

Madame Chair,

First of all, let me thank the IOM and ILO for organizing this side event together with the Permanent Mission of Italy. We agreed enthusiastically to be co-host of this event, knowing that the experience in the field could enrich the high-level policy discussions in the General Assembly thematic dialogue.

Let me introduce myself. I am a judge in Italy. Before my appointment as a legal adviser to the Italian Mission seven months ago, I spent eight years at the French Ministry of Justice in Paris as an Italian liaison magistrate. So I am not a diplomat – nobody's perfect! On several occasions I had the unfortunate experience of helping to conduct bilateral or multilateral investigations, prosecutions and trials for human trafficking-related crimes.

On the basis of the video we have just seen, let me recall 3 aspects of Italy's national experience: protection of the victim; judicial cooperation in prosecuting trafficking; and cooperation with ILO and IOM.

Let me start with the difficulties and best practices of the Italian approach.

Since 1998, when a comprehensive new immigration law was adopted, Italy has dedicated priority attention to the protection and assistance of victims and to combating traffickers' activities. Our efforts are aimed at building a new legal framework that is victim-centred, human rights-oriented and gender and child-sensitive. We focus on the legal protection of all victims, without reservation. The law also promotes a holistic approach and a greater involvement of NGOs and local communities.

Our action is coordinated by a team led by the Prime Minister's Office - Department for Equal Opportunities. It consists of the Ministries of Justice and the Interior, specialised judicial bodies (such as the Anti-Mafia Prosecutor's Office), NGOs, and volunteer associations.

The crucial feature of this new legislation is the special renewable six-month residence permit issued to the victim that opens the way to assistance and social integration programmes. The permit can later be converted into a permanent residence permit for study or work purposes, and has been granted to approximately 5000 foreign victims in the past five years. Access to this programme requires only that an accredited NGO or the local social services – such the NGO or the work-inspectors but also the specialised police-forces shown in the video - submit on the victim's behalf a statement containing verifiable key information.

The extension of immediate and unconditional protection encourages victims to cooperate in the prosecution of the offenders. The most innovative feature of this mechanism is the public-private network it builds around the victim and the multi-task teamwork it encourages in the field. The video shows how after the Carabinieri's raid of a factory and discovery of many exploited Chinese workers and their families led, a team of work-inspectors immediately intervened and the victims were put into contact with social services and an NGO. My Italian colleagues stress the crucial importance of the NGO's intervention at the early stage of the contacts with the victims: this makes it possible to detect exploitative practices and identify situations of forced labour.

This fundamental instrument has then led improvements in Public Administration. For example, in Italy's main cities ad hoc structures have been created in the State Police Immigration Offices with the involvement of

the judicial authority and NGOs. These NGO's are legally entitled to assist victims during the procedure necessary to achieve the residence permit.

The law established an ad hoc Fund to further implement these programs. Two point five million euros was made available through the Department of Equal Opportunities for the biennium 2008/2009. Between 2000 and 2007 more than 16,000 vocational training and work orientation courses were organised for non-EU citizens. In the same period, a total of 54,559 trafficked persons received support to gain access to health-care and legal council.

More than seven years ago, Italy launched an action system called Numero Verde Antitratta (Toll-free number against trafficking in persons). This number has received more than 520,000 calls and dealt with more than 194,000 cases. Calls from victims under the age of 14 were 1% of the total number of contacts, while 7% were victims between the ages of 14 and 17.

The lack of victim identification is one of the main obstacles to more adequate protection of the victims. On this specific aspect, a higher level of cooperation among all countries affected by this scourge is to be hoped for.

The criminalisation of trafficking in all its aspects is crucial to effective international judicial cooperation. Italian criminal law thus punishes all criminal conduct included in the Trafficking Protocol, 2002 Framework Decision of the European Union on the fight against human trafficking and the Convention of the Council of Europe.

Specialized training of judges and prosecutors and coordination of

their efforts are critical areas to which Italy attaches special importance. According to Italian law, investigations into human trafficking are conducted by the Regional Anti-Mafia Prosecutor's Offices, and coordinated by the Italian National Anti-Mafia Prosecutor's Office.

Data on criminal proceedings for various human-trafficking-related offences in 2003-2008 were thus collected and processed by the Anti-Mafia Prosecutor's Office. The findings of this study are quite pertinent to our discussion, so I would like to share the main points with you.

First, despite the large dimensions of the phenomenon, there are relatively few criminal proceedings for trafficking in and exploitation of persons (from a minimum of 195 in 2004 to a maximum of 218 in 2008). They are concentrated mainly in the judicial offices of the most developed regions in the Central North (in 2007, 74 proceedings in Rome, 9 in Milan, 9 in Turin, 17 in Bologna, 7 in Venice). There are none in areas with a large Mafia presence, where coincidentally there are also numerous landings of illegal migrants (in 2008, there were no proceedings in Palermo and only 1 in Catania). This can be explained first and foremost by the fact that the Mafia does not traditionally run this type of traffic. But this data implies that trafficking in illegal migrants has not produced evidence that illegal migrants are exploited by the syndicates that organize their arrival in national territory. The National Anti-Mafia Prosecutor and many NGOs believe that in reality this is not the case: they explain the low number of prosecutions for the crime of trafficking by the difficulties encountered by law enforcement and investigating magistrates in accurately assessing the indicators of such a crime.

The study also observes that trafficking is almost always organized by criminal groups consisting of people of different nationalities and ethnic

origins. Unlike in the past, the accused persons and the victims are not necessarily of the same nationality. The 2009 UNODC Global Report on Trafficking in Persons shows that most offenders are citizens of the country in which they were arrested. This could suggest that trafficking is mostly carried out by local networks that trade victims with each other. But our common perception of this phenomenon is that trafficking in human beings is often organized by criminals who direct their illegal activities from other countries. The data collected by UNODC is thus more likely symptomatic of a crucial lack of police and judicial co-operation, which often leads law enforcement, judges and prosecutors to narrow their investigations to the national aspects of the trafficking, thereby limiting the effectiveness of their action.

Let me give you a concrete example of what has just been said, taken from my experience as an Italian liaison magistrate in Paris. An investigation was being conducted by the District Anti-Mafia Prosecutor's Office of Ancona into an organization dedicated to trafficking in Chinese laborers in Italy. The workers were destined for exploitation in factories such as the one we have seen in the video. First they were transported to Turkey, and from there transferred to Italy by sea, through Greece, or by land, through the Balkans.

What was unique about this criminal association is the fact that one of the bosses directed the trafficking not from Italian territory but from a suburb of Paris. This emerged from the testimony of one of the main Chinese turncoats in Italy. Accused of murder, he decided to reveal the structure of the organization for which he had worked until three years earlier. The Chinese turncoat knew only the last name of the boss who resided in France, whose home he had once visited. The simple transmission of a rogatory with these few elements would not have allowed to identify

this person or collect sufficient evidence against him. The existence of a border between the destination Country of the victims and the residence of one of the heads of the organization – who in France led an irreprehensible life – was the same element that had permitted him to organize the trafficking in a manner that was very safe for him.

Thanks to personal contacts established previously with the French Law Enforcement Office specialized in trafficking, we succeeded first in obtaining photos of all the buildings in the neighborhood and then in identifying, through our witness, the building in which the boss visited. Then, with the decisive help of our French colleagues, at our request more than 50 men of Asian origin that lived in the building were photographed. We were thus able to identify our target through the turncoat who was detained in Italy. Further investigations confirmed, beyond reasonable doubt, the boss's role in the trafficking in persons. The outcome of the investigation was that forty persons were arrested in five Countries. At the request of the judge in Ancona, our venerated boss in Paris was handed over to Italy on the basis of a European Arrest Warrant (a simplified procedure for extradition within the EU).

International judicial cooperation is often hampered by red tape that criminal know how to exploit. Informal mechanisms such as an exchange of magistrates and liaison officials can make a remarkable improvement in its quality.

Let me conclude with some indications of the Italian Ministry of Foreign Affairs' bilateral and multilateral actions with the involvement of IOM and ILO. In October 2008 Italy provided funding to the International Organization for Migration to support implementation of specific IOM project seeking to create an environment conducive to the direct assistance and protection of trafficked persons in Nigeria as well as equitable, non-discriminatory access to services and follow-up.

The *IOM Handbook on Direct Assistance for Victims of Trafficking*, financed by Italy, is a real practitioner's tool, explaining the full range of assistance available to victims of trafficking. To date it has been translated in three additional languages – Arabic, Macedonian and Mongolian – and funding has been secured for Portuguese and Russian translations to be published later on this year.

Promising cooperation projects were recently begun within the framework of (EC funded) IOM/ILO joint projects, with China addressing the smuggling of Chinese migrant workers into Europe. The open dialogue with the Chinese government and the involvement of Italian employers will promote better cooperation between law enforcement and Chinese/Italian businesses so as to address the demand side of human trafficking.

An ongoing collaborative project, led by the Italian Government's Department for Equal Opportunities, called "FREED – Combat trafficking for labour exploitation", covers different European Countries and includes research, stakeholder capacity-building and networking, with the aim to improve cooperation in law enforcement and victim identification and protection.

A new project, to commence shortly, has ILO in the lead and Italian DEO as a partner. It aims to reduce Trafficking in persons between Nigeria and Italy through enhancing capacity and cooperation.