection. In certain sectors, employers often use these types of contracts to decrease labor costs and to have more flexibility in the management of the workers.

To receive assistance in obtaining certain rights, including employment rights, and depending on the circumstances, workers can call the Italian toll-free number against human trafficking or seek the assistance of a trade union, file a claim with the appropriate Labor Office (*Ispettorato Territoriale del Lavoro*), request the police to start investigations and execute inspections against the employer, or bring a judicial claim.

In Italy, human trafficking and forced labor are subject to criminal prosecution. Victims can participate in the criminal proceeding as a civil party and request compensation for damages. Subject to certain conditions, victims can apply for compensation under the specific fund for anti-trafficking measures.

### 5.2. Applicability of Employment Legislation in the Context of Forced Labor or Trafficking

Article 2126 of the Italian Civil Code provides that, even if an employment contract is null and void, an employee is entitled to compensation as well as the payment of social security contributions, if the work was performed in breach of provisions protecting the employee.

In fact, also in case of irregular establishment of an employment relationship, the worker—even without the required residence permit—is entitled to some basic rights relating to compensation, payment of social security and insurance contributions, working hours, health, and safety at the workplace.

Nevertheless, the number of civil lawsuits filed by workers (and, in particular, migrants) who are victims of forced labor against employers remains low. This is due to the length of proceedings, insufficient knowledge of labor exploitation by Italian judges, and difficulty in gathering evidence of exploitation.<sup>10</sup> Moreover, the Italian legal system does not automatically protect from prosecution migrants who have been victims of human trafficking or labor exploitation.

Victims can bring civil claims in the context of criminal proceedings to recover damages caused by the offence. Article 603-*bis* of the ICC lists several indicators of work exploitation: (i) repeated payment of

<sup>10</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/severe-labour-exploitation-country\\_it.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/severe-labour-exploitation-country_it.pdf).

wages excessively below the level fixed by the applicable CCNL or disproportionate to the quantity and quality of performed work; (ii) repeated violation of regulations concerning working time, weekly rest time, compulsory leave, and holidays; (iii) violation of workplace health and safety regulations; and (iv) degrading working conditions, methods of surveillance, or housing conditions.

### 5.3. Statutory Rights

Pursuant to Italian law, employees are entitled to certain basic statutory rights, such as the right to proportionate compensation, rest time, and a safe workplace.

#### 5.3.1. *Rights to minimum wages, entitlements, and other applicable minimum standards*

According to Article 36 of the Italian Constitution, every employee has the right to receive compensation proportionate to the quantity and quality of the work performed and, in any case, sufficient to ensure the freedom and dignity of the employee and the employee's family.

Applicable CCNLs establish minimum wages and provide certain basic employment rules and standards applicable to various levels of employees and sectors. Although not strictly mandatory, CCNLs are broadly applied. Moreover, without applicable CCNLs, judges generally refer to CCNLs as a basis to establish minimum rights.

#### 5.3.2. *Claims available in relation to misrepresentations and “sham” arrangements*

Article 600 of the ICC punishes slavery, exploitation, and illegal organ removal achieved by means of deception.

Article 603-*bis* of the ICC, relating to forced labor, may also apply.

#### 5.3.3. *Claims available in relation to unlawful deductions, loans, and debt bondage*

Employers can make deductions from employees' wages (*e.g.*, social security and trade union contributions) when allowed by the law and CCNLs.

Italian case law has applied Article 600 of the ICC (slavery) to cases of debt bondage. Article 603-*bis* of the ICC, relating to forced labor, may also apply.

#### 5.3.4. *Remedies*

Victims of sham arrangements and debt bondage can file a civil claim in the criminal proceedings started under Articles 600 or 603-*bis* of the ICC requesting compensation for damages. Subject to certain requirements, they might apply to the fund for anti-trafficking measures for compensation up to EUR 1,500.

Moreover, should such trafficking result in the failure to pay employment compensation or social security contributions, employees may file a judicial claim for the payment of the amounts due.

#### 5.3.5. *The well-being of workers: Preventing work-related psychosocial risks.*

According to Article 2087 of the Italian Civil Code, the employer is required to adopt any measure necessary to protect workers' physical and moral well-being, considering the type of work, the experience, and skills of the workers.

Under Article 28 of Legislative Decree No. 81 of 9 April 2008 (Italian Consolidated Act on Health and Safety at the Workplace), employers are required to assess the risks of work-related stress in accordance with the

Framework Agreement of 8 October 2004. This Framework Agreement defines stress as “*a state which is accompanied by physical, psychological or social complaints or dysfunctions and which results from individuals feeling unable to bridge a gap with the requirements or expectations placed on them.*”

Following the risk assessment, the employer must implement a system for the adequate management of the risks to improve work conditions and protect the health and safety of workers.

### **5.3.6. *The well-being of workers: Promotion of workers’ health***

The Italian Consolidated Act on Health and Safety at the Workplace provides the general Italian legal framework for workers’ health and safety. It identifies, among other things, the obligations of employers and executives (risk assessment, information, and training of workers, for example) and the specific roles and responsibilities of those in the health and safety system (*e.g.*, employer, competent doctor, person in charge of the prevention and protection at the workplace, and workers).

Moreover, the Italian Ministry of Health (*Ministero della Salute*) has issued a National Prevention Plan. It defines various guidelines to promote health and prevent injuries in the workplace. Various Regional Prevention Plans implement the National Prevention Plan by calling for the coordinated action of all players involved, including employers, company physicians, and employees.

### **5.3.7. *The well-being of workers: Rest time***

According to Article 36 of the Italian Constitution, the maximum duration of the work day is established by the law, and employees have the right to weekly rest time and annual paid leave. Employees cannot waive these rights.

The standard working week is 40 hours, and Italian law provides the maximum weekly working hours cannot be longer than 48 hours.

Under Italian law, every employee has the right to a 24-hour rest period every seven days in addition to the daily rest time, which is 11 consecutive hours of rest time every 24 hours. However, there are certain exceptions, such as work in shifts and training employees.

Employees have the right to four weeks of paid vacations per year: two weeks during the year of accrual and the remaining two weeks within 18 months following the end of the year of accrual. CCNLs or individual employment contracts might provide for additional vacations and for different rules on accrual and use.

Italian law and CCNLs provide for and regulate different kinds of paid and unpaid permits (time off from work) for employees.

### **5.3.8. *The well-being of workers: Freedom to change jobs and right to leave***

In Italy, employees are free to change jobs.

In case of resignation, employees must provide notice to the employer. The length of the notice period depends on the applicable CCNLs and on the level and seniority of the employee. No notice period is due in case of resignation for just cause.

As part of the employment relationship, employers and employees can enter into certain covenants that limit the employee’s freedom to change jobs. In particular, the parties can enter into a stability or retention agreement or a non-compete covenant in compliance with Italian law.

## 5.4. Rights to a Safe Workplace and Compensation Associated With Injuries or Illness

Workers have the right to a safe workplace, and employers must implement all prevention and safety measures provided by the Italian Consolidated Act on Health and Safety at the Workplace. The right to a safe workplace applies to all workers employed by a company, regardless of the type of contract regulating their work.

Employees are entitled to a specific indemnity in case of sickness or accident at work. Sickness indemnity and treatment is managed through the National Social Security Authority (**INPS**), while protection against accidents at work is managed through the National Authority for Accidents at Work (**INAIL**). The method, duration, and amount of payment depend on various circumstances as well as on the applicable CCNL.

Employers endangering workers in the course of their work may also face criminal sanctions (including imprisonment) depending on the circumstances.

## 5.5. Access to Justice and Practical Issues Associated With Enforcing Social Legislation

The Italian legal system provides a number of tools to victims of labor trafficking to enforce social legislation. For example, victims can report violations by using a national toll-free number, by asking trade unions for assistance, or by contacting the police (*Carabinieri*). They can file a judicial claim or file a complaint with the appropriate Labor Office. Upon reporting and meeting certain conditions, victims can obtain temporary residence permits and receive assistance through socio-integration plans for assistance of victims of human trafficking.

According to Article 90-*bis* of the Italian Code of Criminal Procedure, in the context of a criminal legal action, victims must be informed (in a language that they understand) about access to free legal aid and assistance and the possibility to request compensation.

However, access to justice and effective remedies for victims of human trafficking remain difficult because no provision automatically prohibits prosecution of a victim of human trafficking, the Italian legal system is complex, and existing remedies are fragmented.

As noted in the GRETA Report, during recent years, the investigation and prosecution of crimes connected to human trafficking have increased. However, the number of convictions remains low due to procedural and substantive issues of Italian criminal law.<sup>11</sup>

## 5.6. Interaction Between Employment Law and Migration

### 5.6.1. *Employment rights affected where employment is unlawful under migration law*

Irregular workers can bring claims under employment law, regardless of whether they are in breach of migration law or visa conditions. However, Italian law does not automatically prohibit the prosecution of victims of forced labor or trafficking who committed unlawful activities. For victims to avoid punishment, criminal proceedings must establish that they are victims of forced labor or trafficking. Therefore, claims or lawsuits by irregular workers are quite uncommon.

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<sup>11</sup> The GRETA Report, page 62.

Italian migration law makes it possible for victims of exploitation to obtain specific types of visas, subject to certain conditions.

### 5.6.2. *Rights/remedies available under applicable migration law and regulations*

Victims of human trafficking can apply for temporary residence permits and have access to the “Single Program for the emergence, assistance and social integration of victims of trafficking and exploitation,” which provides shelter and legal and social services to victims.

Victims of human trafficking can apply for two types of residence permits.

Article 18 of the Italian Consolidated Immigration Act provides for the issuance of a residence permit to individuals who have been found to suffer from violence or serious exploitation and are in danger in case of repatriation, provided that they (i) adhere to social programs or (ii) co-operate with police or prosecutors in the criminal proceedings against perpetrators. This type of residence permit is temporary and can be renewed for the necessary time for reasons of justice.

According to the GRETA Report and various NGOs, there is a lack of consistency in the issuance of this permit. Moreover, waiting periods for these permits are quite long, and there are issues with converting these permits into work permits.<sup>12</sup>

Victims of aggravated forms of labor trafficking also can request a specific resident permit pursuant to Article 22, paragraph 12-*quater* of the Italian Consolidated Immigration Act. To obtain this type of permit, the victim must file a complaint against the employer and cooperate with judicial authorities. According to NGOs, this type of permit is rarely issued.<sup>13</sup>

## 5.7. Employment Laws and Child Labor

According to Italian law, individuals older than 16 years of age who have achieved certain minimum education requirements are allowed to work. In any case, underage individuals are entitled to certain protections with regard to working hours and health and safety issues. Some exceptions are provided for work in the cultural, artistic, sports, and advertising sectors.

Unlawful child labor is punished either with an administrative fine or as a criminal offence, depending on the type of unlawfulness.

Article 603-*bis* of the ICC punishes anyone who exploits workers. One specific aggravating circumstance is recruiting minors of non-working age.

According to the last available analysis by the CRC Group in 2013, there were about 260,000 children who had an (unlawful) work experience in Italy.<sup>14</sup> According to a recent report by the Italian newspaper *L'Espresso*, by 2019 there were about 300,000 child workers in Italy.<sup>15</sup> Child workers were mainly Italian citizens. Child labor exploitation mainly occurs in restaurants, agriculture, trade, and craftsmanship.

<sup>12</sup> The GRETA Report, page 84.

<sup>13</sup> The GRETA Report, page 85.

<sup>14</sup> <https://legale.savethechildren.it/d3593d04-e422-4fd8-b8e5-f5fc60e5a977/>.

<sup>15</sup> <https://espresso.repubblica.it/attualita/2019/01/07/news/lavoro-minorile-l-italia-e-il-paese-dei-piccoli-schiavi-1.330218>.

## 6. GOVERNMENT PROCUREMENT RULES

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### 6.1. Overview

Public procurement is one of the largest sources of supply of goods and services in Italy. Since 2000, particular attention to the integration of social and environmental criteria into public procurement has spread from northern European countries and the United States. Sustainable Public Procurement (SPP) indicates the commitment of public authorities to achieve an appropriate balance between the three dimensions of sustainable development (economic, environmental, and social) when they acquire goods, services, or labor through procurement. Moreover, the regulation of public procurement is an essential tool to ensure the efficiency of public spending, as well as respect for human rights.

On 18 April 2014, three European Directives (Directives 2014/23/EU, 2014/24/EU, and 2014/25/EU) on public contracts entered into force. Italy has implemented those Directives through Legislative Decree No. 50 of 18 April 2016 (**Procurement Code**).

### 6.2. Government Procurement

The Procurement Code provides for, *inter alia*: (i) the regulatory framework for the management of “socially responsible” public procurement, (ii) a rating system (to be implemented by ANAC) (National Anti-corruption Authority) based also on reputational requirements relevant to define the rating of the companies wishing to take part in tenders, and (iii) human rights criteria to be considered.

The Procurement Code has several provisions that aim to protect workers from very aggressive discounts that may have a negative effect on worker remuneration. Those provisions include:

1. Necessary application of the CCNL by the bidders

The Procurement Code requires compliance with CCNL and territorial collective agreements in force for the sector and area in which the work or services will be performed.

Furthermore, pursuant to Article 50 of the Procurement Code for the award of concession contracts, the bid documents for labor and service contracts (other than those of intellectual nature) must include social provisions aimed at promoting the employment stability of personnel already employed (by the outgoing contractor (*aggiudicatario*)).

2. Labor cost control for public procurement

According to the Procurement Code, “*in the economic offer the operator must indicate its business costs concerning the compliance with the provisions on health and safety in the workplace.*”

Furthermore, pursuant to the Procurement Code, the bidders must pay employees not less than the minimum wage set by specific tables issued by the Labor Minister (*Ministero del Lavoro e delle Politiche Sociali*) or, based on administrative case law, the minimum wage provided by applicable CCNLs.

### 6.3. Italian Government Action Plan

In 2016, Italy adopted the National Action Plan on Companies and Human Rights, concerning the five-year period 2016–2021. The Interministerial Committee for Human Rights (*Comitato interministeriale per i diritti umani*) (CIDU) prepared the Plan on the basis of the Guiding Principles on Business and Human Rights adopted unanimously by the United Nations Human Rights Council in 2011.

Several recent Italian legislative and political initiatives promote human rights and aim to prevent and compensate breaches committed by companies:

1. Legality Rating

In 2012, the “legality rating” was introduced to encourage companies to adopt ethical conduct. To facilitate companies’ access to public resources and bank credit, the Italian Competition and Market Authority (*Autorità Garante per la Concorrenza ed il Mercato*) (**AGCM**) has the mandate, upon request, to certify a company’s compliance with current national legislation and to reward initiatives taken voluntarily by the company to achieve high levels of security and transparency in its activities.

2. Administrative responsibility of companies

Legislative Decree No. 231 of 8 June 2001 makes legal entities, companies, and associations with or without legal personality liable for specific criminal offences, such as corruption, money laundering, and fraud. It establishes administrative liability determined by a criminal judge according to the rules of criminal procedure. The list of criminal offences includes specific human rights violations, such as child prostitution and pornography, trafficking in human beings, and slavery.

3. Irregular work and the agricultural sector

The National Action Plan on Trafficking of Human Beings addresses exploitation and trafficking of irregular migrant workers. Legislative Decree No. 91 of 6 June of 2014 establishes the Quality Agricultural Work Network (*Rete del Lavoro Agricolo di Qualità*). This Network combats irregular work in the agricultural sector by facilitating contacts between companies in compliance with certain requirements of labor law, rules on safety at work, and tax provisions (such as the implementation of local and national employment contracts in the agricultural sector). Companies meeting certain requirements may participate in the Network and receive special incentives and benefits.

4. Smuggling of migrants and trafficking in human beings

The Government’s National Action Plan against Trafficking of Human Beings, adopted in 2016, defines prevention measures and intervention strategies, including raising awareness, social prevention, and social integration of victims.

## 7. RESTITUTION AND VICTIM COMPENSATION

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### 7.1. Overview

Two main remedies are available to victims of human trafficking. Legislative Decree No. 24 of 4 March 2014 (**Legislative Decree No. 24/2014**) has established a fund to ensure compensation for each victim of human trafficking. The Italian Immigration Consolidated Act also provides “social protection” to victims of human trafficking who can, subject to certain conditions, obtain a special residence permit and benefit from specific protection and assistance programs.

### 7.2. Protection of Victims of Human Trafficking in Criminal Proceedings and Compensation for Damages

Under Italian law, victims of human trafficking may request compensation as part of a criminal proceeding by bringing a civil lawsuit pursuant to Articles 74 (*legitimation to civil action*) and 75 (*relation between civil and criminal prosecution*) of the Italian Code of Criminal Procedure.

Legislative Decree No. 24/2014 tightened Italian criminal law and established a national fund that guarantees compensation to victims of human trafficking. Notably, Legislative Decree No. 24/2014, *inter alia*,:

1. provides for “an individual assessment of the victim, of the specific situation of vulnerable persons such as minors, unaccompanied minors, the elderly, the disabled, women, particularly pregnant women, single parents with minor children, persons with mental disorders, persons who have been subjected to torture, rape or other serious forms of psychological, physical, sexual or gender-based violence;”
2. presumes that children are minors when their age cannot be ascertained to protect minors; and
3. requires training on human trafficking issues for public officials concerned.

Legislative Decree No. 24/2014 provides that, whenever the victim cannot obtain compensation from the offender or the perpetrator is unknown, victims of trafficking have the right to request compensation from the State. The Fund for anti-trafficking measures<sup>16</sup> pays the compensation, which is limited to EUR 1,500 per victim (within the limits of the annual financial resources available). Article 12 of Law No. 228 of 11 August 2003 (as amended from time to time) sets the procedure to request compensation from the Fund.<sup>17</sup>

### 7.3. Protection of Victims of Human Trafficking and Serious Exploitation

#### 7.3.1. *The residence permit (permesso di soggiorno) pursuant to Articles 18 and 22 of Italian Consolidated Immigration Act*

Since 1998, Italian law has introduced certain tools for the “social protection” of victims of serious exploitation.

Article 18 of the Italian Consolidated Immigration Act, in conjunction with Article 27 of Presidential Decree No. 394 of 31 August 1999, authorizes the issuance of residence permits to immigrants who have been victims of violence or serious exploitation and who are exposed to a real danger to their safety due to the statements made in criminal proceedings or their decision to escape their exploitation.

There are two requirements for such a residence permit:

1. a situation of violence or serious exploitation; and
2. the existence of a concrete, serious, and current danger to the safety of the victims or their family members in case of repatriation.

This residence permit can be issued both in the course of a criminal proceeding following the victim’s report (**judicial track**), as well as through a program of assistance and social integration (**social track**), if the victim does not file a report.

Furthermore, pursuant to Article 22, paragraph 12-*quater* of Italian Consolidated Immigration Act, in case of labor exploitation discussed in paragraph 12-*bis*, the Questore, upon proposal or with the favorable

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<sup>16</sup> To implement Law No. 228 of 11 August 2003, the Fund for anti-trafficking measures and other programs were created to assist victims of slavery pursuant to ICC Article 600 (Placing or holding in slavery or servitude) and human trafficking pursuant to Article 601 (Trafficking in persons) of the ICC.

<sup>17</sup> See the GRETA Report, p. 52. Article 90-*bis* of the Code of Criminal Procedure has been recently amended by Italian Law No. 69 of 9 June 2019.

opinion of the Public Prosecutor, may issue a residence permit to a foreigner who has filed a complaint and cooperates in the criminal proceedings instituted against the employer.

The residence permits issued pursuant to Article 18 and to Article 22, paragraph 12-*quater* and 12-*quinquies* of Italian Consolidated Immigration Act, have an initial duration of six months and can be renewed for one year or for the longest period necessary for reasons of justice. A victim who has an employment relationship can renew the residence permit for the duration of the employment relationship or, if this is for an indefinite period, for two years.

### 7.3.2. *Special assistance program for victims of the offences under Articles 600 and 601 of the ICC*

Article 13 of Law No. 228 of 11 August 2003 creates a special assistance program for victims of slavery and human trafficking (the offences defined in Articles 600 and 601 of the ICC). Unaccompanied foreign minors must receive particular protection, including adequate reception conditions; psycho-social, health, and legal assistance; and long-term solutions, even beyond the age of majority.

## 8. ITALY'S MULTI-DISCIPLINARY/INTERAGENCY COOPERATION APPROACH

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### 8.1. Overview

In the context of the National Action Plan on Trafficking of Human Beings, Italy has established a Steering Committee (*Cabina di Regia*), led by the Department of Equal Opportunities, to plan, finance, and implement measures to fight human trafficking. The Steering Committee has representatives of various Ministries, the National Anti-Mafia Directorate, various police corps, and regional and local authorities. Moreover, several public and private organizations act to achieve multi-disciplinary cooperation.<sup>18</sup>

Italy pays particular attention to two areas:

1. Prevention and suppression of human trafficking, and
2. Assistance to the relevant victims.

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<sup>18</sup> *Private Operators of the Civil Society*

Private operators may also provide assistance to the victims of trafficking by carrying out programs of assistance and social protections, subject to two requirements:

1. Filing with a special register named "*Registro delle associazioni e degli enti che svolgono attività a favore degli immigrati*" held by the Minister for Labor and Social Policy (*Ministero del Lavoro e delle Politiche Sociali*), set forth by Article 52 of Presidential Decree No. 394 of 31 August 1999. Section 2 of this register is reserved for associations, entities, and other private organizations authorized to implement programs of assistance and social protection for foreigners; and
2. Entering into special agreements or covenants with the relevant local authorities.

## 8.2. National Institutional Coordination

### 8.2.1. Equal Opportunities Department (*Dipartimento per le Pari Opportunità*)

Pursuant to Article 7 of Legislative Decree No. 24/2014, the Equal Opportunities Department (*Dipartimento per le Pari Opportunità*) at the Italian Prime Minister's office is one of the main Italian government institutions to deal with human trafficking.

This Department is responsible for:

1. providing guidelines and coordination for social protection measures of human trafficking and assistance to victims;
2. planning the allocation of financial resources for programs of assistance and social integration relating to such trafficking;
3. analyzing trends in human trafficking, by using an appropriate monitoring system and collecting statistical data; and
4. submitting to the EU Anti-Trafficking Coordinator a biannual report containing the monitoring results.

On the basis of the same Legislative Decree, on 26 February 2016, the Council of Ministers adopted the National Action Plan on Trafficking of Human Beings for the years 2016–2018.<sup>19</sup> Recently, the Council has announced the next national plan, which addresses four main topics: (i) awareness and prevention, (ii) suppression of trafficking, (iii) assistance and protection of the victims, and (iv) reintegration of the victims through employment.

### 8.2.2. Department for Civil Liberties and Immigration (*Dipartimento per le Libertà Civili e l'Immigrazione*)

The Department for Civil Liberties and Immigration has been part of several projects that combat human trafficking, such as, for example, the project named "Italy, Albania and Greece against trafficking of women and minors,"<sup>20</sup> as well as the project named "No Tratta" financed by the European Commission through the project named "Prevention of and Fight against Crime."

One of the Department's most significant projects is RE.V.ITA, *Rete Ritorno Volontario Italia*.<sup>21</sup> This program assists the voluntary repatriation (*Ritorno Volontario Assistito*) of migrants who do not want or cannot stay in the host country and who voluntarily choose to return to their country of origin.

### 8.2.3. Ministry of Agricultural, Food, and Forestry Policies (*Ministero delle Politiche Agricole, Alimentari e Forestali*)

The Ministry of Agricultural, Food, and Forestry Affairs is indirectly involved in the activities against human trafficking through the *Rete del lavoro agricolo di qualità*, introduced by Law Decree No. 91 of 24 June 2014, and converted with some amendments by Law No. 116 of 11 August 2014.

<sup>19</sup> [https://www.legislationline.org/download/id/7377/file/Italy\\_national\\_action\\_plan\\_trafficking\\_2016-2018\\_en.pdf](https://www.legislationline.org/download/id/7377/file/Italy_national_action_plan_trafficking_2016-2018_en.pdf).

<sup>20</sup> [https://ec.europa.eu/anti-trafficking/eu-projects/italy-albania-and-greece-against-trafficking-women-and-minors\\_en](https://ec.europa.eu/anti-trafficking/eu-projects/italy-albania-and-greece-against-trafficking-women-and-minors_en).

<sup>21</sup> <https://italy.iom.int/it/aree-di-attivita%3%A0/ritorni-volontari-e-assistiti/progetto-revita-rete-ritorno-volontario-italia>.

This “Rete” implements measures to fight irregularities in the agricultural sector and to combat “*caporalato*,” which is a criminal offence regulated by Law No. 199 of 29 October 2016, involving the illegal organization and recruitment of workers.

Companies that can prove their compliance with certain requirements<sup>22</sup> (including, *inter alia*, working requirements) may join this “Rete” and obtain a compliance certificate.

#### **8.2.4. Ministry of Justice – Department of Juvenile and Community Justice (*Ministero della Giustizia – Dipartimento per la Giustizia Minorile e di Comunità*)**

The Department of Juvenile and Community Justice is one of the four departments established under the Ministry of Justice. The legislation concerning the Department is contained in the President of the Minister Council Decree No. 84 of 15 June 2015, which reorganized the offices of the Ministry of Justice.

This Department oversees juvenile courts and provides recovery and reintegration programs for juvenile offenders. Also, it acts to prevent and fight crimes connected with organized crime, terrorism, illegal immigration, and human trafficking.

#### **8.2.5. Ministry of Health (*Ministero della Salute*)**

The Ministry of Health coordinates medical assistance to victims of trafficking.

Article 35 of the Italian Consolidated Immigration Act provides free access to essential health treatment (including assistance for pregnancy and maternity, protection of children’s health, vaccination, and management of infectious diseases) to irregular immigrants.

#### **8.2.6. Ministry of Foreign Affairs and International Cooperation (*Ministero degli Affari Esteri e della Cooperazione Internazionale*)**

The Ministry of Foreign Affairs and International Cooperation contributes to the fight against human trafficking through its General Directorate for Italians Abroad and Migration Policies<sup>23</sup> (*Direzione Generale per gli Italiani all’Estero e le Politiche Migratorie*).

This Directorate entered into several technical agreements and covenants<sup>24</sup> with various organizations, including the International Organization for Migration and the United Nations Entity for Gender Equality and Empowerment of Women (**UN Women**). It also finances measures to support victims in areas where trafficking is widespread.

#### **8.2.7. Regions and local authorities**

Regions and local authorities promote and enforce the assistance and social integration programs provided for human trafficking victims under both the Italian Immigration Consolidated Act and Article 13 of Law No.

<sup>22</sup> The requirements of the regulation are: (i) no reported criminal convictions for violations of labor and social legislation or for crimes against public safety or against the public economy, industry and business, animal cruelty crimes and, in relation to income and value added tax, crimes set forth in Articles 600, 601, 602, and 603-*bis* of the ICC; (ii) no administrative sanctions, even if not final, in the last three years for breaches of employment and social legislation, and compliance with obligations to pay taxes and duties; (iii) compliance with the payment of social security contributions and insurance premiums; (iv) compliance with collective agreements referred to in Article 51 of Legislative Decree No. 81 of 15 June 2015; and (v) pursuant to Article 2359 of the Italian Civil Code, no control by or affiliation with companies that do not meet these requirements.

<sup>23</sup> <https://www.esteri.it/mae/it/ministero/struttura/digitalianiestero>.

<sup>24</sup> [https://www.esteri.it/mae/resource/doc/2019/07/dgit\\_scheda\\_accordi\\_23\\_7\\_2019.doc](https://www.esteri.it/mae/resource/doc/2019/07/dgit_scheda_accordi_23_7_2019.doc).

228 dated 11 August 2003. A special assistance program guarantees victims of slavery and trafficking appropriate accommodations and free medical treatment.

### ***8.2.8. Public security forces, National Anti-Mafia Directorate, and district anti-mafia directorates***

Human trafficking is a principal business of criminal organizations. Consequently, Italian public security forces, which conduct criminal police investigations at the national level, combat criminal organizations linked to human trafficking crimes.

The role of the National Anti-Mafia Directorate is of fundamental importance. It is composed of the National Anti-Mafia public attorney and 20 Deputy National Anti-Mafia public attorneys. Their main task is to coordinate the investigations of the District Anti-Mafia Directorates to ensure exchange of information and cooperation.

Human trafficking is one of the main areas of interest of the National Anti-Mafia Directorate. Every six months, the Directorate publishes a report in which all relevant trends in this subject are analysed.<sup>25</sup>

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<sup>25</sup> The latest report covers the first half of 2019 and is available at:  
[http://direzioneeinvestigativaantimafia.interno.gov.it/page/relazioni\\_semestrali.html](http://direzioneeinvestigativaantimafia.interno.gov.it/page/relazioni_semestrali.html), among other sites.