

Trafficking in children for sexual purposes

Update Country report

Italy

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Introduction

In Italy, attention to the issue of trafficking in children for sexual purposes has greatly increased in the last two years. Conferences, seminars, and workshops have been organized, and an important research has been carried out by the “Lelio Basso” International Foundation and the PARSEC Association, in cooperation with Save the Children and Terre des Hommes¹.

Extent of the Problem and Methods of Exploitation

The study quoted above contains important information about the extent of the phenomenon and the methods by which victims are exploited (with a focus on trafficking for sexual purposes).

This is a short summary of the main results of the research:

There is still no official data on the incidence of minors in prostitution that can adequately identify the scope of the problem. However, data available from the Ministry of Internal Affairs and from the Department for Equal Opportunities, shows that the number of under age girls in prostitution is between 540 to 670, which is nearly 5% of the estimated total of 10,000 to 12,700 persons. This data refers to street prostitution. Indoor prostitution is estimated by social workers to be serviced up to 30% by foreign women, and to have grown a lot in the last two to three years.

The majority of the victims come from Eastern Europe, mainly from Albania, Moldova and Romania. The incidence of under age girls is greatest among Romanians.

Among the different East European criminal groups running trafficking operations, the one that is the most developed is the Albanian. It has almost a monopoly of the foreign prostitution market, which includes not only Albanian prostitutes, but also other females from different countries of the Balkans.

An important aspect of the phenomenon of underage prostitution is that it has other characteristics, including very high mobility. The criminals, knowing that they risk a lot with underage girls, use very flexible subjugation and exploitation methods. Their aim is to anticipate police activities and thus evade detection and arrest. Their mobility seems to be so high that their operations could even be described as a sort of nomadic prostitution racket.

The exploitation methods appear to operate in the same way in different territorial contexts. Most exploiters keep the girls in the same place for less than a month, and then move them to other parts of town, or to other towns. They often sell them, or rent them out in exchange for money or for other women that they can exploit, to other exploiters, who keep them for an equally short time and then sell them on again. This continuous movement of underage girls from one criminal group to another prevents the exploiters from being detected.

In other types of criminal gangs, the exploiters remain permanently in one place, but the girls are accompanied to different towns to be exploited. Such specialized exploiters manage the prostitution racket with the help of accomplices who provide accommodation for the girl and the person accompanying her. These are actually business arrangements, supplying underage girls privately for specific clients. The entrepreneurs supply, in other words, those “shadow brothels” which exist in many towns but are camouflaged behind other business activities.

¹ Il traffico di minori: piccoli schiavi senza frontiere. I casi Albania e Romania, Rome, December 2002

National Legislation and Law Enforcement

In August 2003 the Italian Parliament approved Law 228/ 2003, “Measures against trafficking in persons” . This is the first Italian law which specifically penalises the crime of trafficking. It uses the trafficking definitions of the Trafficking Protocol, with severe penalties for traffickers (8-20 years imprisonment). The penalties are increased in the case of offences against child victims. This law has amended Arts. 600, 601 and 602 of the Penal Code, which penalise trafficking for the purpose of sexual exploitation, for begging and also for the trade in human organs. (See the abstracts from the new law at the end of this report). Among the measures provided is the creation of a special anti-trafficking Fund to be used to finance support and social integration programmes for trafficked victims, and for other social protection purposes referred to in Art.18 of Law 286/1998 (the Immigration Consolidation Act). Financial resources come to the Fund from the assets confiscated from traffickers.

Important changes in legislation are now under consideration in Italy to combat child prostitution, in particular:

- Proposals to amend Law 269/1998 containing “Provisions against the sexual exploitation of children including prostitution, pornography and sex tourism, as new forms of slavery”. Though the law, promoted by ECPAT Italy, has the great advantage of having introduced for the first time in Italy specific provisions against the commercial sexual exploitation of children, it has some weak points. For this reason more than one proposal for its amendment is now under discussion. Most of the proposals (14 in total) provide for an increase in the penalties (both imprisonment and fines). Some of them also provide for the introduction of additional penalties, such as the exclusion of the perpetrator from holding public office, and contain new measures to ensure the ‘personal safety’ of children. For example, when a paedophile leaves jail, he must give his address to the judge, who can inform the local schools.
- Proposals for the legalisation of prostitution. In the last two years there has been an active debate in the Italian Parliament for the legalisation of prostitution. Different positions have emerged on the subject. The present Government would like to re-introduce legalised prostitution by prohibiting prostitution in public places or in places to which the public has access. The bill presented by the Government (n° Cdm 20.12.2002) also proposes to amend the Art. of the Penal Code dealing with child prostitution; in particular it will provide for 6 months to 3 years imprisonment for any person who has sexual intercourse with a person aged between 14 and 18 years. The current law penalises the client only if the victim is between 14 and 16 years of age.

There is still no official data on the levels of law enforcement relating to child trafficking. However, some information can be found in the “Second Report to the Parliament on the operation of Law 269/1998” (July 2002). In a survey conducted among 54% of the Italian Prosecutors, only two cases of trafficking in children under Art. 9 of Law 269/1998 (i.e. Art. 601. par. II of the Penal Code) are reported. The reason of this lack of cases is not clear. It might relate to the difficulty of proving the crime, or to the fact that another provision of the Penal Code was usually applied for trafficking cases, in particular Art. 600 of the Code on “Reduction to slavery or to a condition comparable to slavery”. The same survey quotes 147 cases under the latter provision, which was the main provision available before the amendments introduced by Law 228/2003, “Measures against trafficking in persons”, referred to above. However, law enforcement in Italy remains one of the biggest problems in combating trafficking in human beings.

Protection and Prevention Programmes

With regard to the protection of victims, Art. 18 of Law 286/98, which deals with immigration, provides for the granting of a special stay permit to foreigners who have suffered abuse or severe exploitation. This permit allows a victim to remain in Italy and to work, study and access social and health services, and ultimately to gain a regular work permit. In return, the victim has to bring charges against the traffickers or at least to provide information about his/her experience of trafficking.

Art. 18 of Law 286/98 has been very effective in its operation. In fact, between January 2000 and March 2003, more than 2,000 victims in 154 projects funded under this article participated in social assistance and integration programmes. Of these beneficiaries, 4.3% were minors. In the same period, more than 1,000 permits to remain were issued, of which 7% were to minor girls.

Article 18 has many positive benefits for children. However, only a low percentage of child victims of trafficking have been rehabilitated under it. Instead, most minor victims benefited from a stay permit granted to unaccompanied minors. This kind of permit allows the victims to remain in Italy until they are 18, but not to work. In addition, under the new provisions relating to immigration coming into operation in July 2002 (Law 189/02 which updates Law 286/98 quoted above), the unaccompanied minors (including a child that has been trafficked) can remain in Italy after attaining the age of 18 only if he/she has been in Italy for at least three years by then, and has been in a reintegration project for at least two years.

According to the majority of social workers, the stay permit under Art. 18 is more effective than the stay permit for unaccompanied minors because it gives the victim the opportunity of a real reintegration into society through being able to work, and protects her from being repatriated on coming of age at 18. For this reason a wider use of the benefits provided for by Art. 18 is strongly recommended.

It must also be recalled that thanks to the funds provided for under Art. 18 new shelters have been opened (especially in the north of Italy). In these rehabilitation centres assistance and care are provided to victims of both sexual exploitation and sexual abuse and violence.

The same funds have also been used by some NGOs to carry out prevention programmes against trafficking and forced prostitution. The target of these programmes were students, the public in general, clients etc.

In the last two years, the Italian Government has promoted different actions against trafficking. In particular:

1) A project for the voluntary repatriation of victims (both adults and minors) and their reintegration in the country of origin. This programme is promoted by the Ministry of Internal Affairs in cooperation with the International Organisation for Migration. As a result of this project, in 2002 about 80 victims of trafficking were repatriated, and the same number of repatriations is anticipated for 2003.

2) Projects for the prevention of trafficking, carried out in Albania, Romania, the Ukraine and Moldova.

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ABSTRACTS FROM LAW 228 DATED AUGUST 11, 2003 “MEASURES AGAINST TRAFFICKING IN PERSONS”

Art. 1.

(Amendment of Article 600 of the Penal Code)

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

“Art. 600. – *(Placing or holding a person in conditions of slavery or servitude)*. – Whoever exerts on any other person powers and rights corresponding to ownership; places or holds any other person in conditions of continuing enslavement, sexually exploiting such person, imposing labour by coercion; or forcing said person into begging, or exploiting him/her in any other way, shall be punished with imprisonment of from eight to twenty years.

Placement or maintenance in a position of slavery occurs when use is made of violence, threat, deceit, or abuse of power; or when anyone takes advantage of a situation of physical or mental inferiority and poverty; or when money is promised, payments are made or other kinds of benefits are promised to those who are responsible for the person in question. The aforesaid penalty becomes more severe, increasing by one third to 50%, if the offences referred to in the first paragraph above are perpetrated against minors under eighteen or for sexual exploitation, prostitution or for the removal of organs”.

Art. 2

(Amendment of Article 601 of the Penal Code)

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

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

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

This law has replaced the previous Art. 601 of the Penal Code, punishing trafficking for the purpose of sexual exploitation, for begging, or for trade in human organs.