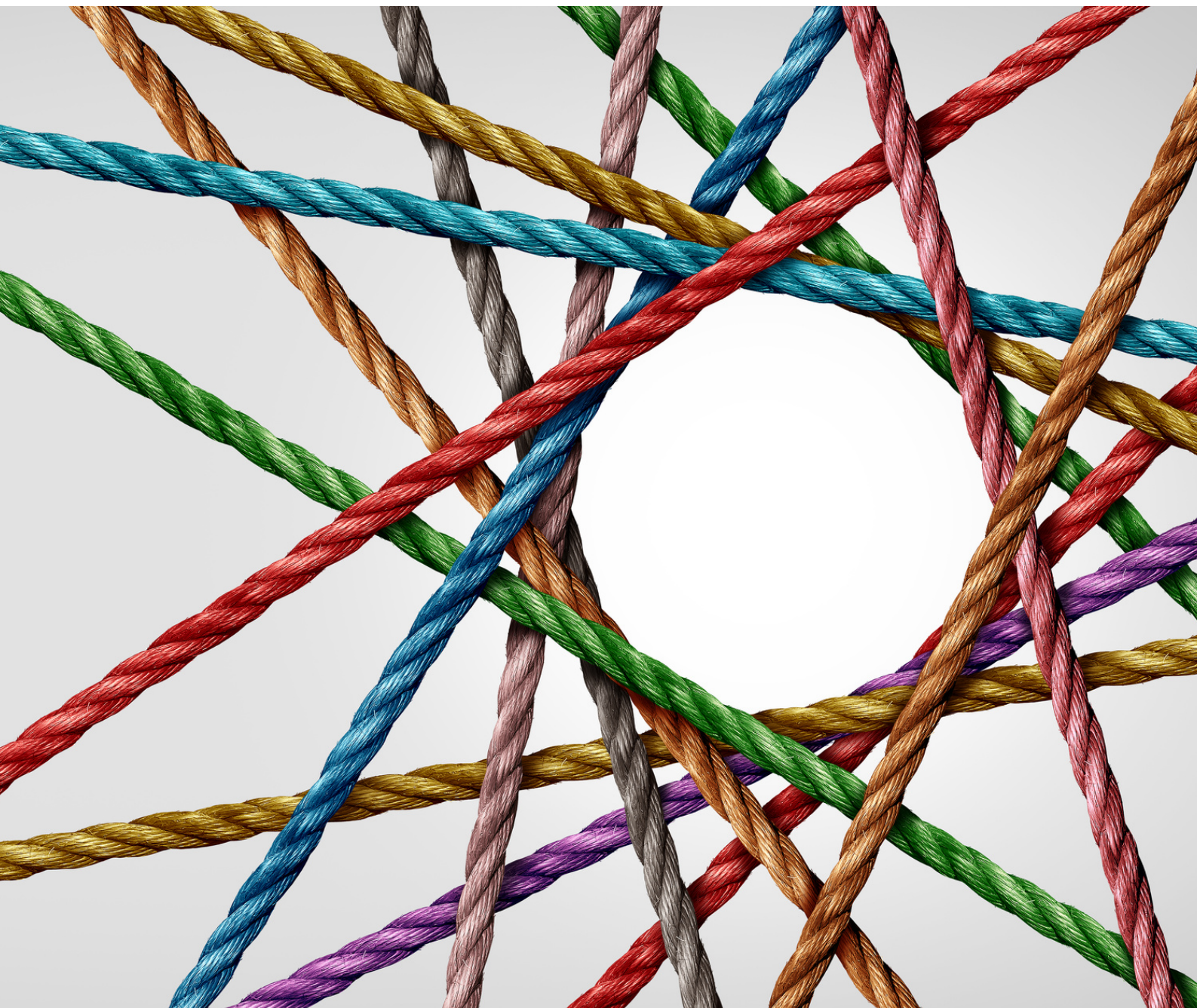


NATIONAL REFERRAL MECHANISM FOR THE IDENTIFICATION, ASSISTANCE AND PROTECTION OF VICTIMS OF HUMAN TRAFFICKING AND/OR SEVERE EXPLOITATION

December 2023

Non official translation



Contents

Preface	4
Objectives and target audience	6
The evolution of the national system of emersion, assistance and social integration of victims of trafficking and severe exploitation in Italy	9
The national anti-trafficking helpline	13
Identification	17
Protection and assistance	21
Minors	24
Assisted voluntary return and reintegration (AVRR)	29
Access to justice	32
Standard operating procedures (SOPs)	35
POS 1 - Identification	37
1. Preliminary Identification and Referral	37
2. Meeting the basic needs of the presumed victim	38
3. Early risk assessment	39
4. Linguistic and cultural mediation	40
5. Recovery and reflection period	41
6. Formal identification	42
POS 2 – First assistance and protection	43
1. Information on alternative assistance and conditions	43
2. Information on legal options	43
3. Inclusion and needs assessment	44
4. Assistance and protection	45
POS 3 – Long-term care and social inclusion	46
1. Joint development of the Individual Assistance Programme (PAI)	46
2. Consent procedures for implementing the Individual Assistance Programme (PAI)	47
3. Adaptation and social inclusion	48
4. Legal support and assistance	49

POS 4 – Assisted voluntary return and reintegration (AVRR)	50
1. Informed decision to return	50
2. Assessment of risk and possibility of social inclusion	50
3. Risk Management Plan	50
4. Finding family members	50
5. Documents	51
6. Individual pre-departure assistance programme	51
7. Safe transport/transfer and assistance on arrival	52
POS 5 – Criminal and civil proceedings	53
1. Investigation and collection of evidence	53
2. Supporting the victim-witness before trial	54
3. Supporting the victim-witness during the trial	54
4. Supporting the victim-witness after the trial	55
5. Support for compensation claims	55

PREFACE

The need to update the National Referral Mechanism (NRM), which is attached to the first National Anti-Trafficking Plan (2016-2018), became apparent following the adoption of the Prime Ministerial Decree (D.P.C.M.) of 16 May 2016[1]. This concerns the "Establishment of the Single programme for detection, assistance, and social integration for the foreigners and citizens referred to under Article 18(6 bis) of Legislative Decree of 25 July 1998[2], no. 286 the victims of the crimes indicated under Articles 600 and 601 of the Criminal Code, or those who are in the circumstances referred to under paragraph 1 of the same Article 18". Following this, on 1st September 2016, the Department for Equal Opportunities created the first call, which financed the new Italian Anti-Trafficking System and integrated the two programmes that were provided respectively by Art. 18 Legislative Decree. no. 286/1998 and Art. 13 L. no. 228/2003. Since 2000, the joining of these laws has formed the backbone of the system of Italian trafficking interventions.

The new NRM integrates the national strategy that is outlined in the National Anti-Trafficking Plan 2022-2025[3], (NAP). The first NAP was adopted on 26 February 2016, whilst the current NAP was approved on 19 October 2022. It is fundamental for defining the actions of the Anti-Trafficking System in the coming years, and implements Directive 2011/36/EU[4] in the Italian legal system through Legislative Decree. n. 24/2014[5], demonstrating the commitment of the Italian Government to combatting human trafficking and severe exploitation. The procedures set forth in this National Referral Mechanism apply to the areas of exploitation which have been detected in Italy: sexual exploitation, severe labour exploitation, forced begging, forced illicit economies and forced marriage.

The NRM also defines and incorporates the indications outlined in the "Guidelines for Territorial Commissions and Sections for the identification of victims of trafficking amongst applicants of international protection and referral procedures (2021)"[6] and in the "Guidelines for the identification, protection and assistance to victims of labour exploitation in agriculture (2021)"[7].

[1] <https://www.governo.it/sites/governo.it/files/Decreto16maggio2016.pdf>

[2] <https://www.gazzettaufficiale.it/eli/id/1998/08/18/098G0348/sg>

[3] <https://www.pariopportunita.gov.it/media/2427/piano-anti-tratta-2022-2025-ita.pdf>

[4] Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA
<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:IT:PDF>

[5] Implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, replacing Council Framework Decision 2002/629/JHA
<https://www.gazzettaufficiale.it/eli/id/2014/03/13/14G00035/sg>

[6] https://www.unhcr.org/it/wp-content/uploads/sites/97/2021/01/Linee-Guida-per-le-Commissioni-Territoriali_identificazione-vittime-di-tratta.pdf

[7] https://www.lavoro.gov.it/priorita/Documents/Linee-Guida%20vittime%20sfruttamento%20lavorativo_P_14_CU_Atto_Rep_n_146_7_ott_2021.pdf

The first set of guidelines, adopted in 2016 and updated in 2020, were developed as part of the project "Coordination mechanisms for victims of trafficking" promoted by the National Commission for the right to asylum in collaboration with the United Nations High Commissioner for Refugees – UNHCR. The guidelines aim to develop and strengthen the coordination between trafficking prevention measures, victim assistance and international protection.

These guidelines detail the Standard Operating Procedures (SOPs) for the correct identification of victims of trafficking during the recognition of international protection process and outline the coordinated intervention of the institutions and subjects involved. They underline the fact that the decision on international protection does not interfere with the protection measures available for victims and also list useful ideas regarding a possible institutional collaboration with the Anti-Mafia District Directorates at the Prosecutor's Office. In February 2020 the Ministry of Labour and Social Policies adopted the "Guidelines for the identification, protection and assistance to victims of labour exploitation in agriculture" which were approved by the Unified Conference on 7 October 2021 whilst implementing the "Three-Year Plan to combat labour exploitation and unlawful recruitment in agriculture 2020-2022"[8]. The guidelines are an important policy document that defines the minimum standards, general principles and public governance guidelines on the identification, protection and assistance of victims of labour exploitation in agriculture.

Finally, thanks to the drafting of the glossary[9] of terms used within the Anti-Trafficking System which was published in 2019 and updated in 2022, it has been possible to standardise and decode the system's own language in relation to the analysis and understanding of the phenomena related to human trafficking and severe exploitation. The glossary was drafted by the Anti-Trafficking Helpline and the Human Rights Centre "Antonio Papisca" of the University of Padua following a process of comparison and validation carried out in agreement with the 21 projects of the Italian Anti-Trafficking System.

[8] <https://www.lavoro.gov.it/priorita/Documents/Piano-Triennale-contrasto-a-sfruttamento-lavorativo-in-agricoltura-e-al-caporalato-2020-2022.pdf>

[9] https://osservatoriointerventitratta.it/wp-content/uploads/2023/07/Glossario_Sistema_Antitratta.pdf

OBJECTIVES AND TARGET AUDIENCE

The National Referral Mechanism sets forth the obligations that the state must fulfil in order to protect and promote the human rights of trafficked persons, allowing for the correct and early identification and assistance of victims^[10]. The NRM is a set of recommendations and practical measures, in line with existing human rights standards, that guide all actors involved in the different stages of the fight against trafficking and severe exploitation.

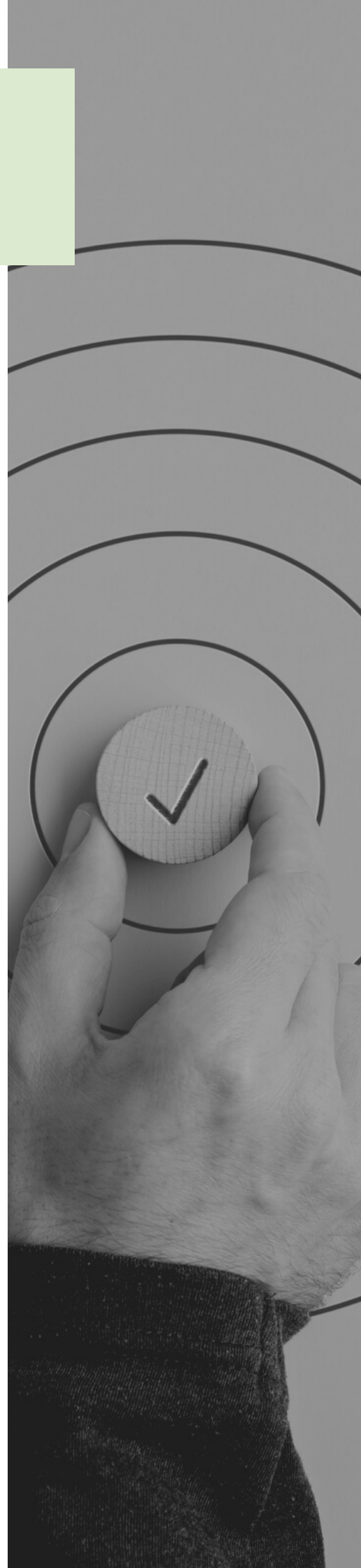
It includes a detailed set of SOPs, consisting of distinct measures aimed at ensuring adequate assistance to victims of trafficking and/or severe exploitation through the following steps:

- identification;
- first assistance and protection;
- long-term assistance and social inclusion;
- assisted voluntary return and social inclusion;
- access to justice.

The update of the NRM aims to be used as an essential tool to ensure the correct and early identification of victims of human trafficking and/or severe exploitation, whilst promoting a multi-sectoral and multi-agency approach. It also has the goal of strengthening the coordination and cooperation between public and private social organisations that are implementing the Single programme of detection, assistance and social integration, which supports the victims of the crimes of enslavement or the maintenance of slavery, trafficking in persons and/or severe exploitation.

Attention is drawn to the particularities of potential victims of trafficking during the identification, assistance and protection measures, to ensure adequate assistance, in accordance with their particular state of vulnerability and respect for their rights, especially for children, trans people and mothers with children.

[10] <https://www.osce.org/files/f/documents/0/4/13967.pdf>



The phenomenon of human trafficking and severe exploitation has become more complex in recent years and has changed in terms of:

- the victims involved (an increase in men, trans people and mothers with children)
- the areas and methods of exploitation (an increase in cases of severe labour exploitation, multiple exploitation and there are new contexts and countries of origin of victims of sexual exploitation)
- the recruitment methods (they are recruited in their own country, in transit countries or using new digital platforms, such as social networks and other applications) also with reference to particularly vulnerable persons who are already in Italy and who are at risk of severe exploitation, especially in the labour context.

Over the last few years, evolving migration flows have led to a change in the modes of transfer and routes used by criminal trafficking organisations. Victims of trafficking move within the so-called 'mixed flows' together with those who leave their country of origin in search of safety or better living conditions and sometimes flee conflicts, persecution or other critical personal and family situations. They are then recruited in their own country or in transit countries, often through the use of deception or they are taken advantage of, due to increased vulnerability. Traffickers are also known to recruit people for exploitation directly in the destination countries. Moreover, due to the widespread use of the internet, information technologies and social networks, e-trafficking is more common.

Therefore, it is crucial to be able to identify at an early stage those who have experienced trafficking or are at risk of experiencing it or are involved in situations of severe exploitation. The phenomenon of re-victimisation, which also involves women with children, should also be taken into account.

For these reasons, it is essential that the NRM is updated and that it adequately involves, in a multi-agency working context, all the actors involved in the fight against trafficking. Also, in accordance with the provisions of the handbook, published by the Ministry of the Interior for, "the detection, referral and intake of persons with vulnerabilities arriving in country and who are integrated into the protection and reception system"[11]. In particular, involving:

1

actors who come into contact with a victim of trafficking and/or severe exploitation, such as: Law Enforcement Agencies, Territorial Commissions and Sections, Specialised Immigration Sections of the Courts, Ordinary Public Prosecutor's Offices and the National Anti-Mafia Directorate, the Labour Inspectorate, trade unions, health services, social services, third sector entities and outreach units;

[11] <https://www.interno.gov.it/it/stampa-e-comunicazione/pubblicazioni/vademecum-rilevazione-referral-e-presacarico-persone-portatrici-vulnerabilita-arrivo-sul-territorio-ed-inserite-nel-sistema-protezione-e-accoglienza>

2

actors who provide assistance after the victim has been taken into care and implement measures aimed at social integration:

- entities registered in the second section of the Register of Associations and Entities carrying out activities to support immigrants, for the implementation of assistance and social integration programmes for victims of trafficking and/or severe exploitation;
- Public bodies;
- entities providing first and second reception in the field of international protection (Reception and Integration system (SAI), facilities dedicated to the reception of unaccompanied foreign minors);

3


actors involved in Assisted Voluntary Return and Reintegration programmes;

4

public actors involved in preparing decisions and strategies to prevent and combat trafficking and severe exploitation.

Since Italy is both a destination and transit country for human trafficking, there is an increasing need to establish coordination between the NRMs of EU countries. The ultimate aim is to strengthen cooperation at transnational level in order to identify and protect trafficked persons, also within the framework of the procedures provided by the Dublin III Regulation.

THE EVOLUTION OF THE NATIONAL SYSTEM OF DETECTION, ASSISTANCE AND SOCIAL INTEGRATION OF VICTIMS OF TRAFFICKING AND SEVERE EXPLOITATION IN ITALY



Article 18, paragraph 3 bis of Legislative Decree no. 286/1998, as amended by Legislative Decree no. 24/2014, states that foreigners and EU citizens who are victims of the offences provided for in Articles 600 and 601 of the criminal code, or who fall under the hypotheses referred to in paragraph 1 of Art. 18, “the Single programme for detection, assistance, and social integration guaranteeing, on a transitional basis, adequate accommodation, food and health care, pursuant to article 13 of Law no. 228 of 2003 and, thereafter, assistance and social integration, pursuant to paragraph 1 of this article”.

The Single programme referred to in Art. 18, par. 3 bis of Legislative Decree no. 286/1998 - which merged the two programmes previously provided by Art. 13 Law no. 228/2003 and Art. 18 of Legislative Decree no. 286/1998 - is put into practice through projects implemented at a territorial level that ensure adequate assistance measures. The assistance measures are initially set up on a transitional basis for people who find themselves in a condition of severe exploitation for one of the offences provided for by Art. 18 Legislative Decree no. 286/98, including the offences of enslavement or maintenance of slavery and trafficking in persons.

The subjects that are entitled to implement these programmes include: local authority social services, associations, entities and/or other private bodies. It is mandatory that the private bodies are registered in the second section of the Register of Associations and Bodies carrying out activities in favour of immigrants established at the Ministry of Labour and Social Policies, pursuant to letter b) of Article 52 of Presidential Decree no. 394/1999e[12], regarding the subjects qualified to implement social assistance and integration programmes.

The projects, established in the D.P.C.M. of 16 May 2016 'in agreement with the Minister of the Interior, the Minister of Labour and Social Policies and the Minister of Health', must set up interventions during the detection, reporting, sending to the protection services, identification, protection and first assistance phases for the victims.

The interventions and services of anti-trafficking agencies are divided into:

- contact, detection, identification and protection actions;
- listening, counselling and drop-in services;
- reception in sheltered houses in a secret location;
- accompaniment for socio-occupational and housing inclusion;
- accompaniment to social and socio-medical services; including those relevant to mental health and psychological support;
- socio-legal assistance also for the purpose of obtaining a residence permit.
- orientation to socio-occupational and housing inclusion and accompaniment to autonomy;
- orientation to educational and scholastic services.

All of the actions, in line with the provisions of the National Anti-Trafficking Plan (NAP) 2022- 2025, aim to improve the national response to the phenomenon of trafficking and severe exploitation by preventing and prosecuting crimes, protecting and socially integrating victims, respecting human rights and the principle of non-discrimination, applying a gender perspective and taking into account the best interests of children.

Furthermore, the NRM drafted by the OSCE[13] underlines the importance of applying a gender-sensitive approach to ensure that gender specificities are respected in the Italian Anti-Trafficking System.

A human rights-based approach places the rights of the individual at the centre of anti-trafficking activities and policies and allows for:

- compliance with international human rights standards;
- observance of the principle of non-discrimination, particularly regarding the groups that are increasing, such as trans people;
- defining standards of assistance;
- recognising victims of trafficking and/or severe exploitation as rights-holders;
- the full participation and consultation of all actors involved, including victims of trafficking and/or severe exploitation, in the development of anti-trafficking strategies and policies;
- the adoption of a specific intersectional perspective in anti-trafficking policies and services.

[12] <https://www.gazzettaufficiale.it/eli/id/1999/11/03/099G0265/sg>

[13] https://www.osce.org/files/f/documents/f/5/510551_0.pdf

Such a system requires all actors to cooperate and dialogue through reporting procedures adopting a multi-agency and multi-sectoral approach. Consequently, it is necessary to:

- inform potential victims of trafficking and/or severe exploitation about the protection and assistance mechanisms that can be activated;
- promote multi-disciplinary care mechanisms through customised pathways, implemented by adequately trained experts, within the framework of cooperation between the different levels of government and civil society organisations;
- ensure that access to protection and assistance measures for victims is not necessarily bound to the judicial process or the filing of a crime report, as already established by the Italian legislation (art. 18), also guaranteeing an adequate period of reflection and recovery
- ensure the protection of privacy and personal data in the processes of identification and removal from the situation of severe exploitation;
- promote the complementary use of available resources (EU, national and regional) to improve the management of interventions in an integrated manner.

Against the current backdrop, it is essential to have a multi-agency and multi-sectoral system in order to effectively fight against transnational criminal organisations that continue to profit from human trafficking.

The role of linguistic and cultural mediators is crucial for victims or potential victims when it comes to facilitating access to information in a language that can be understood, building trust and allowing them to feel safe, through an approach adapted to their individual circumstances, cultural background and gender.

The complexity of the phenomenon of trafficking in human beings and the multiple vulnerabilities of its victims requires the enhancement of available resources and the creation of local networks that can work together. The partnership between public bodies and third sector organisations is of vital importance both in the analysis of the phenomena and in the co-programming and co-planning of interventions capable of maximising the effectiveness and efficiency of the resources available in the local area. The public-private partnership has been an added value of the Italian Anti-Trafficking System since its foundation and it has seen objectives being reached both in the fight against trafficking and severe exploitation and in the protection and empowerment of victims. At a local level, this partnership consists of a governance structure of the Anti-trafficking Projects, involving Italian regions, local authorities and private social actors working alongside local partners to promote, plan and coordinate interventions which guarantee coordination and exchange of specialised expertise on trafficking with other adjacent systems (international protection and unaccompanied foreign minors (UFM), gender-based violence, social-health services, addiction services and mental health centres).

It is also useful to promote cooperation at a local level between the different actors involved in the fight against trafficking in Italy. This can be done through the establishment of multi-agency protocols, joint training and the coordinated development of good practices.

It is fundamental to develop continuous training programmes, for all practitioners, consisting of specific modules which allow for them to stay up to date whilst deepening their knowledge and integrating services, such as the coordination and partnerships between the different actors responsible for the protection and first assistance of victims. It is particularly important to organise awareness raising activities among the population and the actors involved in various capacities, both locally and nationally, through the dissemination of campaigns using both traditional and modern means of communication.



THE NATIONAL ANTI-TRAFFICKING HELPLINE

The National anti-trafficking helpline for victims of human trafficking and/or severe exploitation (the helpline), was established in 2000 by the Presidency of the Council of Ministers, Department for Equal Opportunities, as an operational tool aimed at facilitating the detection of victims of sexual exploitation through a 24-hour free helpline. The work carried out is based on the legal framework set forth in Legislative Decree No. 286/1998 and Presidential Decree No. 394/1999[14]. The helpline was made up of 14 local workplaces which were managed by the social services of public or private social entities that already ran social protection and assistance programmes for victims of exploitation. The local workplaces received calls from landlines and worked in parallel with a central workplace which received calls from mobiles. The calls were then verified and directed to the relevant local workplace. In 2006 a series of changes took place when Article 13 of Decree Law No. 228/2003 entered into force. It broadened the target audience, the evolution of phenomena and introduced new regulations making it necessary to refine the skills and professionalism of the service in order to optimise its effectiveness. As a result, the Department of Equal Opportunities chose to combine the local workplaces into one central workplace.

Over the past decade, the Anti-Trafficking Helpline has gradually expanded its competencies and functions. As well as the day-to-day activities of receiving and filtering requests for help, it provides information on related rights, how to access the Single programme of detection, assistance and social integration, and signposting to other services.

In particular, the work can be divided as follows:



maintaining and strengthening the Anti-Trafficking System through a comparison of operational procedures in order to promote good practices

Since 2016, the helpline has organised national meetings between anti-trafficking entities and outreach units to analyse how the elements of trafficking and severe exploitation have evolved as well as providing space to share and disseminate the practices and operational procedures that have shown the best results.

[14] <https://www.gazzettaufficiale.it/eli/id/1999/11/03/099G0265/sg>

During the period of the Covid 19 global health emergency, in person meetings were replaced by thematic webinars which included experts from outside the Anti-Trafficking System. In particular, in 2019, during an exchange between all Anti-Trafficking Projects, a glossary of terms and procedures was created, allowing for the harmonisation of actions and interventions to support victims of trafficking and/or severe exploitation across Italy;



training Anti-Trafficking System staff

The helpline, within the observatory of interventions on the phenomena of trafficking and severe exploitation, organises periodical online meetings and training open to all staff in the Anti-Trafficking System. The meetings are carried out in cooperation with the University Centre for Human Rights "Antonio Papisca" of the University of Padua. Furthermore, 2022 saw the launch of the annual training school for new staff of the anti-trafficking system;



awareness raising activities on trafficking to enhance prevention measures and the early identification of victims

The helpline aims to achieve this goal through various actions, including:

- producing informative materials on the service and raising awareness of the phenomenon of trafficking;
- managing a national awareness raising campaign on 18 October for EU Anti-Trafficking Day with the aim also of providing information on paths, protections and assistance from the National Anti-Trafficking System;
- publishing a fortnightly newsletter with news, information on events and publications;
- managing and continuously updating social platforms as well as the multilingual website osservatoriointerventitta.it, aimed at both professionals and citizens who wish to stay informed and learn more about issues related to trafficking and severe exploitation and the protection system;



joint training activities involving the anti-trafficking system and the international protection system, the system for detection from labour exploitation and unlawful recruitment and the system against gender violence. Also, social-welfare services for the protection of children, the system for unaccompanied foreign minors, and the health system, with particular attention to family counselling centres, emergency rooms, and local services for mental health and psychological support

The helpline promotes training and discussions between the Anti-Trafficking system and the adjacent systems, to improve mutual knowledge and keep up to date on developments in trafficking, with a view to strengthen referrals and multi-agency work;



processing project transferral requests from the anti-trafficking project's local partners for the relocation of trafficked persons within the system

At times, the need arises to transfer a person who has already been assessed or taken into an anti-trafficking organisation from their place of residence. This is mainly to ensure their safety or a reception facility appropriate to their specific needs. This procedure is known as a project transfer (messa in rete) and requires the staff at the helpline to gather and forward on the information to the national network of anti-trafficking organisations with the aim of finding a more suitable reception facility for the individual;

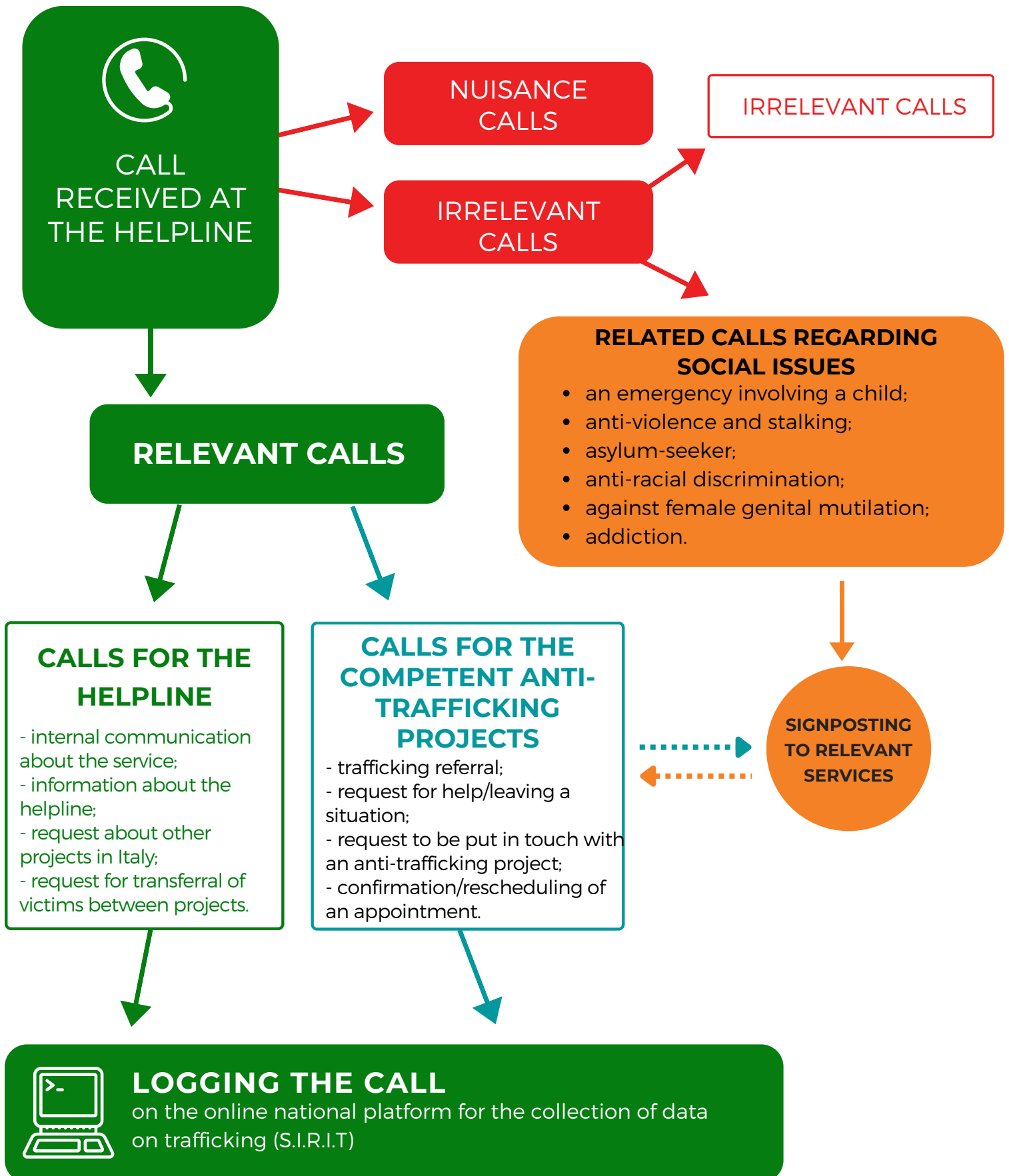


management of the national database of trafficking interventions

The national trafficking data collection platform S.I.R.I.T (Sistema Informatizzato per la Raccolta di Informazioni sulla Tratta) plays a fundamental role within the NRM. The first version was launched in 2010 and developed by the University of Trento in collaboration with Transcrime. It allowed anti-trafficking organisations to register the number of people in the programme pathways set forth by article 13 and article 18. Following this, in 2012, the Department of Equal Opportunities assigned the anti-trafficking helpline with the task of creating and managing a new version of the data collection platform that would be able to hold data on all telephone referrals as well as register details of the people taken into the programmes set forth by Article 13 and Article 18, and have a section dedicated to reporting. On 16 May 2016, the Anti-Trafficking System was restructured and the Single programme for detection, assistance and social integration was established which resulted in the creation of a third and final version of the platform. The current S.I.R.I.T platform gathers information on the evaluations carried out by anti-trafficking entities and therefore plays an essential role in tracking the programme pathways and the evolution of phenomena in Italy. In addition, over the years, the amount of information collected has expanded to include the interventions carried out such as the first contact, direct assistance and follow-up of successfully concluded programmes. The S.I.R.I.T platform stands at the centre of the NRM as it records the information related to the assessment processes that are required to formally identify victims of trafficking and/or severe exploitation. These are initiated by anti-trafficking entities either as a result of activation requests at the helpline or as a result of referral activities by other actors who contact anti-trafficking agencies independently. The anti-trafficking helpline has refined, over the years, the information entered into the S.I.R.I.T platform by anti-trafficking agencies and by the outreach units, producing both periodic reports and specific reports upon request, with the aim of encouraging the reflection and analysis on the data collected.

The diagram below demonstrates, from an operational point of view, the connection between the helpline, the Anti-Trafficking Projects and S.I.R.I.T. when monitoring the actions carried out in for victims of trafficking and/or severe exploitation.

Filtering calls at the National anti-trafficking helpline



IDENTIFICATION

The identification of trafficked persons is the necessary precondition to access assistance and protection. Therefore, it must take place as early as possible: ideally, as soon as a potential victim arrives in Italy or at the first reception facility.

The identification of trafficked persons is an obligation for state authorities under international and European provisions. Therefore it is necessary that each subject, whether institutional or non-institutional, is involved in different capacities, and contributes by adopting a multi-agency and multi-sectoral work approach when it comes to protecting victims of trafficking and severe exploitation. This can be done by ensuring that identification is one of the first measures put in place upon first entry or during the in-country tracing phase, together with the initial protection measures, in order to guarantee their personal safety and fundamental rights.

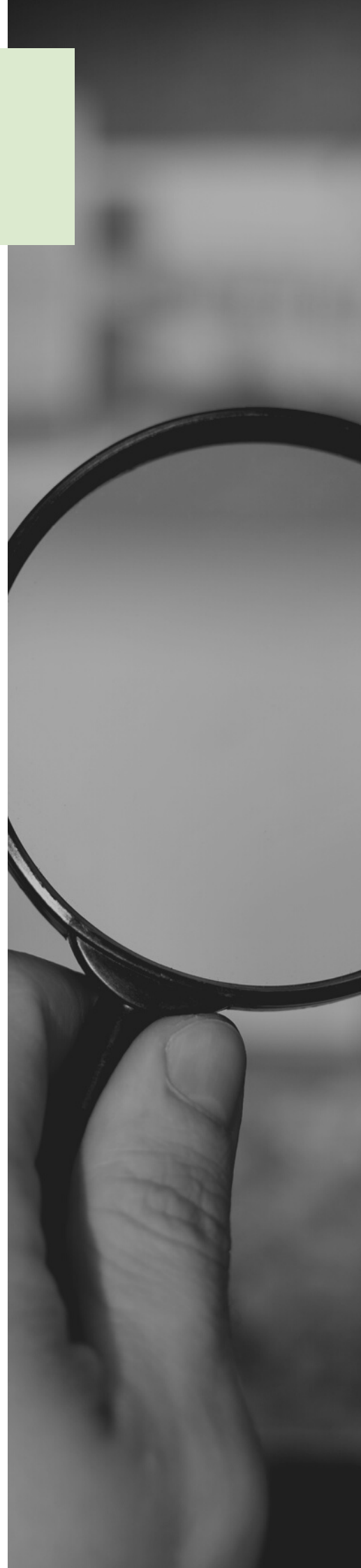
The identification of victims of trafficking and/or severe exploitation consists of:

- ☒ **Preliminary identification:** an analysis of the circumstances that may suggest that the person is a victim of trafficking and/or severe exploitation or is at risk of becoming one;
- ☒ **Formal identification:** carried out by qualified and authorised professionals to establish whether the person can be confirmed as a victim of trafficking and/or severe exploitation.

Identification is a single process consisting of multiple actions carried out by different actors, with the aim of gradually detecting relevant elements.

The actors carrying out preliminary identification include:

- Emergency and first-level reception facilities such as Hotspots and Extraordinary Reception Centres (CAS);
- Staff of all supervisory and inspection bodies (labour inspectors, National Institute for Social Security (INPS), local health authorities (ASL) and other supervisory bodies);
- Private social organisations;



- Law enforcement agencies, including municipal police and border police;
- Outreach units;
- Immigration offices in police headquarters;
- Prefectures;
- Health service workers;
- Social service workers of local entities;
- NGO and international organisation staff;
- Trade unions;
- Maritime units;
- Staff of the facilities of the reception system for international protection(SAI/UFM);
- Commissions and Territorial Sections for the recognition of international protection;
- Anti-violence centres;
- Child welfare and protection bodies, including those for unaccompanied foreign minors;
- Judicial offices and penal institutions;
- Specialised Immigration Sections of the Courts;
- Lawyers and socio-legal practitioners;
- In general, all those who come into contact with potential or presumed victims. All reports, whether they arrive at the National Anti-Trafficking Helpline or directly at the territorial Anti-Trafficking Project, are recorded in S.I.R.I.T., which monitors the interventions and actions provided to the person.

Formal identification is carried out:

- 1 by bodies specialised in supporting victims of trafficking and by public and private social bodies that implement the detection, assistance and social integration programmes referred to in Article 18, paragraph 3 bis of Legislative Decree no. 286/1998;
- 2 by judicial police officers or magistrates belonging to the examining magistrate.

Formal identification is carried out through in-depth interviews between the assisting entity, the presumed victim and a linguistic and cultural mediator from the Anti-Trafficking System. Further evidence can be collected in order to verify the information provided by the presumed trafficking victim.

At the start of the formal assessment process, within 48 hours, the anti-trafficking entity is required to open a dedicated profile on the S.I.R.I.T. platform.

During the identification process, it is crucial to consider:

- a person-centred approach, respecting their culture and human rights;
- the person's informed consent to an anti-trafficking interview;
- confidentiality, privacy and data protection;
- the prevention of re-victimisation;

- the best interests of the child and emotional continuity in the case of dependent children or because of de facto family ties;
- a gender-sensitive approach;
- the need to fully inform the person about existing services to protect victims of trafficking and/or severe exploitation.

At present, there are many increasingly complex elements involved in the identification of trafficked persons. The strict control, albeit sometimes at a distance, by traffickers is the primary reason why victims are unable to seek help and escape the subjugation to which they are forced. Further obstacles arise from the fear many people have of the consequences after rebelling, the lack of perception about their status as victims, as well as possible feelings of gratitude towards those who helped them to leave their country of origin. Additionally, difficulties arise with the individuals who have suffered physical, psychological or sexual violence when recalling their experiences, due to shame, guilt or even due to the impact of the trauma on the normal functioning of memory. The trafficking victims who have experienced complex trauma, of an interpersonal nature and repeated over time, can end up developing complex post-traumatic disorders characterised not only by the classic symptoms of Post-Traumatic Stress Disorder (PTSD), but also by disconnection, dissociation and disintegration of cognitive functions and, therefore, by a lack or impossibility of linearity in self-narration.

The difficulties experienced when there is a potential case of trafficking or in a situation where there is a risk of exploitation can become an obstacle to the support available. On the contrary, early identification makes it possible to offer the assistance and protection measures set forth by the legislation currently in force, favouring their escape from the exploitation circuit. The earlier the identification takes place, the more effective the intake into the system can be, since an early intervention can prevent the victim from entering into an exploitative situation in Italy. Therefore, it is vital that the identification, protection and assistance measures should apply the principle of risk assessment which takes into account gender, age and particular vulnerabilities that may affect victims. The condition of vulnerability is defined on the basis of interactions between different structural factors (legal, cultural, social and economic) that produce situations in which (with reference to the definition of 'position of vulnerability' contained in Directive 2011/36/EU) a person has no real and acceptable alternative but to submit to exploitation and other forms of abuse. It should also be highlighted that, despite formal identification as a victim, a substantial percentage of people decide not to access assistance and protection programmes.

PRELIMINARY IDENTIFICATION

ANTI-TRAFFICKING PROJECTS

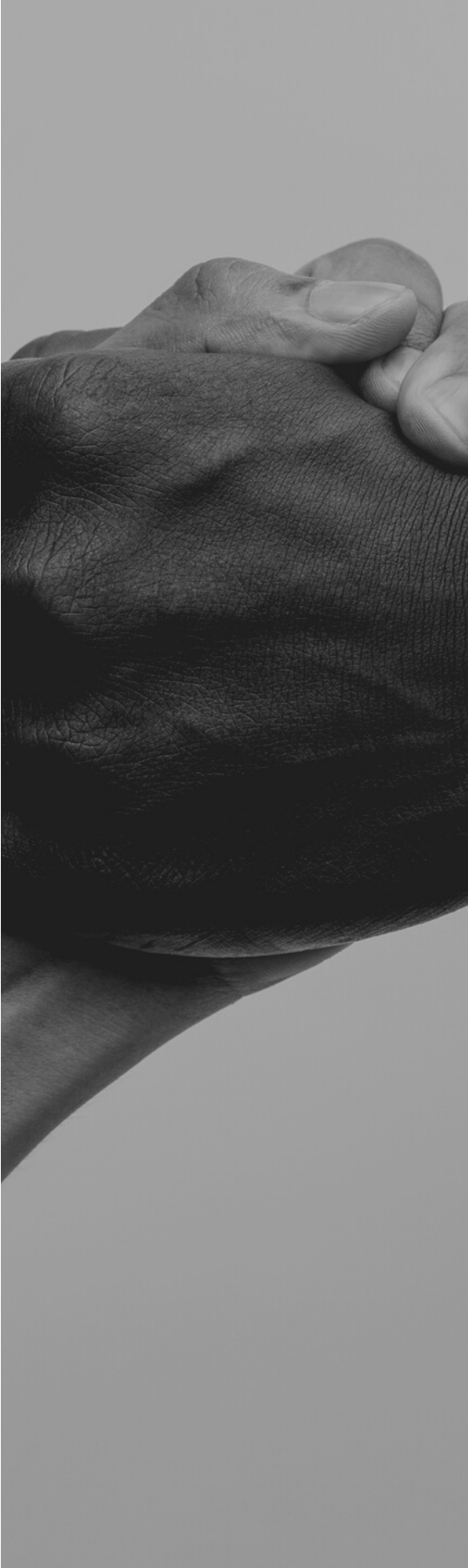

NATIONAL ANTI-TRAFFICKING HELPLINE
800 290 290


FORMAL IDENTIFICATION

The anti-trafficking agency must open a data form in the **S.I.R.I.T platform** within 48 hours


S.I.R.I.T. PLATFORM

PROTECTION AND ASSISTANCE



The Single programme of detection, assistance and social integration defined by the Prime Ministerial Decree of 16 May 2016 states that the Anti-Trafficking Projects carry out protection and assistance activities, including:

- contact, detection and protection of the person, taking into account the recovery and reflection period;
- health assistance and health promotion, facilitating access to the public health system
- legal and socio-legal assistance to support the individual file a crime report and regularisation procedures;
- first assistance to prepare for social inclusion;
- second reception focused on vocational training and finding a job;
- developing independence to facilitate social inclusion, finding a job and housing autonomy;
- monitoring and verification of social inclusion.

The assistance measures are guaranteed, in compliance with the principle of non-discrimination, for victims and potential victims of trafficking and/or severe exploitation in Italy. They are available regardless of their legal status, age, nationality, gender, sexual orientation, type of exploitation or whether they have a disability.

The activation of the assistance measures, starting with emergency reception, involves the filling in by the anti-trafficking agency of the dedicated form within the S.I.R.I.T. platform within 48 hours after intake.

The provision of assistance and protection measures involves the observation of a series of phases and actions, aimed at a correct assessment of needs in order to meet immediate or urgent needs and to ensure the safety of assisted persons.

These steps and actions, also codified in standard operating procedures, are as follows:

1 Preliminary and multidimensional needs analysis with special attention to increasing targets, such as: transgender persons, mothers with children and persons who experience psychophysical distress;

2 Preventive risk assessment

These two actions simultaneously assess the needs of each beneficiary to ensure that the suitable assistance measures are activated and that the risks and danger level of the criminal network are evaluated. The aim is to activate the protection measures necessary to guarantee the safety of the beneficiary. The preliminary needs analysis phase is particularly important when looking at new emerging individuals that are particularly vulnerable, such as: trans people, mothers with children and persons who experience psychophysical distress.

3 Recovery and reflection period (First Assistance)

In this phase, assistance and protection measures which have been determined in the preliminary needs analysis and pre-risk assessment phases are offered to the beneficiaries. Emergency reception is also included amongst these measures. This initial assistance phase allows the beneficiaries to take the time necessary for psychophysical recovery and reflection throughout the programme as well as having the possibility to cooperate with the justice system. During this period, the person has the right to remain in Italy and to not be expelled^[15].

At the end of the first assistance phase, the beneficiary may opt to:

- continue the programme, transitioning to the second reception and social integration phase;
- return to their country of origin or to be relocated to a third country by accessing the possibilities offered by the AVRR Projects;
- return to their country of origin by accessing, for EU nationals, the possibilities offered by existing cooperation relations between the respective countries' anti-trafficking services
- cooperate with judicial authorities throughout the duration of the assistance and social integration programme

[15] in line with Article 6 of Directive 81/04

<https://eur-lex.europa.eu/legal-content/IT/TXT/PDF/?uri=CELEX:32004L0081>

4 Second Reception and Social Integration

Second reception, or long-term assistance, is made available to persons benefiting from the detection, assistance and social integration programmes and aims to provide the assistance necessary to complete the social integration pathway.

This pathway aims to achieve, for each beneficiary, socio-economic and housing autonomy through specific measures aimed at empowerment, training and finding employment, therefore helping to prevent re-victimisation.

The measures made available by the providers, within the framework of individual assistance programmes (PAI), include:

- residential reception
- linguistic-cultural mediation
- counselling and healthcare;
- psycho-social support;
- socio-legal counselling;
- legal protection;
- linguistic literacy;
- activities to help obtain a residence permit;
- activities promoting social integration;
- training;
- work placements;
- economic support;
- computer literacy;
- pocket money.

During all of the stages, from the analysis of needs to the provision of social integration measures, providers must guarantee the beneficiaries:

- **the collection of personal information** in compliance with current legislation on the processing of personal data;
- **access to services and information** by providing the beneficiary with complete information during all the phases of the protection and assistance measures (information on the services and activities provided, the rights and obligations to be respected, safety rules, reasons for the termination of assistance, the regularisation procedure);
- **linguistic and cultural mediation** during each stage to ensure that the information is conveyed in the correct manner to the beneficiaries;
- **legal assistance** to help with regularisation, to come to a decision about cooperating with the justice system as well as helping the beneficiaries claim for compensation.



MINORS

For child victims of trafficking and severe exploitation, who may be unaccompanied foreign minors, separated minors (Italian and EU nationals) or accompanied minors, the national, regional and local regulations on supervision, protection and protection, as well as assistance and support provided for children must be applied. Child victims of trafficking, at all stages of the identification, reception and social inclusion process, are the recipients of additional and specific protection measures, e.g. the use of a gender sensitive and child-friendly approach in compliance with the principle of the child's best interests.

The topic of child victims of trafficking and/or severe exploitation was addressed in 2020 by Save the Children through two guides that were developed together with experts from the Italian Anti-Trafficking System's projects, the United Nations High Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM), the European Union Agency for Asylum (EUAA) and the Italian Red Cross[16].

The following factors must be considered during the identification of a child victim of trafficking and severe exploitation:

1. **age:** the younger the child, the more vulnerable they are;
2. **nationality:** there are no nationalities excluded from the risk of trafficking and severe exploitation, however attention must be drawn to male minors and boys who have just turned 18, from areas such as sub-Saharan Africa, North African countries and South Asia, as they are particularly at risk of severe labour exploitation and involvement in illicit activities. Meanwhile, female minors and girls who have just turned 18 from the same areas are particularly exposed to the risk of early and forced marriage. Although, minors of sub-Saharan and Eastern European origin are more at risk of sexual exploitation. Finally, Roma children (usually from Eastern Europe) are frequently exploited in forced begging, forced criminal activities and/or severe exploitation in agriculture;

[16] Standard Operating Procedures for the identification of child victims of trafficking and exploitation in Italy: https://s3.savethechildren.it/public/files/uploads/pubblicazioni/procedure-operative-standard-identificazione-di-minori-vittime-di-tratta-e-sfruttamento_0.pdf

3. time spent in Italy: the shorter the time spent in Italy, the more limited the child's understanding of the social dynamics of the country will be. They often depend upon untrustworthy people, who provide unreliable information which leads to being confused and disorientated;

4. knowledge of Italian and level of schooling in the country of origin: children with less schooling and a low level of knowledge of the Italian language can more easily be prone to being deceived, therefore, being exploited;

5. lack of friends of their own age or mainly building relationships with adult compatriots who have been in Italy for longer;

6. the need to repay debt or send money home;

7. having already committed illegal activities;

8. abnormal communication with family: the lack of continuity of communication with family members in the country of origin and the consequent difficulty in receiving their moral and material support result in increased vulnerability;

9. membership of the LGBTQIA+ community.

It is fundamental to guarantee linguistic and cultural mediation at all stages of the team's work with children. In fact, mediators play a key role in building a relationship of trust with children. This facilitates their eventual identification as a victim of trafficking and, in general, facilitates the process of protection, psycho-social support and inclusion. It must be highlighted that in general, mediators ensure effective and clear communication with all children, whether they are accompanied or not, activating a process in which sharing the same language and certain cultural aspects become an essential component in order to guarantee protection and the child's best interests.

In cases where there are well-founded doubts about the age of a trafficked person, an age assessment may be arranged in agreement with the legal guardian. The verification is carried out primarily by referring to the suitable documents, which bear a photograph of the holder, unless there are doubts as to their authenticity. For this reason, the cooperation of the diplomatic-consular authorities of the country of origin of the person concerned may also be requested, although this is forbidden if the child is an applicant of international protection or if they declare that they do not wish for the abovementioned authorities to be involved. If the previously mentioned documents are not available and there are still doubts about the age declared by the presumed minor, the Public Prosecutor's Office at the Juvenile Court may order for socio-medical examinations to be carried out. The socio-sanitary assessment must be performed by multidisciplinary staff in a protected environment, in the presence of a cultural mediator whilst adopting appropriate, non-aggressive methods, respecting the person and their presumed age.

It is necessary to keep the child, their legal guardian, law enforcement and the institutions involved in this procedure informed of the entire procedure and its results. The person will be presumed a minor for all intents and purposes, until the verification procedure is completed and even after that, should the doubt persist.

The provisions of civil law relating to the protection of minors who do not have parental representation, as well as the rules relating to unaccompanied foreign minors, including Legislative Decree no. 286/1998 and Law no. 47/2017[17], which introduced important changes relating to the identification, reception, protection and issuance of residence permits for foreign minors in general, apply to minors who are victims of trafficking and/or severe exploitation. In particular, the latter introduces the figure of the voluntary guardian and provides for all unaccompanied foreign minors to be received within the framework of the SAI. In fact, pursuant to Legislative Decree no. 142/2015[18], unaccompanied foreign minors can be taken in and have access to the protection and assistance services offered by the first and second level governmental facilities in the Italian reception and integration system. Due to the lack of governmental first reception centres referred to in Article 19 of Legislative Decree no. 142/2015, as well as in the absence of national notices allowing for the expansion of places in the SAI network, local authorities play a principal role in the protection, reception and assistance. This is the reason why multi-agency work between local social and health services and entities of the Anti-Trafficking System is key. Also, the importance of multi-agency work is essential through the signing of Memoranda of Understanding at the national and territorial level aimed at strengthening the cooperation of the anti-trafficking entities with the SAI reception projects, Juvenile Detention Institutions and Detention Centres for Repatriation. Furthermore, in accordance with the provisions of the National action plan against trafficking and severe exploitation 2022-2025, multi-agency work must be promoted in informal settlements, places of disembarkation and border crossings.

The international protection provided by Law no. 47/2017, previously mentioned, then provided for the prohibition of rejection at the border (principle of non-refoulement) of unaccompanied foreign minors, by amending the Consolidated Immigration Act, adding paragraph 1 bis, to Article 19, according to which "in no case may rejection at the border of unaccompanied foreign minors be ordered". Return to the country of origin or relocation in a third country for the purpose of family reunification, as provided for by Art 8 of Law no. 47/2017, is only to be considered when it is in the best interests of the child[19].

The National Action Plan against trafficking and severe exploitation 2022-2025, in compliance with the provisions provided for the protection of unaccompanied foreign minors who are victims of trafficking under Law No. 47/2017, also provides for the need to facilitate assisted emigration paths for unaccompanied minors transiting through Italy and who have expressed their intention to reach other European countries where their family members reside, in order to ensure appropriate mechanisms for a protected mobility.

[17] <https://www.gazzettaufficiale.it/eli/id/2017/04/21/17G00062/sg>

[18] <https://www.gazzettaufficiale.it/eli/id/2015/09/15/15G00158/sg>

[19] Article 8 L. n. 47/2017 <https://www.gazzettaufficiale.it/eli/id/2017/04/21/17G00062/sg>

For child victims of trafficking, all the measures provided for by Article 18 of Legislative Decree no. 286/1998 must be considered fully applicable, both with reference to the residence permit and to access to social assistance and integration programmes which, by virtue of the provisions of Article 17 of Law no. 47/2017. There must be specific programmes in place for children, ensuring "adequate reception conditions and psycho-social, health and legal assistance, providing for long-term solutions, even beyond the age of majority". By virtue of the provisions of Article 4 of Legislative Decree no. 24/2014, unaccompanied foreign minor victims of trafficking must be adequately informed of their rights, including possible access to the procedure for recognition of international protection. It should be recalled that, by virtue of the aforementioned legislation, anti-trafficking interviews must take place in a comfortable, safe and private environment, where no external auditors are present, with the exception of specialised staff, the parent who has parental responsibility or the guardian, if appointed, or the person acting in their stead.

If the unaccompanied foreign minor is an offender, Art. 18, paragraph 6 of Legislative Decree no. 286/1998 acts as a regularisation tool and allows for them to be taken into the Single Programme, consolidating the work with the Juvenile Social Service Office and child protection services. Young adults who access regularisation in this way and obtain a residence permit for special cases are normally placed into the reception and integration system.

By virtue of the provisions of Article 4 of Legislative Decree No. 24/2014, unaccompanied foreign minors who are victims of trafficking must be adequately informed of their rights, including possible access to the procedure for recognition of international protection.

In recent years, there has been an increase in the number of women victims of trafficking and severe exploitation or, women in a condition of severe vulnerability who have experienced trafficking whilst pregnant or those who have children. This phenomenon requires an adequate response not only from the Anti-Trafficking System, but also from local social and health services. Even in these cases, the best interests of the child are served through continuous, transversal and multidisciplinary work that is implemented at each stage of the intake of the mother who is accessing the Single Programme. It is fundamental that children who have turned 18 and left the anti-trafficking shelter systems have access to specific sheltering services, specialised health support, training-school programmes, transcultural parenting support services and are supported to be more independent through individualised plans, as indicated in the National Action Plan against trafficking and severe exploitation 2022-2025.

With regard to access to justice, the UNICEF Guidelines on the Protection of Child Victims of Trafficking^[20] underline that:

- it is of utmost importance that the legal guardian informs the child about safety issues, risks and criminal procedures before they decide whether or not to testify in a trial; in any case, the child victim of trafficking must be granted "recovery time" by the authorities before being involved in criminal proceedings against the trafficker;

[20] <https://stage.gdc.unicef.org/resource/guidelines-protection-child-victims-trafficking>

- assistance to the child victim of trafficking cannot, under any circumstances, be conditional on the child's willingness to testify;
- legal proceedings against trafficked persons must in no way prevent or delay family reunification or the return of the child victim to the country or region of origin if this is in the best interests of the child. Speedy trials must be ensured unless delay is not in the best interests of the child;
- direct contact between the child victim and the suspected offender during the investigation and prosecution must be avoided;
- the child victim of trafficking must have access to the necessary legal assistance in an accessible and understandable language;
- the privacy of child victims and witnesses of trafficking is a matter of paramount importance. The child should only go to court when necessary. Measures should be taken to exclude the public and the media from the courtroom when a child testifies;
- when testifying at trial, it must be ensured that child witnesses are able to testify safely and make efforts to reduce the secondary trauma that victims often face in a courtroom. Law enforcement authorities, prosecutors, judges and magistrates should apply child-friendly practices, always taking into consideration the age and maturity of the child;
- child victims should receive information on their right to initiate civil proceedings against traffickers and others involved in their exploitation;
- law enforcement authorities should take the necessary measures to protect the rights and interests of child victims at all stages of legal proceedings against alleged offenders and during procedures to obtain compensation.

ASSISTED VOLUNTARY RETURN AND REINTEGRATION (AVRR)

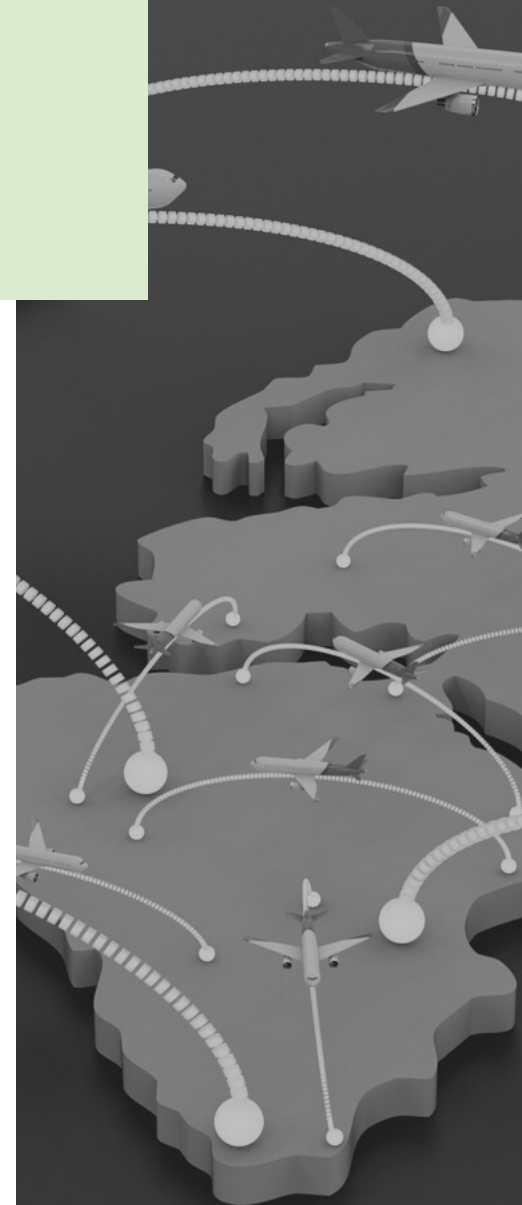
Returning home is often a difficult process for victims of trafficking and/or severe exploitation, as they may face a variety of social, family, health, legal and financial problems and risk returning to the same social and economic conditions that facilitated their recruitment, relocation and exploitation. To avoid the risk of re-victimisation, return and social inclusion programmes should be available to all victims of trafficking and/or severe exploitation who wish to return to their country of origin. Programmes should provide for long-term recovery, autonomy and socio-economic reintegration of victims of trafficking and/or severe exploitation, avoiding any risk of re-victimisation.

Victims have the choice to return at any point in the assistance process (between the initial referral and the long-term assistance period). A victim of trafficking and/or severe exploitation should only return to the country of origin if they genuinely wish to and only if their safety and the chance to be socially reintegrated can be guaranteed. The information processes that concern potential risks and the measures that will be taken to protect both the victim and his/her family members are fundamental.

AVRR[21] projects envisage the implementation of a specific programme with the following principles:

voluntarily: the victim of trafficking and/or severe exploitation decides whether they wish to return to their own country where they are entitled to stay legally and benefit from the services offered;

[21] <http://www.libertaciviliimmigrazione.dlci.interno.gov.it/it/rimpatrio-volontario-assistito-0>



protection: the safety and privacy of the victim of trafficking and/or severe exploitation are essential and all necessary measures must be taken to guarantee them (e.g., no disclosure of personal information to third parties, pre-departure risk assessment, safe travel plan, risk management plan, case monitoring).

Therefore, the AVRR project partner in cooperation with the local contact person in the return countries are responsible for initiating pre-departure checks, aimed at assessing the feasibility of the return in terms of guarantee and safety and ascertaining the absence of any dangerous conditions linked to the victim's return. If the outcome of the checks carried out reveals conditions and situations that may in any way jeopardise the victim's safety, the local project may decide not proceed with the return;

person centred solutions: the needs, opinions and concerns of the victim of trafficking and/or severe exploitation must be taken into consideration. This should be done while they are being assessed about their want to return home, during the preparation of the return procedures and during the elaboration of the individual reintegration plan that will be implemented in the country of return. The AVRR project's implementing agency provides a personalised counselling service that adapts to the needs of each individual case and seeks person centred solutions aimed at enhancing the victim's potential and personal skills, to empower them to regain self confidence in their own abilities (awareness of their own actions, choices and decisions);

accuracy of information: the victim of trafficking and/or severe exploitation must be promptly and properly informed about any aspect of the application and procedure for return as well as the social assistance available;

cooperation: close cooperation between accredited support agencies in countries of origin, transit and destination is essential for a successful safe return and social inclusion programme.

Regarding return and reintegration assistance, AVRR projects provide specific services that guarantee:

- support in applying for travel documents at the respective consulates of the countries of origin and covering related expenses;
- to cover travel expenses up until the final destination;
- airport assistance in Italy and possible assistance in the countries of transit and final destination;
- the provision of a cash contribution to meet the first needs immediately after arrival in the country of origin;
- support to reintegrate in the country of return, including the provision of goods and services necessary for the implementation of the individual reintegration plan and support to follow the plan. In this process, the individual is supported by the local contact person of the AVRR project, who is in charge of supporting the victim in the process of labour and social reintegration in the country of return;
- monitoring the implementation of the individual reintegration plan for an adequate period of time.

AVRR is only for third-country nationals. However, cases concerning the return procedures of EU nationals must respect the following measures to allow for protected pathways to be identified and shared with local services and entities in the member countries:

- informed decision for return;
- risk assessment and social inclusion;
- risk management plan;
- search for family members;
- required documents for the journey;
- individual pre-departure assistance programme through service providers in the country of origin to exchange information and co-ordinate the return operation;
- safe transfer and assistance on arrival.



ACCESS TO JUSTICE

All states must ensure access to justice and impartial treatment for victims of trafficking and/or severe exploitation. They must be fully informed and supported once they are involved in criminal and civil proceedings. Access to full and clear information is essential to enable victims to actively participate in any proceedings, reducing their psychological stress and valuing their rights.

Legal representation and assistance should be an integral part of any victim protection programme. Formalised protocols between law enforcement authorities and agencies providing assistance services to victims of trafficking and/or severe exploitation are an effective way to ensure that the rights of the assisted persons are protected at any stage of the legal proceedings.

In some cases, the victim may need to be protected from possible retaliation and harm by traffickers and exploiters and related individuals. The protection of a victim as a witness to a crime (e.g., trafficking in persons and other related crimes) requires tailor-made solutions to be implemented through close cooperation by law enforcement, prosecutors, judges and aid agencies. A risk assessment is conducted to determine whether the victim's physical safety (and that of family and friends) is at risk and, if necessary, special resources will be allocated to ensure that they are protected (as well as family and friends).

Victims of trafficking should not be subject to imprisonment, persecution and fines due to their irregular stay in the country or due to their participation in illegal activities resulting from their trafficking experience. In accordance with national criminal legislation, consideration should therefore be given to the applicability of grounds for non-punishment for offences committed as a consequence of coercion during the trafficking experience.

Victims of trafficking or severe exploitation must be informed using simple language and in a precise and punctual manner, about the various opportunities granted by law in terms of the residence permit that can be issued, as well as the possibility to apply for international protection. They must also be informed of their right to a recovery and reflection period and of their right to assistance, even if they choose to not cooperate with the authorities.

Furthermore, they must be informed about their rights related to criminal proceedings on the status of offended persons and access to compensation for damages that they can claim in criminal and civil proceedings, including through state compensation.

Legal advice can be accessed when there is no longer a state of emergency for the victim, and when they feel mentally and physically stable enough to face a judicial process. Legal advice is crucial during the detection and formal identification phases due to the increased complexity of individual situations. The victim may request the appointment of a lawyer to act and defend on their behalf and represent them in court at the expense of the state.

During criminal proceedings against the traffickers/accused for trafficking-related offences, the victim of trafficking becomes the offended party of the crime assuming the status of the civil party with the possibility to claim damages from the offender.

In the Italian legal system, article 18 of Legislative Decree no. 286/1998 provides for the possibility of issuing a special residence permit to irregular foreigners when they are subjected to violence or severe exploitation, when there is danger to their safety as a result of their attempt to escape the influence of a criminal association or due to statements made in criminal proceedings.

This residence permit may be issued either following a complaint by the victim (the judicial route, proposed by or after the opinion of the Public Prosecutor), or in the absence of such a complaint (the social route). In the latter case, the victim is then entrusted to an entity responsible for helping victims of trafficking and joins the Single programme of detection, assistance and social integration.

The permit, which has an initial validity of 6 months, when expired, can be renewed for one year, or for a longer period if required for the justice system, and converted for work or study reasons, thus allowing the complete integration of the foreigner into the social context.

Similarly, a person who is a victim of labour exploitation, in the cases referred to in article 22 par. 12-bis of Legislative Decree no. 286/1998, has the right to be issued a residence permit in accordance with article 22 par. 12-quater of Legislative Decree no. 286/1998.

Moreover, a person who is a victim of trafficking or severe exploitation may be entitled to international protection or even special protection under article 19 of Legislative Decree no. 286/199 and therefore they should be informed of this possibility, as well as of the potential to obtain another type of residence permit in relation to the specific situation.

Article 12 of Law no. 228/2003 (as amended and supplemented by Legislative Decree no. 24/2014) establishes the Fund for Anti-Trafficking Measures that finances the assistance and social integration programmes for victims. This:

(a) provides that the fund's resources shall also be used to compensate victims;

(b) sets the amount of compensation for each victim at 1,500 euro, within the limits of the fund's availability;

c) regulates access to the fund (the application for compensation, in particular, must be submitted to the Presidency of the Council of Ministers within one year from the final ruling of the conviction, or - if the author of the crime is unknown - from the filing of the archiving);

(d) identifies as a condition preventing the right to compensation the fact that the victim applying for compensation is under investigation or convicted by final judgement for one of the serious offences referred to in Article 407(2)(a) of the Code of Criminal Procedure;

(e) provides for the right of subrogation of the Fund for Anti-Trafficking Measures in the rights of the civil party or plaintiff against the person ordered to pay compensation.

Standard Operating Procedures (SOP)



STANDARD OPERATING PROCEDURES (SOP)

This section describes the SOPs required to effectively define and manage the NRM in terms of:

POS 1 - Identification

POS 2 - First Assistance and Protection

SOP 3 - Long-term assistance and social inclusion

POS 4 - Assisted Voluntary Return and Social Inclusion

SOP 5 - Criminal and civil proceedings

Each SOP consists of a series of measures that are implemented at an operative level.

The measures described do not always follow a chronological order; in some circumstances they must be applied simultaneously, while in other cases they must follow a different order of implementation depending on the person's condition and specificities.

SOP 1 - IDENTIFICATION

1. Preliminary Identification and Referral

This involves the initial case analysis and the referral of a presumed trafficked person to safe temporary accommodation which must be carried out in a safe and private space.

Referral centres, i.e., bodies/entities acting as a central point of information, referral and initial support for presumed trafficked persons, include:

- Emergency and first-level reception facilities such as hotspots and extraordinary reception centres (CAS)
- Staff of supervisory and inspection bodies (labour inspectorates, INPS, ASL and other supervisory bodies);
- Private social organisations;
- Law enforcement agencies, including municipal police and border police;
- Outreach units;
- Immigration offices in police headquarters;
- Prefectures;
- Social and health service workers;
- NGO and international organisation staff ;
- Trade unions;
- Maritime units;
- Staff of the facilities of the reception system for international protection (SAI/MSNA);
- Commissions and territorial sections for the recognition of international protection;
- Anti-violence centres;
- Child welfare and protection bodies, including those for unaccompanied foreign minors;
- Judicial offices and penal institutions;
- Lawyers and socio-legal practitioners;
- In general, all those who come into contact with potential or presumed victims.

For the above actors, the National Anti-Trafficking Plan provides for training courses that aim to strengthen the knowledge and skills involved in preliminary identification.

The preliminary interview must take into account the psychological and/or physical condition of the presumed victim whilst guaranteeing their safety and privacy. In the case of minors who are children of alleged victims, it is necessary to liaise with the social and health services to ensure adequate assistance and support.

Preliminary identification and referral must therefore be carried out:

- with the informed consent of the presumed trafficked person;
- using active, non-judgmental listening;
- taking into consideration the language barrier and relying on the professional support of a linguistic and cultural mediator;

- taking into due consideration the safety, privacy and security of the presumed trafficked person;
- after having carefully assessed the health condition of the presumed trafficked person, including the possible presence of symptoms of post-traumatic stress disorder;
- collecting adequate, relevant information only after the presumed victim has given consent to provide and have their personal data stored. The person in question must be informed about their right to withdraw consent for their data to be stored and the right to be assisted without cooperating with the police or judicial authority;
- carefully assessing the views and fears of the presumed victim of trafficking and severe exploitation, taking into account the possibility that they may not fully report all the elements they are a victim of;
- adopting well-defined referral procedures.

2. Meeting the basic needs of the presumed victim

This phase involves providing information and guidance on urgent needs and addressing concerns, emergencies and expressed needs.

The basic needs, listed below, must be met before any information is gathered, verifying whether or not the presumed victim of trafficking and/or severe exploitation has any urgent requests or needs such as:

- food, water
- physiological needs and basic personal hygiene;
- clean clothes;
- rest, privacy;
- urgent medical assistance;
- contacting family members or other contact persons (if this is a safe procedure for the presumed victim of trafficking and/or severe exploitation)
- assistance and support to the child of the potential victim;
- other emergency needs.

The transmission of information is a key element in the referral process that can lead to a decrease in the victim's levels of anxiety and uncertainty about their future. It helps them to have a new perspective on life and it represents the first step towards building trust between the assisted person and the services they use. Information must be provided on:

- the rights and obligations of a presumed victim of trafficking and/or severe exploitation
- the right to a recovery and reflection period and the right to remain in the country until formal identification of the victim of trafficking is concluded;
- the services available (accommodation, psychological counselling, health support, etc.);
- how the reception and assistance system works;
- the possible subsequent stages of the referral;

- how the Single programme of detection, assistance and social integration works;
- any security concerns;
- data protection policies.

These activities must be carried out, after the initial referral, by the local practitioners of the competent anti-trafficking agencies who conduct the interviews. The practitioners must be efficiently trained to allow them to carry out their work to a high standard, together with the support of a linguistic and cultural mediator.

Information and the response to basic needs must be provided:

- clearly, professionally and in a understandable way;
- using simple language and, if the alleged victim is a foreigner, with the support of a linguistic and cultural mediator;
- orally and in writing in a language the presumed victim can understand;
- in a way that encourages the presumed victim to clarify by asking questions;
- ensuring that the presumed victim of trafficking and/or severe exploitation has clearly understood all the information given;
- allowing them to assess and be signposted to alternative services.

Presumed trafficked persons should not be required to sign anything either before or after receiving information, except for informed consent for data processing in accordance with applicable law. If any documents need to be initialled, the signature cannot be used for the implementation of non-agreed interventions.

Interviews must take place in a comfortable, safe and confidential environment, where no external auditors are present.

Persons who refuse to be interviewed or who decide not to access the programme despite evidence of trafficking and/or severe exploitation, must be provided with information and contact details of the local anti-trafficking services and of the National Anti-Trafficking Helpline, should they decide to seek help in the future.

3. Early risk assessment

An analysis of possible risks is carried out while ensuring the immediate safety for the presumed victim of trafficking and/or severe exploitation.

This is an assessment procedure that allows for an accurate determination of the situation, taking into account the specific needs of the victim in relation to the type of exploitation, in order to:

- identify any imminent health risks;
- assess the need for urgent or emergency medical treatment or other critical support needs;
- assess any immediate or future risks to the victim's safety from the exploiters/traffickers;

- determine together the next steps necessary to ensure the victim's safety and well-being;
- identify, if necessary, the most suitable place for reception of the person, taking into account the medical aspects, personal safety and the specificities involved in the case of trans people and pregnant women and/or women with children. This action must be carried out by designated and qualified anti-trafficking practitioners and/or law enforcement agencies and/or judicial authorities or jointly by all of these actors. Multi-agency work is vital during the intake of a victim and prevents unnecessary suffering and stress as well as secondary victimisation. This can occur when a victim has to repeat their story in various interviews with several practitioners.

The characteristics of the interview should respect the following criteria:

- start with a question about the individual's health condition and safety, as this is an extremely important element in understanding the physical/psychological capacity and their understanding of reality. In this way, the main concern is the wellbeing of the individual and such a question helps to build the confidence of the interviewee;
- questions should never be asked in the presence of another person connected to the exploitative environment (e.g. other exploited persons, traffickers, exploiters, accomplices and clients);
- confidentiality agreements must be respected by all of the actors present during the preliminary risk assessment interview;
- it is recommended to discuss the information about the case and to liaise between the different actors who have come into contact with the person before the start of the interview, in order to avoid further stressful situations for the person.

A new risk assessment must be carried out periodically and the related management plan will have to be reviewed accordingly, to ensure the safety of both the victim and those providing the assistance. If the person is accommodated in an emergency shelter or another reception facility, the risk assessment must include the other people staying in the same facility.

4. Linguistic and cultural mediation

Linguistic and cultural mediation commences during the preliminary interviews.

It is important that the person understands what is being proposed and that they understand the nature of the services and their differences. It is therefore essential to use comprehensible language in order to avoid misunderstandings or unnecessary fears that could lead to mistrust of the proposed opportunity. The mediator is able to transmit cultural codes, social ethics and the peculiarities of migratory phenomena due to having knowledge about their characteristics as well as being able to listen empathetically to the person.

They are able to share approaches and objectives by acting as a bridge between the practitioners and the individual in order to facilitate contact, engagement and a relationship of trust.

Linguistic and cultural mediators must be carefully selected and trained to work with vulnerable people, on the problems related to trafficking and severe exploitation as well as on the needs of victims, or presumed victims. Any mediation must be conducted in a sensitive and culturally responsible manner. Moreover, the linguistic and cultural mediator, if not an integral part of the team, must sign an accuracy and confidentiality declaration for the information acquired.

Before the interview begins, the presumed victim must be informed about the role, the obligations and the responsibilities of the linguistic and cultural mediator, and may at any time decide to refuse the designated mediator.

5. Recovery and reflection period

The recovery and reflection period is the right granted to persons for whom there is reasonable cause to believe that they are victims of trafficking and/or severe exploitation. It allows them to have a period of time to recover and escape from the influence of their traffickers and/or to decide whether they wish to continue with the Single programme of detection, assistance and social integration referred to in Art. 18. Also, if necessary, they can choose whether they want to cooperate with the authorities by filing a crime report against their exploiters. This benefit must be granted whenever there are reasonable grounds to believe that the person is a victim of trafficking and/or severe exploitation and during this period, they cannot be removed from the country. It is therefore necessary to provide support during the application process for a residence permit.

The main elements involved in the recovery and reflection period include:

- safe accommodation and providing for basic needs;
- legal assistance in applying for a residence permit;
- access to health services and psychological care with special attention to the specific needs of trans people;
- information on all available options, rights and obligations (e.g. long-term care and social integration; residence permit; application for international protection; assisted voluntary return; legal action; compensation; access to relief and compensation mechanisms for victims, and on existing mediation and conciliation tools);
- translation and linguistic and cultural mediation services, when necessary;
- the appropriate time to recover and consider the possibility, of cooperating with the competent authorities, although this is not mandatory;
- clarification of the decision to cooperate or not to cooperate with the competent authorities and the possibility of giving evidence when requested by a judge;
- access to the labour market and training;
- the non-execution of the expulsion order (if any).

6. Formal identification

This is the formal procedure necessary to establish whether the presumed victim of trafficking and/or severe exploitation is a victim of trafficking and/or severe exploitation. The person must receive precise and accurate information regarding the aims and consequences of the procedure and on their own rights and obligations. Linguistic and cultural mediation is key during the preliminary phase and during the interview.

The formal identification procedure should not take place if the presumed trafficked person:

- is severely distressed or anxious;
- is depressed and expresses the need to cry;
- is hostile or aggressive;
- is in an environment where privacy cannot be guaranteed;
- requires medical assistance;
- requests legal advice;
- requests to postpone or refuses the interview.

Once the identification process is complete, the identified victim of trafficking and/or severe exploitation must be informed of the outcome and details of the available options must be provided. such as:

- access to the Single programme for detection, assistance and social integration;
- assisted voluntary return and reintegration;
- access to justice;
- signposting towards the appropriate services to support the victim and protect their rights and to allow for future participation in the programme.

If the person is not considered a victim of trafficking and/or severe exploitation, but intends to report other crimes or faces assistance needs or security concerns, they should be accompanied and directed to the appropriate services. Persons who are not victims of trafficking and who do not have any security risks must be informed about their rights and duties in Italy and, if necessary, about regularisation procedures.

Multi-agency work therefore also takes place in cases where the person is not a victim of trafficking and/or severe exploitation or when, despite being a confirmed victim, they decide to not enter into the Single programme for detection, assistance and social integration.

SOP 2 – FIRST ASSISTANCE AND PROTECTION

The assistance and protection phase is the main action for trafficked and/or severely exploited persons who decide to access the Single programme for detection, assistance and social integration.

This phase identifies an individual assistance plan (PAI) capable of guaranteeing:

- access to safe accommodation in suitable facilities with special attention to the cases of pregnant women or those who have children -in cooperation with the child protection services of the local authorities- and trans persons;
- the possibility, if applicable, of safe non-residential care through community-based care programmes;
- health and psychological assistance;
- linguistic and cultural mediation services;
- legal counselling;
- access to training activities, language courses, vocational training and in the case of children, access to the education system;
- information on legal opportunities and assisted voluntary return.

The main purpose of first assistance is to support and protect the victim of trafficking and/or severe exploitation and at the same time accompany them during social reintegration with the aim of developing awareness and allowing for an informed choice for the most suitable path to take.

1. Information on alternative assistance and conditions

Clear and detailed information must be provided regarding primary care services, rights and obligations and the consequences of violating rules/agreements. This also applies to the context of sharing living spaces with the other beneficiaries who are assisted in the programmes.

The following must be guaranteed:

- safe temporary accommodation;
- meals;
- clothing;
- counselling and psychological assistance;
- health care;
- social assistance;
- security measures;
- linguistic and cultural mediation.

2. Information on legal options

This involves the provision of accurate information on existing and available legal alternatives and the rights attached to them in terms of the possibility of:

- applying for a residence permit;
- applying for international protection;
- applying for assisted voluntary return;
- cooperating with the competent authorities;
- seeking redress through criminal and civil proceedings.

Alternatives and legal conditions should be communicated

- clearly, professionally, not too technical and whilst receiving support;
- if necessary, through a linguistic and cultural mediator;
- encouraging the victim to ask questions to clarify;
- helping to signpost and evaluate the alternatives available;
- asking for regular confirmation that the person has understood what has been explained.

3. Inclusion and needs assessment

This procedure assesses the type of service needed and the safety needs of people, taking into account the specificities and vulnerabilities of victims, such as trans people, pregnant women, women with children, people with disabilities and people with substance abuse issues.

The following table contains some criteria that can be used for inclusion and the needs assessment.

INCLUSION AND ASSESSMENT CRITERIA

PRIMARY NEEDS

1. Need for accommodation
2. Special dietary needs
3. Special sleeping needs
4. Medical check-ups
5. Medication taken
6. Need to communicate with loved ones
7. Maintaining family ties, especially in the case of dependent children

RISK ASSESSMENT

1. Security issues at present
2. Past safety issues
3. Subjects that can harm or cause problems for the person
4. Safety problems related to family members, friends or acquaintances
5. Dangerous locations for the presumed trafficked person, either in the country of destination or in the country/place of origin
6. Other

HEALTH NEEDS

1. Symptoms related to physical health (headaches, fatigue, dizziness, backache, stomach or abdominal pain, dermatitis, visual disturbances, colds, respiratory problems, toothache, etc.).
2. Mental health issues (memory problems, frequent crying, anxiety, anger, stress disorder, hostility, aggression, PTSD symptoms, suicidal thoughts...)
3. Past or present injuries (self-harm, scars, bruises, fractures...)
4. Debilitating or high-risk conditions (heart disease, epilepsy, asthma, weak hearing...)
5. Learning disability
6. Infectious diseases (tuberculosis, skin and rash diseases, Covid 19), including sexually transmitted infections (herpes simplex, chlamydia, papilloma virus, hepatitis B, syphilis, HIV/AIDS, gonorrhoea...)
7. Addiction (alcohol, drugs, gambling...)
8. Other

LEGAL/ADMINISTRATIVE REQUIREMENTS

1. Passport
2. Identity card
3. Residence permit
4. Legal representative
5. Health insurance card/insurance
6. Driving licence
7. Other

4. Assistance and protection

This refers to the provision of assistance services identified during the needs assessment in order to meet immediate or urgent needs and to ensure the safety of the person being assisted.

Emergency assistance and protection can take place at any time and several times during the entire process of care, stabilisation and social inclusion.

Protection takes the form of accommodation in a dedicated, possibly protected facility, made available by the local competent Anti-Trafficking Project.

Before accessing this service, the victim must be provided with all information on the possible alternatives available, the related obligations and the facility regulations.

The following principles should be followed by all service providers to ensure high quality care and avoid the risk of re-victimisation, while fully respecting the person's condition:

- to not discriminate based on any ground such as nationality, ethnic origin, gender, legal status, age, health condition and sexual orientation;
- to not make judgements about the assisted person's past experiences, parenting skills and choices as well as their behaviour;
- to be confidential and not use and/or disclose information about the person assisted without consent;
- to respect any decision taken by the individual, made in a conscious and informed manner;
- to clearly define perspectives and obligations;
- to clearly define their roles;
- to provide the necessary services in a timely manner.

Meetings with the whole team should be organised to monitor the situation of the person being assisted, to identify and address new needs and to check and update the risk assessment programme. The results of all assessments should be communicated and discussed with the assisted person. At this stage, from a multi-agency work perspective, possible assessments carried out by other services in the area should be considered.

It is important for individuals who decide to enter or continue in the Single programme of detection, assistance and integration to have the opportunity to report any concerns they may have or to express dissatisfaction with the services or with those working in the care services. Procedures should be developed that allow for the possibility of submitting a complaint anonymously, verbally and in writing.

During the period of first assistance, the person will decide whether to continue or discontinue the programme, in particular if:

- they wish to return to their country of origin, after successful completion of a risk assessment, in which case the necessary procedures will be put in place (**SOP Assisted Voluntary Return & Reintegration**)
- they wish to remain there/ in the host country, in which case the necessary procedures and services to provide long-term assistance and support social inclusion will be put in place (**SOP Long-Term Assistance & Social Inclusion**);

The victim, in any case, may cooperate with the competent authority and apply for compensation (**SOP Criminal and Civil Proceedings**).

SOP 3 - LONG-TERM CARE AND SOCIAL INCLUSION

The ultimate goal of long-term care and social inclusion is to ensure that assisted persons, through the programme for detection, protection and social integration, have access to their fundamental rights, opportunities and the resources necessary to participate fully in economic and social life in their local area.

During the phase of long-term care and social inclusion, the assisted person is supported by or referred to qualified and specialised service providers.

Practitioners are responsible for:

- guaranteeing the person's safety;
- supporting the person to regain self-awareness and self-determination;
- facilitating psychological stability;
- preventing re-victimisation;
- encouraging autonomy through language learning, training, internships and finding employment;
- assessing the risk of social stigmatisation with particular attention to trans people;
- facilitating housing autonomy;
- adopting a holistic, multi-agency approach;
- respecting parenting and different educational styles.

1. Joint development of the Individual Assistance Programme (PAI)

In this phase, the future measures and steps involving all relevant services are identified . The PAI is a customised programme, using a person centred approach, which will be further developed and modified based on the identification of his or her needs and future plans. The PAI is designed using a cross-cultural approach:

- discussing the case with the assisted person and the involved practitioners of the different services that they used;
- maintaining a high level of listening to intercept the needs/requests of the person assisted;
- taking into account the needs and wishes of the assisted person.

It may include:

- accommodation;
- social counselling;
- psychological counselling;
- psychiatric assistance;
- legal advice and assistance;
- health care;

- accompaniment for social and health services;
- language courses;
- evaluation/assessment of professional skills;
- training activities;
- vocational training;
- work placements;
- job counselling;
- job placement assistance;
- income-generating programmes;
- family/social reintegration measures;
- family mediation and possible transcultural parenting support;
- recreational activities;
- economic assistance;
- possible school support for the child/children of victims and work/life balance measures in the case of victims with minors involving local authority services;
- monitoring and evaluation of the case.

2. Consent procedures for implementing the Individual Assistance Programme (PAI)

The consent procedure establishes whether the person understands, accepts or rejects the terms and conditions of the assistance offered.

The anti-trafficking agency, which takes in the beneficiary, must fill out a form that details information on the following issues:

- accommodation and related conditions;
- a list of services and activities to be provided, including their description (objectives, roles, timeline);
- economic support;
- rights and obligations to be respected;
- security rules;
- any conditions relating to the residence permit;
- data protection rules;
- explanation of complaint procedures;
- reasons for termination of assistance.

The assisted person should be given a detailed description of the activities and services offered, with the support of a linguistic-cultural mediator, if required. They must be allowed the necessary time to understand the information received and consider the available alternatives. Furthermore, they will have to sign a co-responsibility pact about the agreed individual programme and a document accepting the house rules. These should also be signed by the practitioners involved.

Other measures, such as medical tests, communication with the police, administrative procedures and the provision of specific information, require separate consent criteria and depend on the services accessed.

If the person identified as a victim of trafficking and/or severe exploitation does not wish to be supported through an individual assistance programme, they will receive a list of useful contacts who they can reach out to.

3. Adaptation and social inclusion

This is the process that guarantees the assisted person access to the opportunities and resources necessary to adapt to the new living conditions with the aim of taking the lead in their own integration pathway.

During this phase, the assisted person implements the individual assistance programme with the ultimate goal being full social inclusion.

The duration of this phase can vary according to both internal factors (period of time needed for adapting, state of health and psychological conditions, personal and professional skills) and external factors (issuance of documents, availability of services, accessibility to the labour and housing market).

The actors involved in this phase, in accordance with multilevel and multi-agency cooperation are:

- practitioners of reception facilities;
- social workers;
- legal guardians for minors;
- educators and teachers;
- linguistic and cultural mediators;
- lawyers and socio-legal practitioners;
- medical and nursing staff;
- labour consultants, trade unions and employment centres;
- other professionals/workers from specific sectors, depending on the needs and requirements of the individual.

A multi-disciplinary and inter-institutional approach should be adopted to support the assisted person in all stages of implementation of the PAI. The following principles should be adopted by all service providers in order to guarantee high quality care and avoid the risk of re-victimisation:

- non discrimination on the basis of nationality, ethnic origin, gender, legal status, age, health conditions, sexual orientation; not to make judgements about the assisted person's past experiences and choices and behaviour;
- respect confidentiality and do not use and/or disclose information about the person assisted without consent;
- respect any decision made by the person assisted, taken in a conscious and informed manner;
- clearly define perspectives and obligations;
- clearly define roles;
- promote and support the assisted person's self-determination and autonomy.

Regular inter-institutional meetings and group meetings should be organised to monitor the implementation of the PAI, to identify and address new needs and to verify and update the risk assessment programme. The results of all assessments should be communicated to and discussed with the assisted person.

It is important for people accessing the programme to have the means and the opportunity to report concerns noted or to express dissatisfaction with services or those involved in care services. Procedures should be developed to enable people to submit a complaint anonymously, verbally and in writing.

4. Legal support and assistance

Legal and professional support and assistance to the assisted person is needed to:

- support interviews with law enforcement agencies and the judiciary;
- apply for an acquittal from offences committed as a result of being a victim of trafficking;
- prepare for the trial in which the victim will act as a witness;
- Apply for compensation as a victim of trafficking and/or severe exploitation;
- apply for a residence permit;
- apply for international protection;
- apply for the withdrawal of a possible deportation order;
- provide updates on any ongoing legal proceedings;
- apply for compensation for labour disputes and possible work invalidity.

Those involved in providing this support include:

- lawyers;
- socio-legal practitioners;
- linguistic and cultural mediators;
- practitioners;
- trade union organisations.

Finally, the practitioners involved should:

- provide accurate information both orally and in writing, in a language the person understands;
- maintain a professional and supportive attitude;
- be confidential and not use and/or disclose information about the person assisted without consent;
- help redirect and evaluate available alternatives;
- respect any decision made by the person assisted when properly informed;
- ensure that the person assisted has understood the procedures and their consequences.

It will be necessary to organise teams to assess the legal situation of the assisted person and, if there are obstacles, to identify any applicable solutions.

SOP 4 - ASSISTED VOLUNTARY RETURN AND REINTEGRATION (AVRR)

1. Informed decision to return

This is when the victim of trafficking and/or severe exploitation freely decides to return to the country of origin or to relocate, after having received all the detailed information about the alternatives and risks related to staying in the place/country of destination. In order to implement this measure:

- the beneficiary person must be provided with relevant information on the legal and social aspects of their return;
- written consent on the voluntary and informed decision to return must be obtained from the beneficiary person.

2. Assessment of risk and possibility of social inclusion

This involves an assessment procedure to carefully determine the safety and well-being of the beneficiary person before returning to their country of origin. More specifically, it aims to:

- identify any kind of imminent or future risk to the person's safety;
- identify any kind of imminent or future risk to the safety of family and friends;
- explore the possibilities for social inclusion in the country of origin.

The beneficiary person will only be able to return to their country of origin if they truly wish to and if their safety can be guaranteed. Otherwise, it will be necessary to provide for the possibility of legally staying in the country of destination. Therefore, it is necessary to:

- inquire about the beneficiary's perception of risks and safety;
- carry out a risk assessment and formulate questions for different individuals/organisations in the place/country of origin.

3. Risk Management Plan

This document is designed to manage the risk factors identified in the risk assessment. Its main purpose is to minimise and manage effectively any risks, in order to ensure the safety of the beneficiary, their family and friends and any staff who are assisting them. In order to implement this measure, it is necessary to:

- outline possible risks, security issues and possible solutions;
- inform the beneficiary about potential risks and the protection measures available.

The plan should be regularly reviewed and updated in the place/country of origin, once the beneficiary has been relocated.

The beneficiary should be duly informed about the potential risks and the measures that will be taken to protect them and their family and friends.

4. Finding family members

This procedure makes it possible to locate family members in the event that the assisted person is unable to contact them and wishes to do so prior to repatriation. In order to implement this measure, it is necessary to:

- identify the relevant NGO/IO networks or government authorities in the place/country of origin;
- start the search process.

In the case of beneficiaries who are nationals of the state concerned, the family search process will be carried out by the case manager of the assisting organisation, in close cooperation with the competent local and national actors, who will apply the same SOPs mentioned above.

5. Documents

In order to initiate return procedures, it is necessary to ensure that the person concerned is in possession of any identity or travel documents required in order to return. To successfully implement this measure, it is necessary to:

- contact the relevant embassies/consulates to facilitate voluntary return;
- ensure the reliability of travel documents;
- ensure secrecy and confidential access to the beneficiary's file.

If travel documents cannot be obtained from the country of origin, the beneficiary may receive a temporary document issued by the national authorities of the country of destination.

The travel documents should not state that the person is a victim of trafficking or that they are an irregular migrant, as this could lead to criminal prosecution or administrative proceedings.

6. Individual pre-departure assistance programme

This programme provides a detailed description of the steps and actions needed to be taken for any beneficiary person who expresses the intention to return to their country of origin or to settle in another country, and requires further assistance. These steps include:

- informing the beneficiary person about the outcome of the risk, safety and social inclusion assessment;

- contacting service providers in the country of origin to exchange information and coordinate the return operation;
- informing the beneficiary about their personal situation, travel/transfer arrangements, assistance available in the country of origin and reintegration programme;
- obtaining confirmation that the beneficiary person will be received and assisted.

The return process should avoid re-victimisation and ensure the social inclusion of the assisted person.

7. Safe transport/transfer and assistance on arrival

The process of safe transport/transfer of the assisted person from the host facility in the place/country of destination to the new facility identified in the place/country of origin should:

- involve the confirmation with the institution/organisation in the place/country of origin that it will meet the assisted person;
- provide the assisted person with all the necessary travel documents/information/articles;
- ensure the accompaniment of minors;
- ensure that the assisted person is met/received by service providers at the border/airport/port of the country of origin;
- provide the beneficiary person with preliminary instructions and assistance;
- confirm/obtain confirmation of the safe arrival of the beneficiary person.

SOP 5 - CRIMINAL AND CIVIL PROCEEDINGS

All states must ensure access to justice and impartial treatment for victims of trafficking and/or severe exploitation and victims must be fully informed and supported once involved in criminal and civil proceedings. Access to full and clear information is essential to enable victims to actively participate in any proceedings, reduce their psychological stress and assert their rights.

Legal representation and assistance should be an integral part of any victim protection programme. Formalised protocols between law enforcement authorities and agencies providing assistance services to victims of trafficking and/or severe exploitation are an effective means to fully protect the rights of the assisted persons, at any stage of the legal proceedings.

In some cases, the victim may need to be protected from possible retaliation and harm by traffickers and exploiters and related individuals. The protection of a victim as a witness to a crime (e.g. trafficking in persons and other related crimes) requires tailor-made solutions to be implemented by law enforcement, prosecutors, judges and assistance agencies, which must work in close cooperation. A risk assessment will be conducted to determine whether the victim's physical safety (and that of family and friends) is at risk and, if necessary, special resources will be allocated to ensure his/her protection (and that of family and friends).

Trafficked persons should not be subject to imprisonment, persecution and fines due to their irregular stay in the country or participation in illegal activities that result from the trafficking experience. In accordance with national criminal legislation, consideration should therefore be given to the application of the grounds for non-punishment for offences committed as a consequence of coercion during the trafficking experience.

CRIMINAL AND CIVIL PROCEEDINGS

1. Investigation and collection of evidence

The victim of trafficking and/or severe exploitation must be informed about their rights/obligations should they decide to cooperate with law enforcement institutions and/or participate in trials. For example:

- the rights and responsibilities in case the victim provides law enforcement with confidential information about the crime and its perpetrators without appearing as a witness;
- the rights and responsibilities if the victim provides the law enforcement agencies with intentionally false information;
- court procedures (e.g. no contact with the offender(s), closed/open hearings, etc.);
- stages of court proceedings;
- the possibility of making claims for damages, losses or injuries suffered;
- the safety of family members or other persons close to the victim;
- confidentiality and the risk when disclosing information.

The case manager(s) should be consulted about the psychological condition of the person trafficked and/or seriously exploited.

In the event that the person trafficked and/or severely exploited refuses to cooperate, the investigation methods must be checked and the evidence-gathering must not be detrimental to their safety.

2. Supporting the victim-witness before trial

The victim must be provided with information on their role in the criminal proceedings and with timely updates on the case so that the victim is fully aware:

- of their rights and obligations:
 - to an appropriate linguistic and cultural mediation service;
 - to a private trial;
 - to have a lawyer (in the case of witnesses);
- the importance of the testimony for the prosecution and possible consequences;
- the right to psychological support;

Providing advice and assistance regarding the trial phase.

3. Supporting the victim-witness during the trial

Physical protection should be provided and privacy guaranteed;

All necessary measures must be arranged for maximum protection (e.g. video testimony, private hearings, special waiting areas, linguistic and cultural mediation services) and support, including:

- recording the testimony, using a video conference so that the victim-witness does not have to attend in person or meet the offender face-to-face (e.g. video testimony, CCTV, use of screens, testimony in courtrooms, written statement to be read during the trial, closed hearing before the trial)
- a series of questions, that should not be excessive, offensive or likely to lead to re-victimisation of the person who has been trafficked and/or severely exploited;
- the escorting of victim-witnesses to court, in and out of court;
- the lack of contact with the offender or their family when the victim-witness enters the court (e.g. use of a secondary entrance, separate waiting rooms, etc.);
- the presence of support persons to stand by the witness during their testimony;
- the non-disclosure of information in the press or, if this is not possible, ensuring the protection of sensitive data (e.g. personal history, name and photographs of the victim-witness).

4. Supporting the victim-witness after the trial

The victim needs to be informed about the various risks/options related to returning to the place/country of origin, staying in the country of destination or relocation to a third country.

If additional safety measures need to be taken to protect the victim, a new risk assessment should be carried out immediately and the risk management plan amended accordingly. The victim will have to give his or her written consent for the implementation of the plan and will have to be promptly informed of any changes made (e.g. release of the offender).

5. Support for compensation claims

The victim must be informed about their rights to receive compensation and the related legal procedures;

The victim must be:

- fully informed about their right to claim compensation and the necessary legal procedures that will follow;
- provided with free legal assistance during the procedures;
- psychologically supported during all procedures.

Victims of trafficking can obtain compensation from the perpetrators through legal proceedings and civil actions and/or from the state through an ad hoc fund for victims established by Article 12 of Law No. 228/2003 (as amended and supplemented by Legislative Decree No. 24/2014) that grants compensation of 1,500 euros per trafficking victim. The compensation not only supports the social inclusion of victims, but also recognises that trafficking is a crime for which perpetrators must be punished and victims compensated. Therefore, compensation must be perceived as a means to remedy for the violation of rights suffered by victims of trafficking and/or severe exploitation.