



ITALY

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

1. INTRODUCTION

1.1. Modern Slavery and 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, 2023 has been a record year for migrant arrivals in Italy. From January to September 12, 2023, the Ministry registered the arrival of 115,368 migrants. During the same period in 2022, the number of migrant arrivals was 62,647, while in 2020, it was 40,709.¹

Italy is mainly a destination and transit country for migrants. According to the data gathered by the Italian Anti-Trafficking Observatory (*Osservatorio Anti-Tratta*), 1,799 individuals were presumed or identified victims of human trafficking in 2021.² Most of those victims were subject to sexual exploitation (584), followed by victims of trafficking or exploitation (407 and 334), and labor exploitation (315).

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 weapon and drug trades.³

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.

GRETA conducted a second evaluation in 2018. The final report, published in 2019 (**GRETA Report**),⁴ 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.

GRETA is currently conducting its third evaluation round, focusing on trafficking victims’ access to justice and effective remedies. In the context of this evaluation, the Italian Government provided answers to GRETA’s questionnaire on the matter.⁵ The final report is scheduled to be published by the end of 2023.

¹ For updated data on migrant arrivals, see website available at: <https://www.interno.gov.it/it/stampa-e-comunicazione/dati-e-statistiche/sbarchi-e-accoglienza-dei-migranti-tutti-i-dati>.

² Available at: <https://rm.coe.int/reply-from-italy-to-greta-questionnaire-3rd-round-/1680a9c5c2>.

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

⁴ Available at: <https://rm.coe.int/greta-2018-28-fgr-ita/168091f627>.

⁵ Available at: <https://www.coe.int/en/web/anti-human-trafficking/italy>.

To comply with its obligations and to meet the observations in the GRETA Reports, Italy has adopted a number of legislative and judicial measures to improve protection of victims and strengthen its institutional framework.⁶

In particular, in 2016, Italy adopted its first National Action Plan against Trafficking in, and Serious Exploitation of, Human Beings (**First National Action Plan on Trafficking of Human Beings**) and established a Steering Committee (*Cabina di Regia*) for planning, implementing, and financing actions against human trafficking. In 2022, Italy adopted a new National Action Plan against Trafficking in, and Serious Exploitation of, Human Beings (**2022–2025 National Action Plan on Trafficking of Human Beings**) with the purpose of improving the national response to trafficking by respecting human rights and non-discrimination through gender mainstreaming and protection of minors, women, and vulnerable individuals.⁷

Moreover, in recent years, 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). To tackle the issue of human trafficking, Italy has adopted a multi-level and multi-agency approach through the involvement of various actors belonging to both the public sector (*e.g.*, ministries, governmental agencies, the judicial system, etc.) and the private sector (*e.g.*, NGOs).

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 also have been invited to Steering Committee meetings as consultants. The 2022–2025 National Action Plan on Trafficking of Human Beings has confirmed this approach. The approach was adopted for the purpose of consolidating and improving the institutional measures “aimed at preventing and combating human trafficking and ensuring adequate protection for the victims.”⁸

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.⁹

⁶ See also Organization for Security and Cooperation in Europe, Compendium of relevant reference materials and resources on ethical sourcing and prevention of trafficking in human beings for labour exploitation in supply chains, 2nd updated edition, (2020) at p. 43, available at: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.osce.org/files/f/documents/8/c/450769.pdf>.

⁷ Available at: https://www.pariopportunita.gov.it/media/2428/piano-anti-tratta-2022-2025_eng.pdf.

⁸ 2022–2025 National Action Plan on Trafficking of Human Beings, page 8.

⁹ Available at: <http://unscr.com/en/resolutions/doc/2388>.

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

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. *Modern 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 4 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.

2.1.3. *Effect under Italy’s law*

According to its 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 its 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/EU¹⁰ 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.

According to a recent survey by Oxfam Italia and Collectibus conducted on 77 undertakings operating in various business sectors, 70% of the responders declared to pay special attention to the issue of human rights violations in their business activity. However, only 10% of responders performed evaluations on their suppliers, only 12% adopted any due diligence tool or procedure, and only 26% had an updated policy on human rights issues.¹¹

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. 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.

The First 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. A Working Group on International Cooperation also has been set up under the direction of the Ministry of Foreign Affairs.

The 2022–2025 National Action Plan on Trafficking focuses on establishing partnerships and cooperation with the countries of origins of the migrants, in line with the guidelines of the EU Strategy on Combatting Trafficking in Human Beings (2021–2025).¹²

¹⁰ Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0095&from=IT>.

¹¹ Available at: <https://www.oxfamitalia.org/un-terzo-delle-aziende-impreparate-sulla-tutela-dei-diritti-umani/>.

¹² Available at: https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/eu-strategy-combatting-trafficking-human-beings-2021-2025_en.

3. ITALY’S FEDERAL CRIMINAL OFFENSES RELATING TO MODERN SLAVERY, MODERN 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.¹³ The offenses are punishable by maximum and minimum penalties 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) 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,

¹³ 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 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 were 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 law allowed 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. More recently, Law No. 173 of 18 December 2020 was adopted to replace Law No. 132 of 2018 with the purpose to restore effectiveness of the constitutional right to asylum. Indeed, the previous law limited the rights of asylum seekers through a restrictive interpretation of the complementary protection referred to under Art. 5(6) of the Italian Consolidated Immigration Act, thus making them more vulnerable to traffickers. Under the newest Law of 2020, holders of residence permits for special protection, including victims of trafficking (“permit for special cases,” as per Article 18(4) of the Italian Consolidated Immigration Act), have also been given the possibility of reception within the context of the Reception and Integration System (**SAI**).

3.2. Modern Slavery Offenses Under the Criminal Code

3.2.1. General

Modern 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:

1. whoever exerts on any other person powers and rights corresponding to:
 - ownership; placing or holding any other person in conditions of continuing subjection, 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 for eight to 20 years.¹⁴

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:

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 for 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. the punishment is increased up to one-third for commanders and officers of a national or foreign vessel who commit any of the prohibited conducts or contributes to one of them.
6. the crew member of the national or foreign vessel destined to human trafficking, before or during navigation, is punished with imprisonment for three to ten years, unless any of the other previous prohibited conducts or slave trade have been committed.¹⁵

Finally, according to Article 602 of the ICC:

1. whoever, if outside the scope of Article 601 of the ICC, purchases, sells, or transfers title over a person who falls under the conditions of Article 600 of the ICC;
2. is punished with imprisonment for eight to 20 years.¹⁶

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.

¹⁴ Article 600 of the ICC, named "Placing or holding a person in conditions of slavery or servitude."

¹⁵ Article 601 of the ICC, named "Trafficking in persons."

¹⁶ Article 602 of the ICC, named "Purchase and sale of slaves."

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
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 for two to six years and a fine of up to EUR 15,000, as amended by Law No. 50 of 5 May 2023. 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. Modern Slavery-Like Offenses in Italy’s Legal Order

3.3.1. *Servitude*

Article 600 of the ICC ¹⁷ makes placing or holding a person in a condition of slavery or servitude a crime. 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.¹⁸

The perpetrator is punished with imprisonment for 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.¹⁹

The perpetrator is punished with imprisonment for 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, plus 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.

¹⁷ Article 600 of the ICC.

¹⁸ Article 600 of the ICC.

¹⁹ Article 603-*bis* of the ICC.

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 imprisonment for six months to three years, plus a fine of EUR 5,000 for each employed worker.

Furthermore, Article 12, paragraph 5, of the Italian Consolidated Immigration Act, which concerns “[a]iding 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 for up to four years, plus a fine of 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. Moreover, Article 629 of the ICC (extortion) has been applied in relevant criminal proceedings.

3.3.4. Early and forced marriage

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

The ICC recently for the first time 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 for 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.²⁰

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 modern slavery-like offences.

3.3.7. Extraterritorial application of the offenses

Refer to Section 3.2.2.

²⁰ Article 558-*bis* of the ICC.

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 for 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; or (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 separate offense 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 within “trafficking in persons” under 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 for 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 for 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 for three to seven years and a fine from EUR 50,000 to EUR 300,000.²¹

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 for 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).

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 for 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 for one to six years and a fine from EUR 1,500 to EUR 6,000.²²

Aggravating and alleviating circumstances may apply.

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

²¹ Article 601-*bis* of the ICC.

²² Article 600-*bis* of the ICC.

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**)²³ 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*)²⁴ 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. The *Commissione Nazionale per le Società e la Borsa (CONSOB)*²⁵ verifies the compliance of those entities with Legislative Decree No. 254/2016. In case of breach, certain fines can be applied.

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

Another fundamental step was the adoption of Directive 2022/2464/EU (**Corporate Sustainability Reporting Directive** or **CSRD**). According to the CSRD, starting in 2025, large and listed companies will be required to disclose information on risks and opportunities related to their ESG practices, with a particular focus on the impact of their activities on people and the environment. The CSRD will replace the NFR Directive and will raise the bar for breadth and robustness in sustainability reporting, covering categories beyond just carbon, including pollution, water, waste, and biodiversity. The CSRD's technical rules (**ESRS**) will lay out what companies need to disclose and how. Disclosures on these topics will need to exist in annual reports alongside financials, and will also be subject to audit assurance. The CSRD requires companies to disclose a broad range of data relating to their environmental, social, and governance practices, according to the ESRS technical standards released in July 2023. Under the CSRD, the first wave of impacted companies will need to begin reporting in 2025, based on data from 2024.

²³ Available at: <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>.

²⁴ 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.

²⁵ 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.

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

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

In Italy, forced labor is an issue affecting various business sectors (*e.g.*, transportation, logistics, etc.) but this phenomenon is particularly severe in the agricultural sector, which is characterized by short labor contracts and high seasonality. According to the data gathered by the Labor Office, in 2018, as a result of more than 7,000 inspections, irregularities were found in 58.7% of cases. To tackle the issue of forced labor in the agricultural sector, in 2020, the Italian Labor Ministry issued a “Plan against labour exploitation and labour exploitation in agriculture (2020-2022)” setting up a strategy to combat human trafficking, to assist the victims of forced labor, and to facilitate their re-entry in the working environment.²⁶

According to Italian law, 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/NGO, 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 established by Legislative Decree No. 24 of 4 March 2014 (**Anti Trafficking Fund**).²⁷

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

²⁶ Available at: <https://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/tavolo-caporalato/pagine/piano-triennale-2020-2022>.

²⁷ See also Section 7.2.

of labor exploitation by Italian judges, and difficulty in gathering evidence of exploitation.²⁸ Moreover, the Italian legal system does not automatically protect from prosecution migrants who have been victims of human trafficking or labor exploitation. However, Article 54 of the ICC, regulating “state of necessity” can lead to the non-punishment of the victim if it is established that the individual participated in criminal activities in order to save themselves or others from the current danger of serious personal harm, a danger not voluntarily caused or that could not be avoided otherwise.

Subject to certain conditions, victims can bring civil claims to recover moral and material damages caused by the offence (such as unpaid wages, damages resulting from violation of mandatory rules, etc.). Article 603-*bis* of the ICC lists several indicators of work exploitation: (i) repeated payment of 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.

According to a report published by the National Trade Union *Confederazione Generale Italiana del Lavoro (CGIL)*, in 2021, the cases of labor exploitation resulting in criminal proceeding decreased significantly (81 in 2021 compared to 114 cases in 2020). Only a minority of such claims were filed directly by the workers (14 in 2021). According to the CGIL report, most of the criminal proceedings ended with a guilty verdict.²⁹

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.

²⁸ Available at: https://fra.europa.eu/sites/default/files/fra_uploads/severe-labour-exploitation-country_it.pdf.

²⁹ Available at: <http://www.adir.unifi.it/laboratorio/quarto-rapporto-sfruttamento-lavorativo.pdf>.

Italian case law has applied mostly Article 603-*bis* of the ICC, relating to forced labor, to cases of unlawful deduction and debt bondage. Articles 629 of the ICC (extortion) and 600 of the ICC (slavery) have also been applied in certain circumstances.

5.3.4. Remedies

Victims of trafficking can obtain compensation for damages through civil, criminal, or administrative proceedings. Subject to certain requirements, they might apply to the fund for anti-trafficking measures for compensation up to EUR 1,500. Moreover, the crime of illicit labor brokering is considered as a “violent and heinous crime” and can be compensated with a higher sum.

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, an 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.”³⁰

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.

³⁰ Available at: https://resourcecentre.etuc.org/sites/default/files/2019-09/Work-related%20Stress%202004_Framework%20Agreement%20-%20EN.pdf.

The standard working week is 40 hours, and Italian law provides the maximum weekly working hours cannot be more 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 (800290290), by asking trade unions/NGOs 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.³¹

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.

Upon certain conditions, victims of human trafficking may have access to free legal aid.³²

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.³³

After the release of the GRETA Report, in 2021, the State-Regions Conference (*Conferenza Unificata*) issued the National Guidelines for the identification, protection, and assistance of victims of forced labor in the agricultural sector. Those National Guidelines are to be implemented by local authorities to promote a coordinated and coherent approach for the protection of victims of forced labor.³⁴ The Guidelines set up a minimum set of procedures and standards from identification to protection and assistance of vulnerable individuals (especially migrant workers) and recommend national information and training campaigns.

In 2021, the multi-agency help desk against illegal brokering (*Caporalato*) was also established. This tool is aimed at aiding third-country nationals who are victims of labor exploitation and unlawful labor conditions. It can be accessed through the toll-free number, social media, email, and the website. Legal experts and multicultural mediators can offer counselling and support in various languages.³⁵

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.

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

³¹ See Sections 5.6.2. and 7.3. for additional details.

³² See Section 2 of the “Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties,” available at: <https://rm.coe.int/reply-from-italy-to-greta-questionnaire-3rd-round-/1680a9c5c2>.

³³ The GRETA Report, page 62.

³⁴ Available at: <https://integrazionemigranti.gov.it/en-gb/Dettaglio-approfondimento/id/18/Labour-exploitation-in-the-agricultural-sector>.

³⁵ Available at: <https://www.helpdeskanticaporalato.org/home-english/>.

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.³⁶

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, subject to certain conditions (*e.g.*, adherence to social programs, positive report by the Public Prosecutor, etc.). This type of residence permit is temporary and can be renewed for the necessary time for reasons of justice.

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.³⁷

According to the GRETA Report and various NGOs, there is a lack of consistency in the issuance of permits under Article 18. Moreover, waiting periods for these permits are quite long, and there are issues with converting these permits into work permits.³⁸

Based on the CGIL report on forced labor, the residence permits for irregular migrants pursuant to Article 22, paragraph 12-*quater* of the Italian Consolidated Immigration Act are issued in more cases than the residence permits under Article 18, also due to the rare activation of social programs required by the latter.

5.7. Employment Laws and Child Labor

According to Italian law, individuals older than 16 years 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.

According to the latest report by Save the Children Italia published in April 2023, about 336,000 minors (between 7 and 15 years old) are estimated to have had a work experience in Italy.³⁹ Child labor exploitation mainly occurs in restaurants, agriculture, trade, and craftsmanship.

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.

Unaccompanied foreign child victims of trafficking are entitled to be provided information about access to international protection measures and assistance by a social worker/appointed guardian. Moreover, unaccompanied foreign children are entitled to specific protection measures and generally cannot be expelled and/or refouled from the country.

³⁶ See also Section 7.3.

³⁷ The GRETA Report, page 85.

³⁸ The GRETA Report, page 84.

³⁹ Available at: <https://www.savethechildren.it/blog-notizie/lavoro-minorile-in-italia-un-fenomeno-diffuso-ma-invisibile>.

6. GOVERNMENT PROCUREMENT RULES

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 April 18, 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 providing for the procurement code. The Legislative Decree No. 50/2016 has been repealed and replaced (starting from July 1, 2023) by the Legislative Decree No. 36 of 31 March 2023 providing for the new procurement code (**New Procurement Code**).⁴⁰ From July 1, 2023, the provisions of the Legislative Decree No. 50 of 2016 shall continue to apply exclusively to ongoing proceedings (as of that date).

6.2. Government Procurement Code

The New 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 the National Anti-corruption Authority (**ANAC**) 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 New 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 (*inter alia*):

1. Automatic Causes of Exclusion

Article 94 of the New Procurement Code provides for “Automatic Causes of Exclusion.” Pursuant to paragraph 1 of Article 94, an economic operator shall be excluded from participation in a tender procedure if the operator is convicted by final judgment or criminal decree of conviction that has become irrevocable, *inter alia*, for the exploitation of child labor and other forms of trafficking in human beings.⁴¹

2. Necessary application of the CCNL by the bidders

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

Furthermore, Article 57 of the New Procurement Code (providing for “social provisions in the call for tenders and notices and criteria of energy and environmental sustainability”) states that for the awarding of works and service contracts, other than those of intellectual nature and for concession contracts, contract notices and invitations must provide for measures aimed, *inter alia*, at ensuring equal opportunities, generational, gender, and labor inclusion opportunities for persons disabled or

⁴⁰ The Legislative Decree No. 36/2023 has been issued in implementation of article 1 of Law No. 78 of 21 June 2022, delegating the Italian Government in matter of public contracts.

⁴¹ A similar provision was set forth in article 80 of the Legislative Decree No. 50/2016 (the previous procurement code).

disadvantaged persons, the employment stability of the workers, as well as the application of CCNL and territorial collective agreements.

3. Labor cost control for public procurement

According to the New 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.”⁴²

Furthermore, pursuant to the New 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. Italy’s National Action Plan

On December 1, 2021, Italy adopted a National Action Plan on Business and Human Rights concerning the five-year period 2021–2026 (“*Piano di Azione Nazionale su Impresa e Diritti Umani 2021–2026*”).⁴³

On October 19, 2022, the Italian Council of Ministers adopted the 2022–2025 National Action Plan Against Trafficking and the Severe Exploitation of Human Beings, concerning the three-year period 2022–2025.⁴⁴

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 Italian Competition and Market Authority (*Autorità Garante della Concorrenza e del Mercato - AGCM*) with resolution No. 24075 (as amended from time to time⁴⁵) adopted the Regulation on the “legality rating.” The “legality rating” was introduced to encourage companies to adopt ethical conduct and to operate according to the principles of legality, transparency, and social responsibility. To facilitate companies’ access to public resources and bank credit, the 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

⁴² Article 91, para. 5, of Legislative Decree 36/2023.

⁴³ “The second National Action Plan on Business and Human Rights (2021-2026) is the result of a complex process promoted by the Inter-ministerial Committee for Human Rights The Plan updates and ensures continuity with the commitments already undertaken in the previous edition. It also introduces new voluntary commitments, with the intention of ensuring consistency between the national position and the Guiding Principles on Business and Human Rights, unanimously adopted in 2011 by the United Nations Human Rights Council.” Available at: https://cidu.esteri.it/comitatodirittiumani/resource/doc/2021/12/secondo_pan_bhr_en.pdf page 5.

⁴⁴ The Budget Law for 2023 provided new resources for the National Action Plan Against Trafficking and the Severe Exploitation of Human Beings. In particular, EUR 2 million were provided for the year 2023 and EUR 7 million annually from the year 2024, for the second National Action Plan.

⁴⁵ See AGCM resolution No 28361 of 28 July 2020, available at: <https://www.agcm.it/chi-siamo/normativa/dettaglio?id=268c1269-d85d-4259-bce1-0ffa53414b23&parent=Rating%20di%20legalit%C3%A0&parentUrl=/chi-siamo/normativa/rating-di-legalit>.

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 the exploitation and trafficking of irregular migrant workers. Legislative Decree No. 91 of 24 June of 2014 (as amended from time to time) 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 second National Action Plan on Business and Human Rights, adopted in December 2021,

aims to strengthen the implementation of the UN Guiding Principles on Business and Human Rights through their systematic promotion in all relevant international systems as an integral part of a universal vision on human rights, sustainable development, democracy, and rule of law. In this context, the application of the Guiding Principles will also be promoted in relation to the Sustainable Development Goals of the 2030 Agenda and the contents introduced by the UNGPs 10+ project launched by the competent UN Working Group on Business and Human Rights. Relevant in the Plan are issues and practices related to the protection of the environment, health, decent work and "Human Rights Defenders"⁴⁶

The 2022–2025 National Action Plan Against Trafficking and the Severe Exploitation provides for long-term strategies for preventing and combating the phenomenon of trafficking and the severe exploitation of human beings, as well as actions aimed at awareness-raising, social prevention, and the emergence and social integration of victims.

7. RESTITUTION AND VICTIM COMPENSATION

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.

⁴⁶ Available at: https://cidu.esteri.it/comitatodirittiumani/resource/doc/2021/12/secondo_pan_bhr_en.pdf, pages 6-7.

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 individuals 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. provides for the application of a multidisciplinary procedure for determining the age of minors (conducted by specialized personnel and according to appropriate procedures that also take into account the specificities related to the ethnic and cultural origin of the individual) when their age cannot be ascertained by identification documents);⁴⁷ and
3. requires training on human trafficking issues for relevant public officials.

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 measures⁴⁸ 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.⁴⁹

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 the 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 (as amended from time to time),⁵⁰ 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 statements made in criminal proceedings or their decision to escape their exploitation.

There are two requirements for such a residence permit (for social protection):

1. a situation of violence or serious exploitation; and

⁴⁷ See Prime Minister’s Decree of 9 July 2020, No. 73/CU.

⁴⁸ 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.

⁴⁹ 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.

⁵⁰ Decree on the implementation of the Italian Consolidated Immigration Act, pursuant to Article 1(6) of Legislative Decree No. 286/1998.

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.⁵¹

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

If the victim has an employment relationship, the permit may be further extended or renewed for the duration of that relationship or, if it is of indefinite duration, in accordance with the procedures laid down for that reason for residence. Pursuant to Article 27 of Presidential Decree No. 394 /1999, the residence permit referred to in Article 18, Section 5, of the Consolidated Immigration Act, may be converted into a residency permit for work, according to the procedures established for this type of permit.

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 MULTIDISCIPLINARY/INTERAGENCY COOPERATION APPROACH

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*) and a Technical Committee (*Comitato Tecnico*), 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. The Technical Committee is comprised of the main national institutions and entities operating in this sector. Moreover, several public and private organizations act to achieve multi-disciplinary cooperation and provide assistance to the victims by carrying out assistance and social protection programs, subject to certain requirements.⁵²

⁵¹ Article 18, para. 1, of the Italian Consolidated Immigration Act.

⁵² 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

Italy pays particular attention to two areas:

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

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:

- (i) providing guidelines and coordination for social protection measures of human trafficking and assistance to victims;
- (ii) planning the allocation of financial resources for programs of assistance and social integration relating to such trafficking;
- (iii) analyzing trends in human trafficking, by using an appropriate monitoring system and collecting statistical data; and
- (iv) submitting to the EU Anti-Trafficking Coordinator a biannual report containing the monitoring results.⁵³

On the basis of the same Legislative Decree, on February 26, 2016, the Council of Ministers adopted the First National Action Plan on Trafficking of Human Beings for the years 2016–2018, and— on 19 October 2022 — the 2022–2025 National Action Plan on Trafficking of Human Beings, which addresses four main topics:

- (i) prevention, with a great focus on the educational programs in favor of the individuals operating in this sector and the public awareness,
- (ii) suppression of trafficking reinforcing the security of the victims and the judicial cooperation,
- (iii) assistance and protection of the victims (especially women, children, and fragile individuals), and
- (iv) cooperation by way of enhancing integrative and supportive actions to reinforce and spread the culture of the rule of law and human rights.

The 2022–2025 National Action Plan on Trafficking of Human Beings confirmed the role of the Steering Committee (*Cabina di Regia*), and established a Technical Committee⁵⁴ focused on supporting the Steering Committee and ensuring the adoption of a multidisciplinary and integrated approach.

2. Entering into special agreements or covenants with the relevant local authorities.

⁵³ Available at: <https://www.gazzettaufficiale.it/eli/id/2014/03/13/14G00035/sg>.

⁵⁴ The first meeting was held on 13 July 2023 only.

The Equal Opportunities Department (*Dipartimento per le Pari Opportunità*) has also created a toll-free number (*numero verde*) addressed to the victims of human trafficking or whoever wishes to alert the Authorities about human trafficking situations. The Equal Opportunities Department entrusted the Region Veneto with the management of this toll-free number. According to the 2022 report issued by the Region Veneto and the Equal Opportunities Department, the toll-free number received 3,469 calls (of which 1,624 calls were pertinent or to be addressed to other instruments related to the anti-human trafficking policies).⁵⁵ Based on the information and data collected through the toll-free number, the Region Veneto (with the authorization of the Equal Opportunities Department) created the database named SIRIT,⁵⁶ which provides data on the victims of the human trafficking.

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,”⁵⁷ 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*.⁵⁸ 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.

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 requirements⁵⁹ (including, *inter alia*, working requirements) may join this “*Rete*” and obtain a compliance certificate.

⁵⁵ Available at: https://www.pariopportunita.gov.it/media/2538/relazione_nv_2022.pdf.

⁵⁶ Available at: <https://www.pariopportunita.gov.it/media/2505/sirit-nuove-valutazioni-2021.pdf>.

⁵⁷ Available at: https://ec.europa.eu/anti-trafficking/eu-projects/italy-albania-and-greece-against-trafficking-women-and-minors_en.

⁵⁸ Available at: <https://italy.iom.int/it/progetto-revita-rete-ritorno-volontario-italia>.

⁵⁹ 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.

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. It also 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 (*Direzione Generale per gli Italiani all’Estero e le Politiche Migratorie*).⁶⁰

This Directorate entered into several technical agreements and covenants⁶¹ 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. 228 dated 11 August 2003. A special assistance program guarantees victims of slavery and trafficking appropriate accommodations and free medical treatment.

As mentioned in Section 8.2.1., Region Veneto is particularly involved in the anti-human trafficking efforts, especially in connection with the actions led by the Equal Opportunities Department.

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.

⁶⁰ Available at: <https://www.esteri.it/it/ministero/struttura/digitalianiestero/>.

⁶¹ Available at: https://www.esteri.it/mae/resource/doc/2019/07/dgit_scheda_accordi_23_7_2019.doc.

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 analyzed.⁶²

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⁶² The latest report covers the first half of 2019 and is *available* at:
<https://direzioneeinvestigativaantimafia.interno.gov.it/relazioni-semestrali/>, among other sites.