

THE TRAFFICKING OF MOLDOVAN MINORS IN ITALY

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Abstract

The research analyzes the phenomenon of trafficking of moldovan minors for sexual exploitation in Italy and in the European context trying to measure the quantitative and qualitative incidence of the criminal problem. Through a questionnaire submitted to the responsables of the Italian centers of assistance (according Italian legislation) recovering moldovan minors for the period 2000 – 2008, it has been possible to evaluate all the variables concerning the victims and the traffickers and to reach specific conclusions regarding the adoption of preventive measures in the short and long term. The study suggests the integration of two convergent approaches in a transnational dynamic perspective.

Keywords: *trafficking, sexual exploitation, Italian legal/social system, European context Moldovan minors trafficked, victims, traffickers, prevention measures, human rights-centered approach, transactional network approach, new model of 4 P' approach.*

Introduction

The present study concerns the analysis of the characteristics of Moldovan child trafficking for sexual exploitation, focusing in particular on the conditions of the victims in Italy, a European destination country of phenomenon among others. Consequently, the investigation will examine and try to uncover, as much as possible, behavioral and situational aspects of Moldovan child victims, who have been included in social protection programs in Italy after their identification as victims.

As has been amply highlighted by the major international organizations concerned with the phenomenon¹ that Italy is a destination country for women trafficked primarily of

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¹ US Department of State, *Trafficking in Persons Report*, June 2010, p. 236; US Department of State, *Trafficking in Persons Report*, June 2009, p. 167; US Department of State, *Trafficking in Persons Report*, June 2008, pp. 147 e 182; US Department of State, *Trafficking in Persons Report*, June 2007, pp. 122 e 150; US Department of State, *Trafficking in Persons Report*, June 2006, p. 147; US Department of State, *Trafficking in Persons Report*, June 2005, p. 130.

Nigerian and Eastern European nationalities (Romania, Albania, Hungary, Bulgaria and Moldova), according also to a recent dossier of Save the Children² in Italy over the period 2000-2009 from a total of 50,000 victims of trafficking 986 are minors and global victims (84%) are mainly trafficked for sexual purposes³, in light of the specific project "Additional Measures to Fight Child Trafficking in Moldova" it will be attempted to realize a thorough analysis of the situation of Moldovan minor victims of trafficking in the Italian context only, to highlight the trend of the phenomenon in time and the personality and socio-demographic characteristics of victims and exploiters.

The research will outline the articulated mechanisms of trafficking, the related factors and dynamics and, therefore, the push and pull motivational aspects, the methods of recruitment, the organization of transportation of victims, the criteria for selecting the routes to be used and subjugation and control systems used by the exploiters. Obviously, the investigation requires knowledge of the Italian system of protection and assistance offered to victims of trafficking with the possible interventions that are feasible in practice.

The analysis will be divided into the following points:

1. The Italian anti-trafficking regulatory system
2. The methodology used
3. The phenomenological aspects of child trafficking from Moldova to Italy
 - 3.1. The evolution of the phenomenon
 - 3.2. The main types of exploitation
 - 3.3. The routes used by traffickers
 - 3.4. The methods of recruitment
 - 3.5. The methods and means of transport
 - 3.6. The use of false or forged documents and false personal data
 - 3.7. Victims
 - 3.8. The problem of minor victims quantification
 - 3.9. The problem of minors victims identification
 - 3.10. Sex, age, place of origin, education level of victims
 - 3.11. The living conditions before departure
 - 3.12. Some particularly representative case studies
 - 3.13. Traffickers
 - 3.14. The involvement of organized crime in trafficking from Moldova to Italy
 - 3.15. The methods used for the submission and exploitation of victims
 - 3.16. The prosecution of traffickers
4. The assistance and protection offered to victims of trafficking
 - 4.1. The types of assistance and protection for victims of trafficking
 - 4.2. The level of cooperation of the actors involved

UNODC, *Global Report on Trafficking in Persons*, 2009, p. 260; UNODC, *An Assessment of Referral Practices to Assist and Protect the Rights of Trafficked Persons in Moldova*, February 2007, p. 17.

IOM, *Second Annual Report on Victims of Trafficking in South-Eastern Europe*, 2005, pp.338, 355, 358.

American Bar Association. Central European and Eurasian Law Initiative, *The Human Trafficking Assessment Tool Report*, June 2005, p. 95.

² SAVE THE CHILDREN, *Dossier - Le nuove schiavitù, agosto 2010*.

³ UNODC, *Trafficking in persons*, 2010.

5. The prevention of human trafficking
6. Shadows and lights raised during the investigation: the voice of the social workers.

1. THE ITALIAN ANTI-TRAFFICKING LEGAL SYSTEM

The Italian system designed to combat human trafficking and protect and assist victims of this crime was one of the first to be implemented with the adoption of the immigration law of 1998, considered to be a cutting-edge system and a model to be adopted by legislators in other countries. With the additions and changes subsequently made it is still considered the most advanced model in the international scene⁴.

1.1. THE ITALIAN ANTI-TRAFFICKING LEGISLATION

The Italian legislation on combating trafficking in human beings is constituted mainly by the following legislation:

- Law n. 108 of July 2, 2010 - Ratification and implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, signed in Warsaw May 16, 2005, and adapting internal rules;
- Law n. 146 of March 16, 2006 - Ratification and implementation of the Convention and the Protocols of the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly 15 November 2000 and May 31, 2001;
- Law n. 38 of February 6, 2006 - Provisions on the fight against sexual exploitation of children and child pornography even through the Internet;
- Law n. 228 of August 11, 2003 - Measures to combat trafficking in persons;
- Law n. 46 of March 11, 2002 - Ratification and implementation of the Optional Protocols to the Convention on the Rights of the Child, relating to the sale of children, child prostitution and child pornography and the involvement of children in armed conflict, made in New York on 6 September 2000;
- Law n. 269 of August 3, 1998 - Provisions against the exploitation of prostitution, pornography, sexual tourism involving children, as new forms of slavery;
- Article 12 of Legislative Decree no. No 286 of July 25, 1998 - Consolidated text of provisions governing immigration and the status of foreigners⁵;
- Article 3 of Law No. 75 of February 20, 1958 - Abolition of the regulation of prostitution and the fight against the exploitation of prostitution of others.

Two norms are considered as fundamental on combating trafficking in human beings and protection of victims, a criminal and an administrative norm: Law 228 of 2003, "Measures against trafficking in persons", as amended by law 108/2010 for the ratification and implementation of the Warsaw Convention and Article 18 of Legislative Decree 286 of 1998, "Consolidated text of provisions governing immigration and the status of foreigners".

⁴ International Centre for Migration Policy Development, *Legislation and the Situation Concerning Trafficking in Human Beings for the Purpose of Sexual Exploitation in EU Member States*, 2009; TRANSCRIME, *Tratta di persone a scopo di sfruttamento e traffico di migranti. Rapporto finale della ricerca*, Ministero della Giustizia, Roma, 2004; Carchedi, F., Orfano, I. (a cura di), *La tratta di persone in Italia. Evoluzione del fenomeno ed ambiti di sfruttamento*, Franco Angeli, 2007.

⁵ Consolidated Act on Immigration henceforth.

Law 228 of 2003 has as its objective the fight against this phenomenon and considers the prevention of human trafficking as a key feature. This law has amended some articles of the Italian Penal Code, further revised by the recent Law 108/2010 entered into force on July 30, 2010 in pursuance of the Council of Europe Convention on Action against Trafficking in Human Beings, (Warsaw, 16 May 2005), giving the definitions of “reduction and maintenance in slavery or servitude” and “trafficking in persons” and providing penalties.

The new offense of "trafficking in persons" is introduced by the article amending Article 601 of the Penal Code and the new notion for the most part follows the internationally agreed definition and sanctioned by the Additional Protocol to the UN Palermo Convention against Transnational Organized Crime of 2000⁶.

In addition, Art. 14 of Law 228/2003 stipulates the measures to be put in place to prevent this type of phenomenon, recognizing a key role in the prevention and to that end attaches to the Ministry of Foreign Affairs the power to define the policies of cooperation with the countries affected by these crimes and to organize in cooperation with the Ministry for Equal Opportunities, international meetings and information campaigns, even within the major countries of origin for the victims of human trafficking. Another important preventive measure is to be put in place by cooperation between the Ministry of Interior, the Ministry for Equal Opportunities, the Ministry of Justice and the Labour and Social Affairs Ministry who will arrange, where necessary, training courses and other useful initiatives⁷.

It is also envisaged the establishment of the Anti-trafficking Victims Fund⁸ to finance assistance and social integration programs for the victims of these crimes.

⁶ “Art. 600. – (*Placing or holding a person in conditions of slavery or servitude*). – Whoever exerts on any other person powers and rights corresponding to ownership; places or holds any other person in conditions of continuing enslavement, sexually exploiting such person, imposing coerced labour or forcing said person into begging, or exploiting him/her in any other way, shall be punished with imprisonment from eight to twenty years. Placement or maintenance in a position of slavery occur when use is made of violence, threat, deceit, or abuse of power; or when anyone takes advantage of a situation of physical or mental inferiority and poverty; or when money is promised, payments are made or other kinds of benefits are promised to those who are responsible for the person in question. The aforesaid penalty becomes harsher, increasing by one third to 50%, if the offences referred to in the first paragraph above are perpetrated against minors under eighteen or for sexual exploitation, prostitution or organ removal purposes”.

“Art. 601. – (*Trafficking in human beings*). – Whoever carries out trafficking in persons who are in the conditions referred to in article 600, that is, with a view to perpetrating the crimes referred to in the first paragraph of said article; or whoever leads any of the aforesaid persons through deceit or obliges such person by making use of violence, threats, or abuse of power; by taking advantage of a situation of physical or mental inferiority, and poverty; or by promising money or making payments or granting other kinds of benefits to those who are responsible for the person in question, to enter the national territory, stay, leave it or migrate to said territory, shall be punished with imprisonment from eight to twenty years. The aforesaid penalty becomes harsher, increasing by one third to 50%, if the offences referred to in this present article are perpetrated against minors under eighteen or for sexual exploitation, prostitution or organ removal purposes”.

“Art. 602. – (*Sale and purchase of slaves*). – Whoever, in cases other than the ones referred to in article 601, purchases or sales or transfers any person who is in any of the conditions referred to in article 600, shall be punished with imprisonment from eight to twenty years. The aforesaid penalty becomes harsher, increasing by one third to 50%, if the offences referred to in this present article are perpetrated against minors under eighteen or for sexual exploitation, prostitution or organ removal purposes”.

⁷ Law n. 228 of 11 August 2003, art. 14 (1).

⁸ Law n. 228 of 11 August 2003, art. 13.

The Legislative Decree n. 286 of 1998 (Consolidated Act on Immigration) contains a framework of an administrative nature concerning the entry and stay of migrants and forseees, in article 12, the crimes of aiding and abetting of illegal immigration, namely the profit-making activities designed to allow the entry of irregular foreigners in Italy⁹ (Article 12, paragraph 3 Consolidated Act on Immigration). In order to effectively protect victims of such offenses, otherwise destined to be expelled from Italian territory, the Consolidated Act on Immigration introduces a very specific and innovative program of social protection and integration with art. 18, entitled Staying on social protection grounds. Article 18 recognizes, as an exception to the rules on the entry and stay of foreigners in Italy, the possibility for the Police Chief to issue a special residence permit to victims of trafficking, regardless of the irregularities of their entry in Italy. Article 18 offers victims of trafficking the opportunity to escape the violence and the influences of criminal organizations, by participating in assistance and social integration programs.

In the same year, Law No. 269 of 1998 introduced rules for the punishment of the induction, the facilitation and exploitation of child prostitution in a specific and aggravated maner, which is equivalent to the production of pornography and pornographic performances involving minors (the so-called "Law against child pornography"). The young age of the person who is a prostitute is considered an indication of serious exploitation, trafficking or slavery, and consistent with the art. 18 Consolidated Act on Immigration, particular attention is given to the foreign child without assistance in Italy: for them the court must take all necessary urgent measures.

1.2. SOCIAL SECURITY PROGRAMS FOR VICTIMS OF TRAFFICKING

In addition to criminal law in combating human trafficking, the two main institutions that offer protection to victims of trafficking are Article 18 of the Consolidated Act on Immigration and Article 13 of Law N. 228 of 2003. Both provisions intend to protect the victims of all forms of exploitation (including non-sexual exploitation).

Article 18 of the Consolidated Act on Immigration allows foreigners who are victims of violence and serious exploitation to be granted a residence permit for social protection reasons and to be included into a social protection program. The residence permit for social protection reasons can be issued if the conditions mentioned in the first paragraph of Article 18 are met:

- in the presence of crimes related to the exploitation of immigration;
- can only be issued to a foreign national;
- situations of serious violence or exploitation against an alien;
- real danger for the safety of the victim because of his attempts to escape the constraints of the exploiters or of the victim's cooperation with the justice system. The permit of staying is granted by the Police Chief based on a proposal from the prosecutor, in case a criminal trial

⁹ Some specific aggravating circumstances have been regulated: for those who facilitate the entry or stay in the State of five or more persons; for those who have acted in a way that the person illegally introduced has

been exposed to danger to his life and his safety; if the trafficked person was treated in an inhuman or degrading manner; if the offense is committed by three or more people together, if the acts are committed in order to target the people introduced to prostitution or sexual exploitation or the acts concern children intended for use in illegal exploitation (Article 12 paragraphs 3 and 3 bis and 3 ter).

is ongoing, from the social services of local authorities, or from associations or other bodies. The key innovation brought by art. 18 is the fact that the residence permit may be obtained by the victims of trafficking regardless of a judicial complaint, in that it provides the so-called "dual track": a process of social integration with a judicial nature and a second one with a social nature. The judicial process is activated in response to a complaint by the injured party or, even if no complaint is made, on the proposal of prosecutor of the case. In the social path the residence permit is issued without a complaint from the victim and the social protection program can be activated at the initiative of a local authority or a private organization registered in the special section of the registry required by the Consolidated Act on Immigration, after the acquisition of the competent prosecutor's opinion. The reasons for an eventual lack of the complaint are different: fear of violence by traffickers, fear of reprisals against the victim's family in the origin country. The specific provision of the social path by the legislator emphasizes the not rewarding characteristics of the residence permit provided by art. 18.

The permit lasts six months and is renewable for another six months or for a longer period if the protection program so requires, and allows access to healthcare services, study, training, enrolling in unemployment lists and actual employment¹⁰. In fact, this special type of residence permit can be converted into a residence permit for work or study reasons in case of success of the program, with the real possibility of starting a real socio-professional inclusion¹¹. When the permit expires, the victim may still opt to return to the country of origin through assisted voluntary return programs.

In the event that the program of assistance and social integration is interrupted, if its beneficiary has a conduct incompatible with its purposes or when the conditions that allow its issue are lacking, the permit is revoked. However, the legislator has not provided the benchmarks against which inconsistency of conduct can be measured: it is therefore left to the discretion of the implementing organizations and law enforcement¹².

In both processes, judicial and social, the foreign victim of trafficking is placed under the care of a local authority or of private social services (enrolled in the special section of the registry required of the Immigration Act), after the host organization sets up a program of assistance and social integration, which will forward a request to the Police Chief to issue the permit for social protection reasons. In the social path, the release will be granted following an inquiry performed by the Police Chief on the information supplied by the non-profit organization or social service.

In light of the foregoing, we conclude that Article 18 of Legislative Decree 286/1998 has as its fundamental aim social inclusion and the fight against exploitation.

Article 13 of Law No. 228/2003 creates a program of social inclusion by establishing a special fund for victims of trafficking. This new program applies not only to foreign victims and provides an integration program specifically linked to crimes under Articles 600 and 601

¹⁰ Art. 18, par. 5 Legislative Decree n. 286/98.

¹¹ Associazione On the Road, *Articolo 18: tutela delle vittime del traffico di esseri umani e lotta alla criminalità (L'Italia e gli scenari europei) - rapporto di ricerca*, On the Road Edizioni, Martinsicuro (TE), 2002, p. 51.

¹² Associazione On the Road, *Articolo 18: tutela delle vittime del traffico di esseri umani e lotta alla criminalità (L'Italia e gli scenari europei) - rapporto di ricerca*, On the Road Edizioni, Martinsicuro (TE), 2002, p. 52.

of the Criminal Code ("Reduction or holding in slavery or servitude" and "Trafficking in persons"). We are in the presence of a special assistance program which provides, on a transitional basis, adequate housing conditions, food and health care to the victims of the crimes mentioned above¹³.

The regulation implementing Article 13 was adopted by a Decree of the President of the Republic of 2005¹⁴: it introduces the details of the programs of social inclusion provided for by art.13. These programs are achievable through three months projects, renewable for another three months, which can be proposed by regions, local authorities or private persons affiliated with these. Private persons who wish to perform this type of activity must be enroll in the registry required by the Decree of President of the Republic No. 394 of August 31, 1999.

2. THE METHODOLOGY USED IN THE INQUIRY

It is not an easy task managing to get a picture of the status of Moldovan child victims of trafficking in Italy as the most delicate problem is the inadequacy of statistics capable of providing a complete picture of the extent of the phenomenon: the characteristics of human trafficking and its transnational nature makes it extremely difficult to gain knowledge on this type of crime, particularly because of the complexity of all its realization stages, which make it almost invisible. At the international level, the OSCE has attempted to collect the methods used by Member States to identify data on trafficking and on the *modus operandi* of criminals and to monitor all the information in order to harmonize the laws and operations of the various bodies concerned by the phenomenon (Prosecution / Police / NGOs), but these good intentions have not been followed. Therefore for the purposes of our investigation to try to identify victims from Moldova it has been decided to contact the various international, European and Italian institutions (official or otherwise) concerned with the victims' problem, namely: IOM (Geneva, Moldova, Roma), OSCE, UNODC, UNICRI, ECPAT-Italy, On the Road, Italian Department for Equal Opportunities, Save the Children - Italy, Committee for Foreign Children (Italian Ministry of Labour and Social Policy), City of Rome, ANCI (National Association of Italian Municipalities), INTERIOR MINISTRY, MINISTRY OF JUSTICE, NATIONAL ANTI-MAFIA PROSECUTOR, Terre des Hommes International, Victims Support Europe.

As for the Italian data available, our sources were twofold: the National Anti-Mafia Directorate and the Department for Equal Opportunities.

The National Anti-Mafia Directorate for the period 2003/2008 has gathered all available data on criminal cases that permit to identify the number of cases, the origin of suspects and victims and the alleged offenses related to human trafficking under Articles 600, 601, 602 of the Italian Criminal Code¹⁵.

¹³ Art. 13 par. 1, Law n. 228/2003.

¹⁴ Presidential Decree No 237 of September 19, 2005. Regulation implementing Article 13 of Law No 228 of August 11, 2003, on measures against trafficking in persons.

¹⁵ SCIACCHITANO G., *Tratta di persone, Direzione Nazionale Antimafia, Relazione Annuale*, dicembre 2008.

in Central and Eastern Europe:

- Albania
- Romania
- Bulgaria
- Poland

in Western Europe:

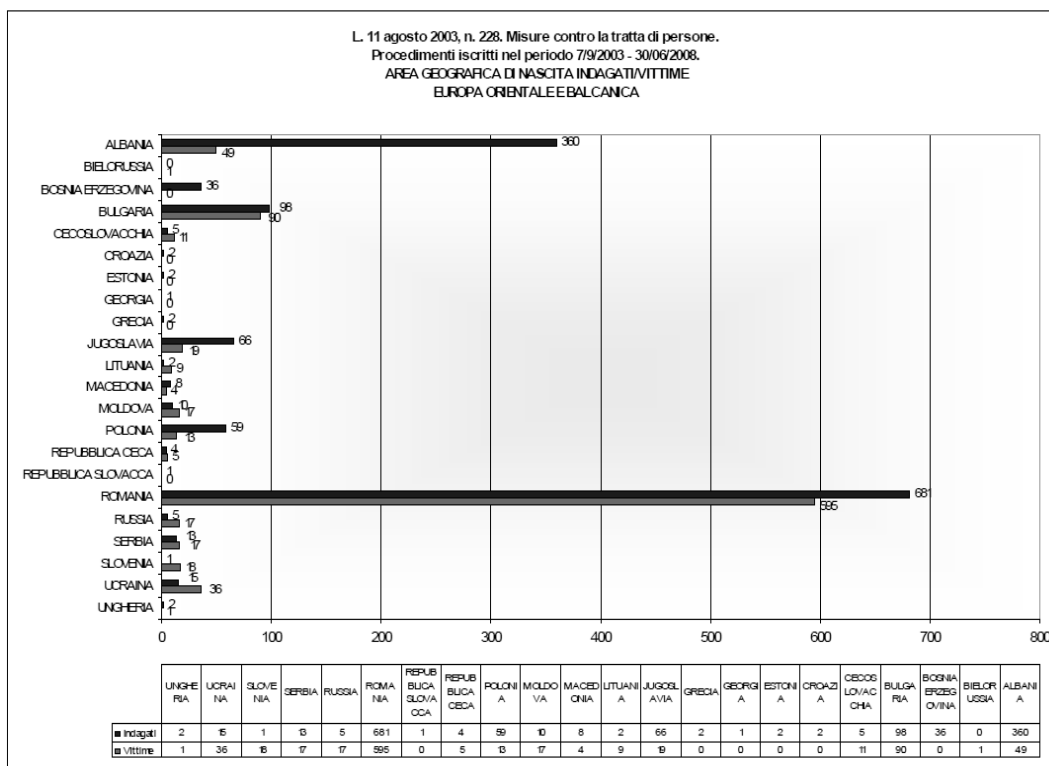
- Italy

in Africa:

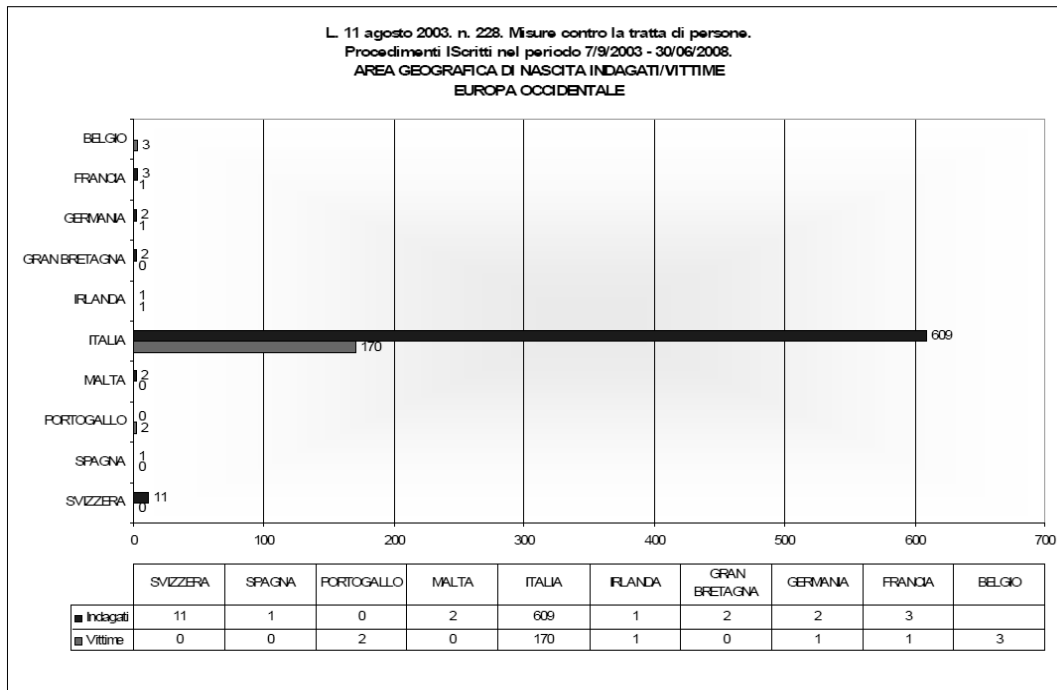
- Nigeria

in Asia:

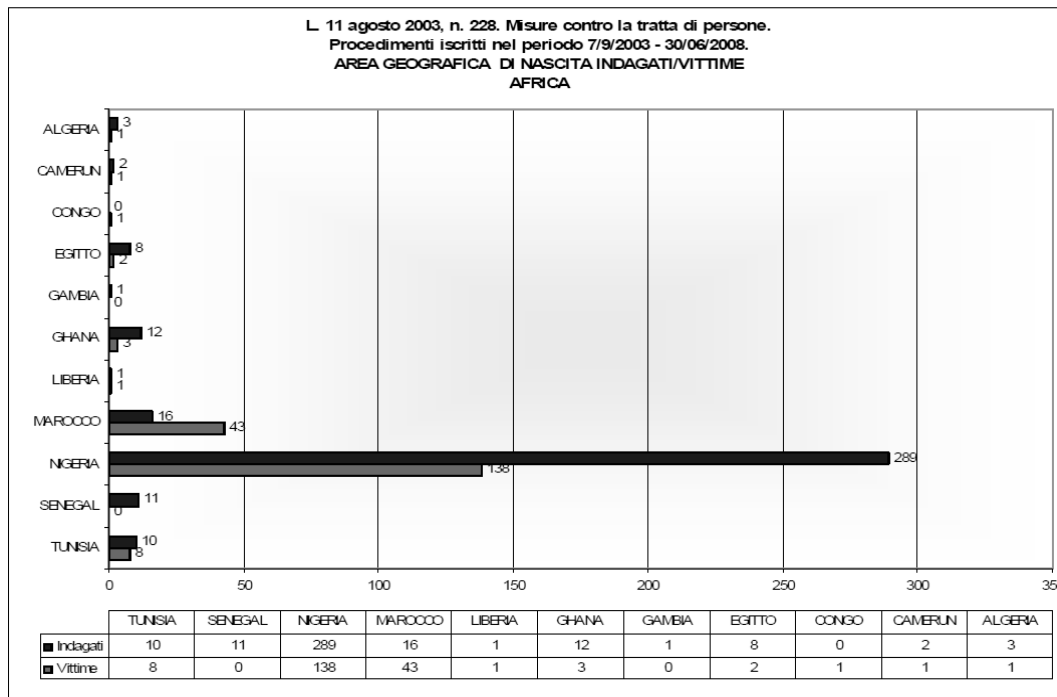
- China
- Thailand



Source: National Anti-Mafia Directorate, Annual Report, December 2008.



Source: National Anti-Mafia Directorate, Annual Report, December 2008.



Source: National Anti-Mafia Directorate, Annual Report, December 2008.

The official figures only show that in the period 2003/2008 there are 17 Moldovan victims and 10 Moldovan suspects. The table regarding Central Europe / the Balkans shows 595 Romanian victims against 681 Romanian suspects: are they real Romanian? Considering the fact that tens of thousands of Moldovan citizens have obtained dual citizenship and, therefore, the Romanian or Bulgarian passport, it is clear that if apprehended abroad they will omit to declare themselves as Moldovan citizens¹⁶.

The Department for Equal Opportunities was able to provide data on victims officially registered as beneficiaries of social protection projects (under art. 18 D. lgs. 286/1998), which shows that in the period March 2000 - April / May 2007, the number of people contacted and accompanied to various social services, were **54,559**.

Not all these persons were given the opportunity, or have chosen to participate in the programs, but all of them received a first aid consisting mostly in "assisted accompaniments" at medical facilities, or have benefited from legal and / or psychological advice, with their accompaniment at health facilities. Individuals who have joined and participated in projects have been 13,517, of which 938 minors¹⁷, including 17 Moldovan, all young women¹⁸.

contacted victims and accompanied to various social services	victims included in Social Protection projects	juvenile victims included in Social Protection projects	juvenile Moldovan victims included in Social Protection projects
54.559	13.517	938	17

As for the period 2007/2008, the data processed by Transcrime and provided by the Department for Equal Opportunities show that out of the total of 2062 victims, the Moldovan were 230 and out of 139 minors included in the protection programs, 9 were Moldovans.

¹⁶ INTERPOL, personal communication.

¹⁷ Department of Equal Opportunities (personal communication), 2010.

¹⁸ BARBERI A., *Dati e riflessioni sui progetti di protezione sociale ex art. 18 D.lgs 286/98 ed art. 13 Legge 228/2003 Dal 2000 al 2007*, COMMISSIONE INTERMINISTERIALE PER IL SOSTEGNO ALLE VITTIME DI TRATTA, VIOLENZA E GRAVE SFRUTTAMENTO, 2008: "In order to improve the quality of data it was necessary to find a new monitoring tool that would make the information not only reliable but also more reliable and more complete. The new monitoring began with the call 8 (2007-2008) and Transcrime was the research organization responsible for carrying out an expertise for the activation of the National Observatory on Trafficking".

DATA 2007/2008 from institutions / organizations beneficiaries of art 18 (Legislative Decree 286/98) and Art. 13 (L. 228/2003) projects.

Number of subjects included in art.18 and art. 13 social protection programs	2062
Numbers of child subjects included in art. 18 and art. 13 protection programs	139
Number of Moldovan victims included in art. 18 and art.13 social protection programs	230
Number of Moldovan child victims included in art.18 and art. 13 social protection programs	9

Source Department for Equal Opportunities, October 2010.

2000/2008 DATA

VICTIMS INCLUDED IN SOCIAL PROTECTION PROGRAMS	CHILD VICTIMS INCLUDED IN SOCIAL PROTECTION PROGRAMS	MOLDAVIAN CHILD VICTIMS INCLUDED IN SOCIAL PROTECTION PROGRAMS
15.579	1.077	26

The 26 Moldovan child victims were housed in different institutions across the Italian territory to which go our heartfelt thanks and appreciation for the cooperation given to us and for the work undertaken for the victims of trafficking. Obviously, for the protection of the work of such organizations we prefer not to reveal their identity.

A questionnaire designed for this purpose (see the Annex) has been administered to social workers belonging to these organizations. In some cases, retrieval of data on victims relating to an old period was very difficult because of logistical and organizational problems in the victims' shelters. However, these difficulties have been overcome through the very valuable contribution of those interviewed and their experience in the field.

The content of the interviews enabled us to identify the phenomenon of trafficking in Italy at the expense of Moldovan minors at the following times:

- Evolution of the phenomenon in Italy;
- Main types of exploitation;
- Routes used;
- Recruitment methods;
- Ways and means of transport;
- Use of forged or falsified documents.

- Victims
- The problem of underage victims quantification
- The problem of underage victims identification
- Gender, age, place of origin, education level of victims
- Living conditions before departure
- Some particularly representative case studies
- Traffickers
- Involvement of organized crime in trafficking from Moldova to Italy
- Methods used for the subjugation and exploitation of the victims
- Prosecution of traffickers.

3. THE PHENOMENOLOGICAL ASPECTS OF CHILD TRAFFICKING FROM MOLDOVA TO ITALY

3.1. EVOLUTION OF THE PHENOMENON IN ITALY

The evolution of the trafficking phenomenon from Moldova to Italy has been greatly influenced by the vicissitudes of recent European history. The fall of the Berlin Wall in 1989 and the subsequent opening of borders between east and west of the old continent have led to an exponential increase in migration from countries in Central and Eastern Europe towards its western part. In addition to traditional flows of Latin American, African and Asian immigrants, immigrants from the ex-communist European region were also added, including the Moldovans.

The evolution of the phenomenon has varied, both at a qualitative and at a quantitative level: there was indeed a change in the characteristics of Moldovan victims which after 2005 had a much lower cultural and social status than before. Sometimes the girls were aware of the type of work to be done abroad and sometimes have had already started to work as prostitutes at home. In this second period, the duration of the migratory project was usually limited to a few months, a period in which prostitution was practiced to achieve higher and "easy" earnings, intending to return home and use them to study, improve their life, open their own business and so on.: although aware of the type of work to be done in Italy, these underage girls did not imagine the conditions in which they were forced to work and abuse that they experienced.

At the quantitative level it was noted that the presence of Moldovan victims reported on the Italian territory, according to those interviewed, registered a peak in the period 1999-2002/2003, which then decreased gradually: in the last years, very few victims from Moldova have been sheltered by the organizations interviewed during the investigation. The last entries of underage Moldovan victims registered with these organizations date back to two cases in 2006 and one in 2009 of an adult woman. However it should be noted that the nine new cases for the period 2007/2008 concerning subjects who benefited of art. 13 and article 18 projects and this could explain the unusually large number (compared to previous years) of victims assisted, and therefore recorded twice.

**Number of adult and child Moldovan subjects included in social protection programs -
Article 18. D. lgs. 286/1998, 2001 – 2007**

Call	Number
Call 2 2001/ 2002	289
Call 3 2002/ 2003	165
Call 4 2003/ 2004	148
Call 5 2004/ 2005	141
Call 2005/ 2006	91
Call 2006/ 2007	77

What might be the causes of this trend of the phenomenon? A first possible explanation might be the shift from street to indoors prostitution, which involves many difficulties. In fact, the exploitation of indoors prostitution, as opposed to street (outdoor) prostitution - still very significant¹⁹ - has features that make the victims almost invisible, more vulnerable to various types of abuse, dramatically preventing their correct identification as victims of trafficking and, consequently, their escape from the circle of exploitation.

Another possible reason is the change of the routes used and the destination countries chosen by the networks of traffickers. The concept of territorial displacement²⁰ could properly explain this: the organized networks could have chosen to move their traffic to local contexts with a lower risk than Italy, where the 1998 law and the art. 18 of the Consolidated Act on Immigration may have acted as a deterrent to the activities of criminal groups involved in trafficking women from Eastern Europe, pushing them towards other regions, including Russia.

We must also note that in general the flow of unaccompanied Moldovan minors - trafficked or not - to Italy fell sharply until May 2010, as reported by the Italian Committee for Foreign Minors.

¹⁹ CARCHEDI F., *Rapporto finale. La Tratta delle minorenni nigeriane in Italia. I dati, i racconti, i servizi sociali*, UNICRI, February 2010; International Organization for Migration (IOM), *Presidium V. Rapporto sulla situazione dei migranti presenti nella Provincia di Caserta e nell'area di Castelvoturno*, January-April 2010.

²⁰ In criminology, the term displacement is used to explain the displacement of crime caused by an anti-crime measure or policy taken in a certain context. The concept is that while there may be a real reduction of one type of crime in an area, it might be that this type of crime has moved in a different space context, or it is transformed into another type of crime, or it will only be committed at a later date. See, for further discussion, Eugene McLaughlin, John Muncie, *The Sage Dictionary of Criminology*, Sage, London, 2006, p. 116.

**Number of unaccompanied Moldovan minors in Italy, 2006 - 2009
Distribution by type of child²¹**

Year	Identified	Not Identified	Total
2006	32	232	264
2007	31	84	115
2008	23	53	76
2009	18	38	56
2010 (until May)	18	32	50
TOTAL	122	439	561

Source: Italian Committee for Foreign Minors.

**Number of unaccompanied Moldovan minors in Italy, 2006 - 2009
Distribution by gender of the child²²**

Year	Males	Females	Total
2006	168	96	264
2007	66	49	115
2008	51	25	76
2009	44	12	56
2010 (until May)	41	9	50
TOTAL	370	191	561

Source: Italian Committee for Foreign Minors.

²¹ Italian Committee for Foreign Minors.

²² Italian Committee for Foreign Minors.

3.2. MAIN TYPES OF EXPLOITATION

From the data provided by the Department for Equal Opportunities it is possible to identify that the type of exploitation of Moldovan children on the Italian territory is sexual exploitation. This is confirmed by the interviews with the social workers. We can certainly say²³ that this form of sexual exploitation of underage girls, through involvement in prostitution, is quite similar to the exploitation of adult women, both in the manner of controlling the victims and for the areas of exploitation. It is obvious that the underage victims were and are more vulnerable and at risk of suffering much deeper trauma than adults.

The place of exploitation of underage Moldovan girls was usually the street, although recently there has been a decrease of this phenomenon, which may be related to a shift towards indoor prostitution. The geographical distribution of sexual exploitation of Moldovan underage girls cuts across the peninsula, so much so that the organizations that have sheltered the victims over time are distributed throughout the Italian territory (Turin, Novara, Cilavegna, Vicenza, Genoa, Bologna, Rome and Bari, Milan, Venice, Bergamo). Social workers reported also that incidents of exploitation also occurred in Taranto, Piacenza, Sirmione, Brescia, Milano, Cuneo, Ancona, Genoa, Teramo, Florence. In relation to the duration of the exploitation of underage Moldovan victims it could vary from a few days to several months (four years in one case only).

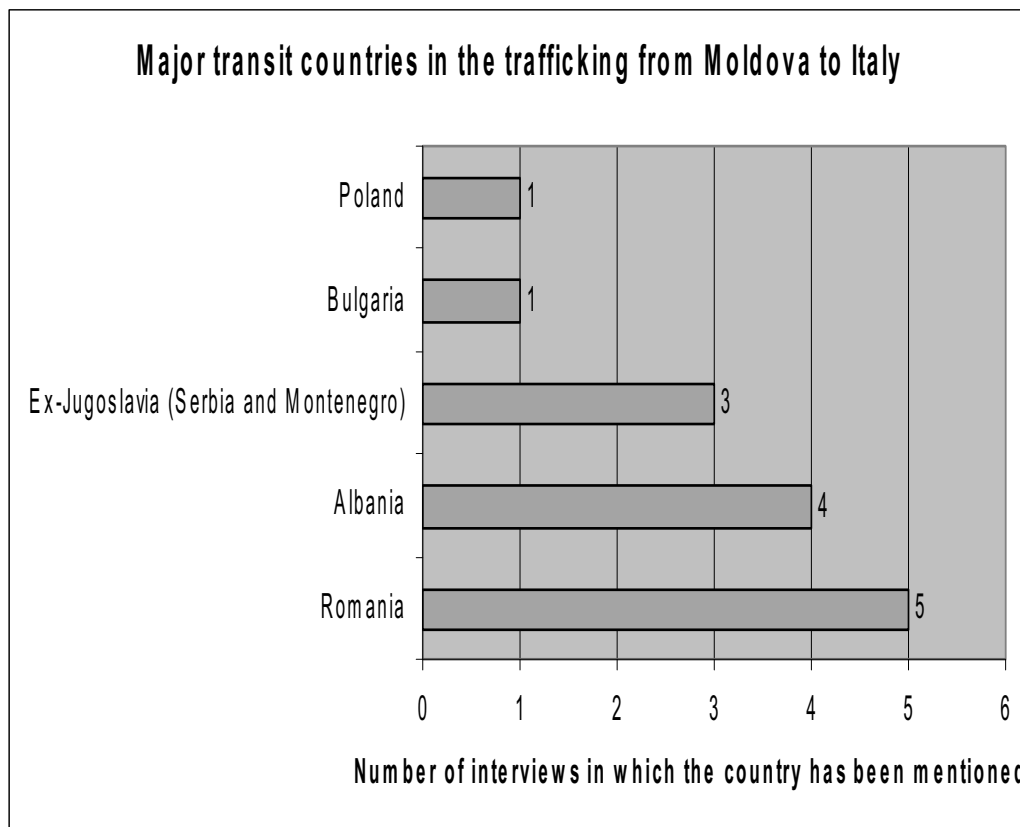
3.3. ROUTES USED

The routes mainly used by traffickers to bring victims in Italy have been obtained from the case studied and from the field experience of the social workers interviewed, having slightly changed over time.

The route most frequently used, especially at the beginning of the reporting period (until 2003), is through Romania, followed by one through the former Yugoslavia (Serbia and Montenegro), with a stop in Albania and the crossing of the Adriatic Sea, often in a rubber dinghy, to reach Italy. Victims have often stop along the way, for days and sometimes for months, mainly in Timisoara, Romania, where the change of the accompanying persons and of the means of transport took place. Other stops that allowed the sale of underage girls took place in Belgrade, Montenegro and Albania. The victims suffered repeated violence during transit and were initiated into prostitution once they entered the areas of Bari in Italy (when coming from Albania), Udine and Trieste, after crossing the Italian border on foot.

This route has been slightly modified over the years by excluding the intermediate stages to directly reach Italy from Romania. So much so that in 2007, with the entry of Romania into the European Union, traffickers were definitely helped and the Moldovan victims have easily reached the Western European countries, and therefore also Italy.

²³ See, in support of this thesis, Carchedi, F., Orphan, I. (ed.), *La tratta di persone in Italia. Evoluzione del fenomeno ed ambiti di sfruttamento*, Franco Angeli, Milano, 2007, p. 216.



3.4. RECRUITMENT METHODS

The recruitment methods of Moldovan victims were numerous. The most widely used were (as always): false promises of work made by acquaintances, friends or even relatives (including women), through the publication of false job offers in newspapers with promises of jobs with good earning as domestic helpers or babysitters. An equally widespread system of recruiting young girls from Moldova is that of the "pseudo boyfriend," usually a person known and trusted by the family, which proposed to future victims a migratory project abroad to improve their conditions of life. Once out of Moldova, the girls were sold to organized networks of prostitution and the "fake boyfriend" recruiter disappeared into thin air.

In some cases there was the extreme situation of an agreement between the trafficker and the victim's family of origin which was fully aware of the consequences of the migration process of the child.

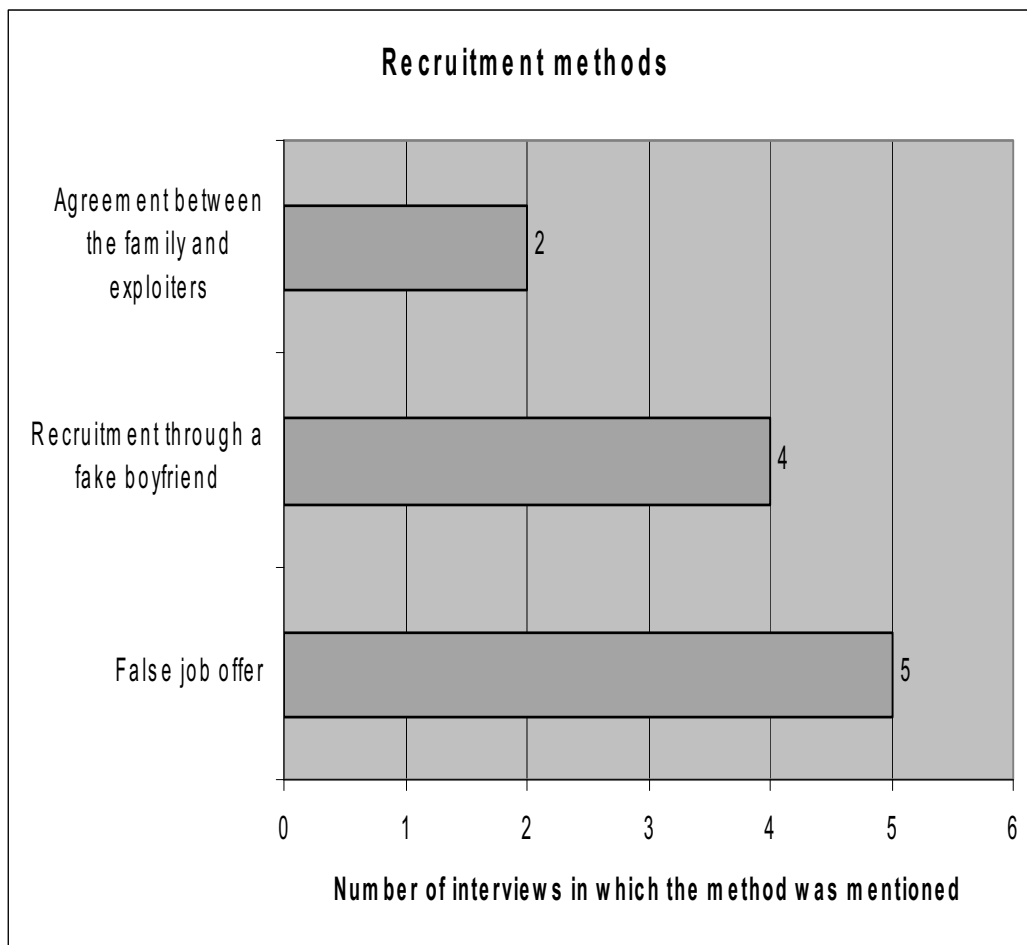
There have been no reported cases of kidnapping and sale occurred in the origin country; the victims were usually lured abroad by deception, fraud, lies, very often by people they

know. In the countries of transit, however, such as Romania, former Yugoslavia and Albania, incidents of kidnapping victims and the organization of real girls sale have been reported.

A change in the methods of recruitment has been reported since 2005: many times the girls were aware of the type of work related to the sex market, but they were not aware of the working conditions, exploitation and the serious physical, psychological and economic violences they would suffer. To this end, a fundamental issue related to the consent of the victims should be made clear. The Additional Protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Palermo, 2000, specifically provides for the revocation of consent in the case in which it was obtained with the use or threat of use of force or other forms of coercion, abduction, deception, fraud, abuse of power or of a position of vulnerability, in short, by the means provided in the definition of "trafficking in persons"²⁴. In the case of underage victims the Protocol strictly provides the absolute irrelevance of consent: a person under the age of 18 should always be considered a victim of trafficking, even though none of the means listed above was used²⁵.

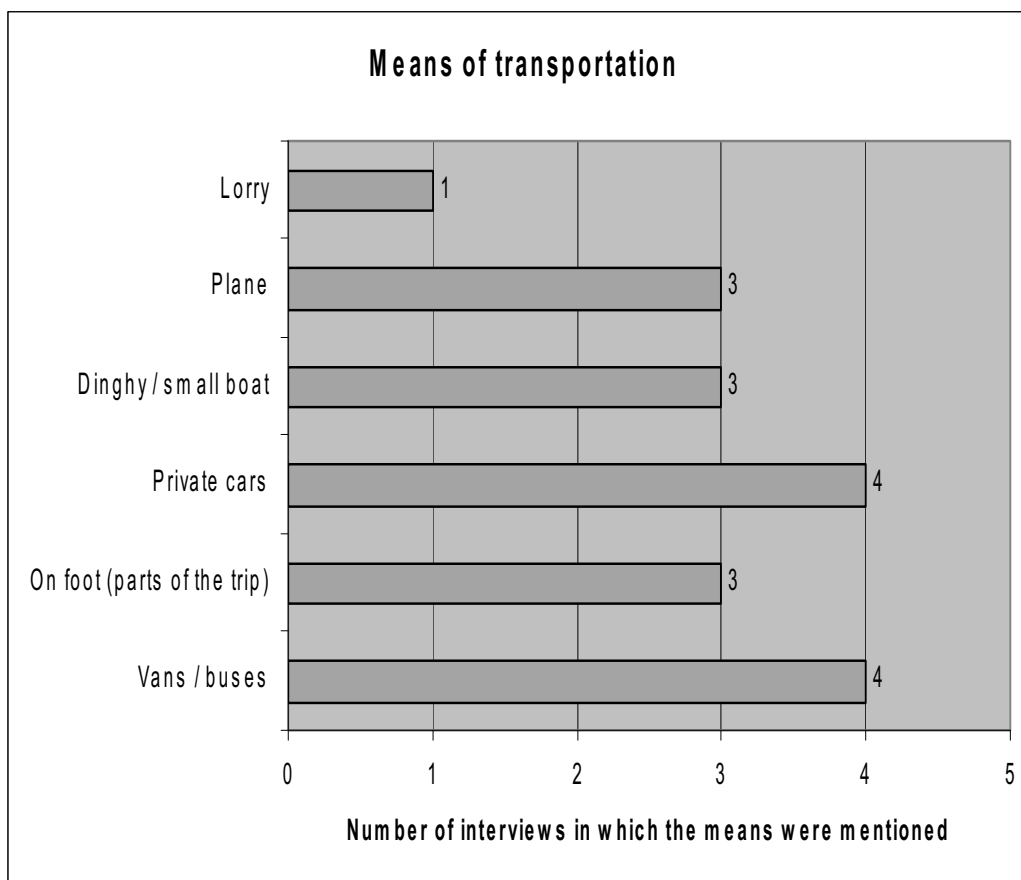
²⁴ *Additional Protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, Palermo, 2000, art. 3 (a) and (b).

²⁵ *Additional Protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, Palermo, 2000, art. 3 (c) and (d).



3.5. THE METHODS AND MEANS OF TRANSPORT

As for the routes, the methods and means of transport used by the exploiters have evolved over time: in the first period, the means of transportation most frequently used were buses, vans, private cars (for the crossing of Romania and for travelling in the areas of the former Yugoslavia and in Albania), whose drivers were accomplices in or unaware of the traffic, the rubber dinghy for the crossing over from Albania to Italy. Long journeys on foot were not infrequent, especially when crossing borders, often using abandoned houses to hide victims during the journeys. The train and the plane were used occasionally in the past, in one case the plane was used for a trip from Serbia to Montenegro. Subsequently, starting from 2007, the use of false documents and aircrafts have become more frequent and common means and methods of transportation, following Romania's entry into the European Union.



3.6. USE OF FALSE OR FORGED DOCUMENTS OR FALSE PERSONAL DATA

Often the victims were brought into Italy by using forged or falsified documents or providing false personal information as this method ensured to the traffickers avoidance of police detection and ensured to the victims escape from subsequent expulsion.

An issue closely related to this method is the uneven practices in the Italian context (at the law enforcement and the judiciary levels) so that participation in a program of social protection and a potential social inclusion is not always easy.

3.7. THE VICTIMS

3.7.1. THE PROBLEM OF UNDERAGE VICTIMS QUANTIFICATION

As already noted, the experience of social workers and the available data on the number of underage Moldovan victims indicate a downward trend of their presence in Italy. However, this trend is the result of the only available information: the numbers of underage victims

benefiting of social protection projects on the basis of art. 18 of Legislative Decree 286/1998 and the experience of social workers involved in the protection system of the victims.

The key problem when studying phenomena so hidden as trafficking in persons is the almost impossibility of knowing its actual extent. We must be aware that the actual situation of Moldovan underage victims of trafficking in Italy goes well beyond the numbers reported with this investigation and that their dark number could be very high.

Another problem that arises in relation to the identification of victims of trafficking as underage is their registration on the basis of the declared age and not the actual age: sometimes the victims enter the social protection programs and are recorded as adults, although they have been exploited before their coming of age. In any case, the number of adult and underage victims of trafficking from Moldova sheltered over the period 2001 - 2009 at each contacted organization was a maximum of 40 adults (10 - 15 adults per institution) vs. 1 to 4 children. Even in the case of adult women their age rarely exceed 30 years.

3.7.2. THE PROBLEM OF UNDERAGE VICTIMS IDENTIFICATION

In addition to quantifying the number of victims, their identification is equally important. The specific literature on the subject has consistently underlined the importance of their appropriate and timely identification, with particular attention to minors. In that regard specific risk indicators have been developed by various NGOs and organizations, including Save the Children, ILO and UNODC²⁶ mainly focusing on:

- displacement and isolation of victims
- deprivation of passports
- extreme poverty and need of family
- need of having to repay the amounts for travel expenses
- cultural conditioning
- failure of the migratory project
- fear of retaliation
- lack of freedom of movement
- violence or threat of violence
- young age

²⁶ UNITED NATIONS OFFICE ON DRUGS AND CRIME, UN.GIFT, *Human Trafficking Indicators*; INTERNATIONAL LABOUR OFFICE, *Operational indicators of trafficking in human beings*, September 2009, SAVE THE CHILDREN, *Dossier – Le nuove schiavitù*, agosto 2010.

- socio-cultural knowledge of the destination country, and level of social and environmental interaction
- trust / distrust in institutions for the purpose of regularization
- involvement in further criminal activity
- degree of language knowledge
- contacts and support from the family of origin
- physical conditions.

The consequences of identification failure can be criminal report and subsequent conviction of the victim for illegal border crossing, illegal residence and possession of forged or falsified documents.

One could also imagine that some of the Moldova victims exploited may have declared a false nationality (Romanian) by using false documents, showing knowledge of the language and socio-cultural similarities in order to overcome the police checks and to avoid deportation. In order to correctly identify the victims, the important role of cultural mediators was emphasized, who from the first approach are able to properly identify the victim's nationality. Several social workers interviewed have suggested that the decrease in the number of victims from Moldova after 2007 could partly be attributed to the fact that many of them have chosen to declare themselves Romanian in the absence of identification documents.

The process of self-identification as victims is extremely problematic²⁷, since, so that the Moldovan children can accuse their exploiters, it is necessary that they become aware of their serious status of exploitation.

3.7.3. SEX, AGE, PLACE OF ORIGIN, LEVEL OF EDUCATION OF THE UNDERAGE VICTIMS

Underage victims of Moldovan nationality in this enquiry were, as explained above, all female with an age between 15 and 18 years, while their places of origin were quite diverse, ranging from the capital Chisinau, to small towns like Dubasari or other rural areas. A fairly common feature has been the transfer of future victims from small towns or rural areas to the capital, to study or work, where they were subsequently approached, contacted and eventually recruited.

As to the level of education of the children trafficked, one can identify two different phases: the first period (1999-2005) was marked by a high and medium-high level of education, while from the mid 2000s the victims' economic and social status has decreased significantly, together with their level of education.

²⁷ Organization for Security and Cooperation in Europe, *Ensuring Human Rights Protection in Countries of Destination: Breaking the Cycle of Trafficking*, Conference Report, Helsinki, 23-24 September 2004, p. 85.

3.7.4. THE LIVING CONDITIONS BEFORE DEPARTURE

The living conditions of the children before being recruited have been crucial to understanding the motivational problems that forced them to leave Moldova, the so-called "push factors" of migration. A first factor is the family environment, difficult family contexts in most cases: families that are as inexistent to the children, separated parents neglecting their children, sometimes entrusted to the care of grandparents or state institutions. A particularly acute level of poverty and economic hardship with unemployed parents or employed in casual or temporary work, have been a common feature of the family situation of the future victims, so much so that one of the factors that led to their migration was the children's desire to solve or improve such situation.

A further and quite common problem in the victim's family context has been alcoholism of one or more family members or their different judicial troubles, such as the theft, committed by an alcoholic mother to obtain money for alcohol.

3.7.5. SOME PARTICULARLY REPRESENTATIVE CASE STUDIES

Some life stories of underage women of Moldovan origin, victims of trafficking, collected by the social workers interviewed are now submitted. From their testimony has emerged that the majority of women included in social protection projects on the basis of art. 18 of the Legislative Decree 286/1998, which provide social and work inclusion programs designed specifically for them, have been happily reintegrated into society.

Almost all the victims assisted through art. 18 projects were well integrated, obtaining a regular job in the end.

The stories that follow show how complex is the process that brought these trafficked women from Moldova in Italy, and give an account of the process that led to their integration in society.

Case 1. O.

O. is a Moldovan minor of seventeen years, arrived in Italy in 1999. She was recruited by a man who was the boyfriend, who proposed work in Italy, saying that he had read an ad in the newspaper promising great earnings.

The girl comes in touch with two women who speak Russian. The two women say that they will accompany her in Montenegro, as Italians would hire Moldovan migrants in that country. The girl is given a passport with her personal data.

Thus began the journey of O. and two other girls from Moldova towards Romania. The ride takes place in a private car, in the company of the driver and the two women recruiters.

In Romania, in the city of Timisoara, an exchange takes place: the three girls are assigned to a new accompanying person, a Romanian citizen, and they are moved to a different car. The two recruiters and the driver immediately disappear. The new guide leads the girls to a house on the border between Romania and the former Yugoslavia, where two men that speak both Romanian and a Slavic language arrive in the evening; the girls imagine they are of Romanian origin. The two new guides lead the three Moldavian girls to another house where there are other girls of Russian nationality, and they spend the night there. The

next morning they cross the Danube in a boat and reach Serbia. The trip takes about thirty minutes and there is a car waiting on the other side on board of which are the girls are carried to another house where they spend the night. They are moved further to a bar and to other houses; then they end up in in Belgrade, in a house that looks like a collection center, where they encounter around thirty women of different nationalities, all white: Russian, Romanian and Moldovan. The women had been bought by a Slavic man who intends to sell them to other individuals: the house is meant as the place where the transactions take place. After a month spent in the house in Belgrade, during which the girl is taught how to behave, how to dress and what to do for future customers, O. is bought by two Slavic men, which bring her to Montenegro by plane, by using air tickets with false identities. Upon arrival, she is again taken to a house where the sale of women occurs. Prices are around 2,200 - 2,300 German marks. O. is bought by an Albanian who rapes her at the first opportunity, each cry for help is useless. The girl begins a journey from Montenegro to Albania, by the Albanian buyer's car. During the journey, O. is raped repeatedly and by several people in the places where she is forced to sleep. Once in Albania, she is forced to sleep on the fields, so as not to attract attention of local police. The next step in this long journey is Vlora, where the buyer has contacts with some corrupt policemen.

She enters Italy in November 1999, crossing the Adriatic Sea in a rubber dinghy near Bari; many cars are waiting for the arrival of the boat. From Bari, O. is moved in several Italian cities: Taranto, Teramo, Piacenza, Milan, and finally Turin, where she is transferred to another Albanian pimp, that segregates her in a house with another girl. O. must pay back to her exploited six million of Italian liras plus half of her earnings, that is the amount of the debt incurred for the trip to Italy. She undergoes close controls by the exploiter: used condoms and number of customers, phone calls every ten minutes. O. is subject to frequent physical violence and is threatened with retaliations against her family in Moldova during the long period of her exploitation.

The profits obtained by her pimp for entire period she spent in Turin, amounted to about one hundred million Italian liras.

Eventually, O. and the other girl who is exploited with her manage to seek help, and they are included in a social protection project.

O. remained to live and work in Italy and claims to have integrated well.

Case 2. T.

T. is a Moldovan underage girl who was sexually exploited by an Albanian criminal group in Italy. Her living conditions before departure from Moldova are characterized by several problems: alcoholism, family misunderstandings, financial problems. The reason that prompted her to leave for foreign countries is to try to help her family to solve their economic problems. T. leaves Moldova at the age of fifteen.

T. is forced into prostitution for four years in various Italian cities: Bari, Ancona, Rome, Florence, in northern Italy and the province of Pavia. The method of submission used by her exploiters is that of the fake boyfriend. T. is in love with the Albanian boy that will after reveal himself as her exploiter, is convinced of his sincerity, so as to present him to his family. The relationship with her boyfriend-exploiter is very strong: the difficulty of breaking the cycle of exploitation is influenced by this as well. With the passage of time, T. realizes

that the fake boyfriend has other women and, feeling betrayed, begins to separate from him, but not knowing how to get out of exploitation circle, because she does not have any identity documents.

She has only Albanian false identity documents and for this reason she has been deported several times from Italy to Albania and repatriated to Italy from Albania. Once back in Italy T. is deprived of the passport, seized in Tirana by the exploiters in exchange of a new Albanian one and from again here the same process goes on.

During the period of exploitation in Italy, T. is stopped for more than thirty times by the police and subjected to different expulsions to Albania: this has subsequently been an obstacle in her obtaining a residence permit under Article. 18 of the Legislative Decree 286/1998.

Eventually, T. decides to denounce her exploiters, thanks also to the work of a police inspector who gets in touch with one of her clients, who had become a reference point for T. The criminal proceedings against T.'s traffickers is still ongoing, being a particularly difficult trial for the criminals' involvement in other crimes such as drug dealing and arms trafficking.

When T. entered the gated community in 2001, she had just come of age. She is kept under high security, being in danger because of her criminal report made against her exploiters.

She is now fully integrated into the Italian society, has a job and is married to the former client who helped her escape exploitation. They have a child.

Case 3, V.

V. is a Moldovan girl. She was sexually exploited in Italy for four months in 2003, when she was only seventeen. V.'s motivation to leave for Italy is the hope of finding a job to help her alcoholic mother. The method of recruitment is the false job promise as a waitress in Italy. The organization that manages the recruitment provides her with a Moldovan forged passport, which states the girl is nineteen years old.

At first she is exploited by a Romanian group, but is subsequently sold to an Albanian criminal group. V. does not accept her exploitation condition: after being put on the street, she tries without success to escape once, asking for help to a fellow countryman, that introduces her to people who take her back to the prostitution circle.

Eventually, V. asks a squad of policemen for help, but since she does not speak Italian but only Romanian and Russian, an interpreter had to be used to communicate with her.

When V. enters into the sheltered community, she manages to integrate and completes her social integration process, despite the problems arising from her relationship with her mother, who in the meantime was arrested for stealing in order to obtain money to purchase alcohol. The girl, who is very attached to the mother, must call in prison to have news on her mother.

A tailor-made project for her was created in the community: V. finished school and later attended a waitering and cooking school according to her wishes. The community shelters and protects her even after reaching the age of majority, until the age of twenty-one years when she requested to return home. After her return she begins to have closer contacts with her mother, trying to help her. Now she lives in her origin country, is married and has a regular job.

Case 4. X.

X. is a Moldavian girl victim of trafficking, sexually exploited in Italy in 2001, when still a minor. She was recruited through a false job promise on a Russian construction site, only to discover that she was sold to some Albanian men who use violence against her. After the sale, X. is brought to Albania, through Romania and the former Yugoslavia. From Albania, the girl is accompanied by two Albanian citizens to Italy, in Bari. Once arrived, the girl should have gone to Milan to be exploited. In Bari, however, the two Albanians are stopped by the police and pimps X. makes a regular complaint against them. Following the judicial complaint, X. is inserted in a social reintegration project under Article. 18 Lgs. D. 286/1998. The girl remains a guest of the shelter in Bari until, for security reasons, it was decided to provide her with a more secure accommodation, following several incidents in which she saw some of the people who have threatened and used violence against her. Later, in June 2001, she was transferred to another shelter.

Case 5. V.

V. is a Moldovan victim of trafficking, sexually exploited in Italy when she was still a minor. She is given shelter and she is included in a social inclusion program as soon as she turns 18. She comes from a small town in Moldova. Her idea was going abroad to work in night clubs. Her family context is quite normal, even overprotective: perhaps the girl wants to go abroad for pure spirit of transgression.

The girl denounces her exploiters and she is the beneficiary of a project in base of art. 18 Legislative Decree 286/1998. Obtaining a residence permit was very hard as V. had several expulsions from Italy.

Her social and work reintegration is successful: V. lives and has a regular job in Italy.

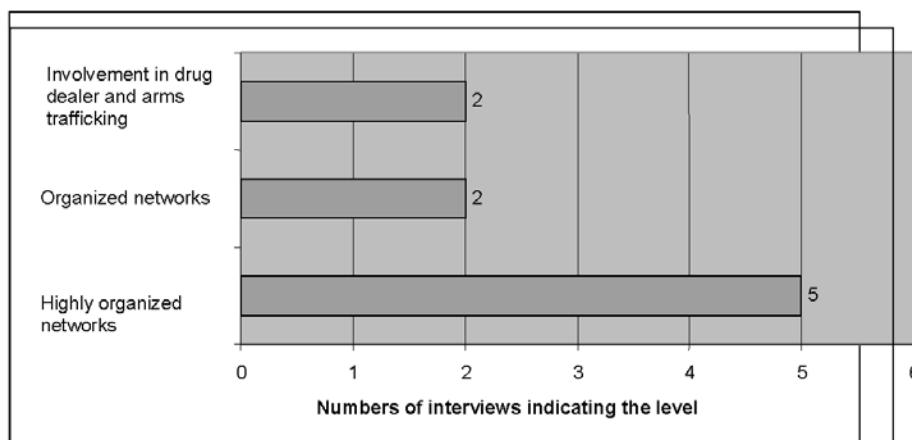
3.8. THE TRAFFICKERS***3.8.1. THE INVOLVEMENT OF ORGANIZED CRIME IN TRAFFICKING FROM MOLDOVA TO ITALY***

The characteristics of the traffickers involved in this complex "migration process" were also obtained from the interviews realized during the inquiry. The exploitation networks resulted to be well organized, highly specialized in the different stages of the process: the recruitment was handled in the origin country by small groups, sometimes one or two people, relatives, friends or acquaintances of the victims; the recruiters' nationality was always Moldovan while the transport of the victims was subsequently organized by people of Moldovan, Romanian, Serbian or Albanian nationality. The victims could be sold several times during the trip and such sales were handled by Serb, Montenegrin and Albanian criminals. Exploitation in Italy (1999-2001) was managed by highly organized Albanian criminal organizations, involved in other types of illegal activities like drug dealing and trafficking in arms and present throughout the Italian territory. These groups however declined dramatically in recent years: exploitation of Moldovan children was managed most often by Moldovan or Romanian organized groups, according to the experience of social

workers. The Italian organized crime was also included in the management of the exploitation of prostitution, in addition to the Albanian, Romanian and Moldovan.

The various groups that managed the various stages of trafficking could be linked together, as part of a larger, more complex and highly organized network, but in some cases the groups had no ties except for the exchange of the victims. The high level of specialization of the exploitation networks and the few links between criminal groups could provide benefits to the criminal organization, as it minimized the risk of identifying the entire criminal structure involved in trafficking (recruitment, transportation means used, accommodation of the victims and their exploitation).

Level of organization of the exploitation networks



3.8.2. METHODS USED FOR THE SUBMISSION AND EXPLOITATION OF VICTIMS

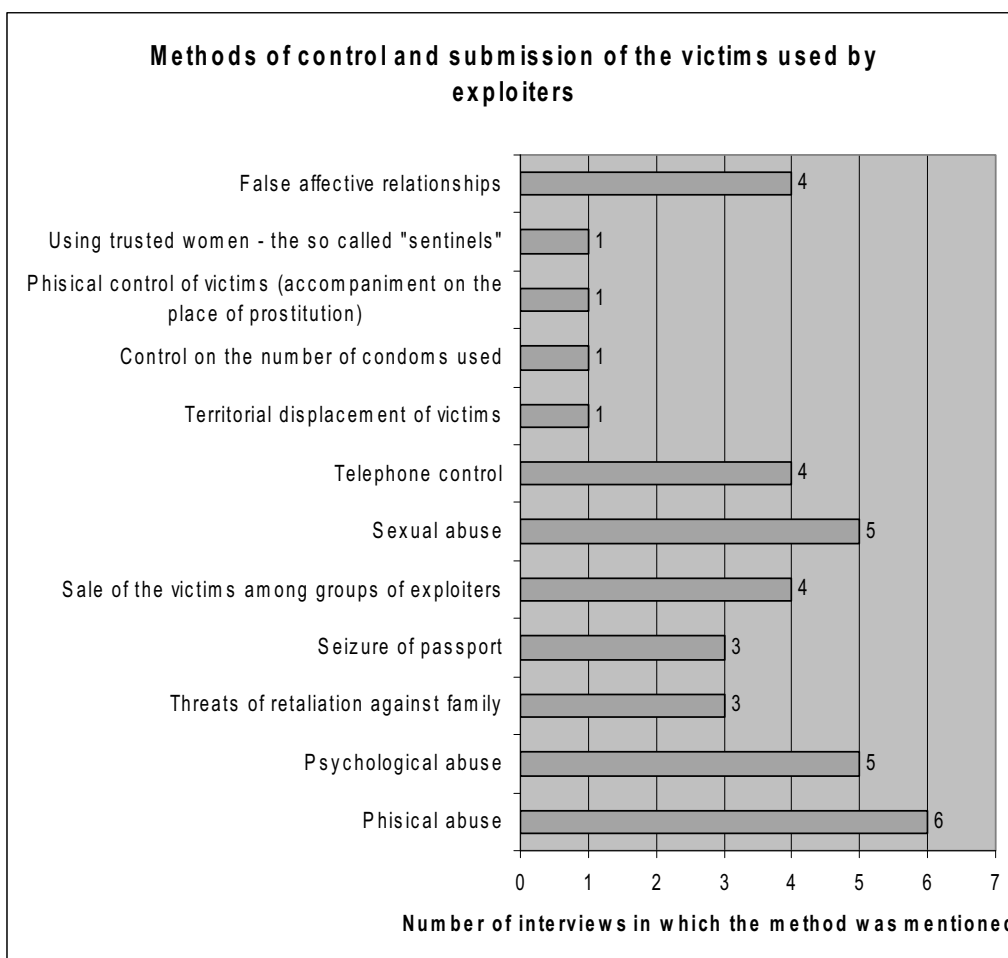
The techniques of submission used by the exploiters of Moldovan victims were very different, ranging from violent to non-violent ones, related to a sentimental or emotional relationship: physical and sexual abuse, psychological abuse, threats of use of force or physical reprisals on family members remained at home, passport seizure, sale of the victims among exploiters, phone control of the victims on the place of prostitution, spatial displacement of the victims to avoid law enforcement controls, monitoring of condom use, on-site accompanying of the victims to the place of prostitution, complicity of older trusted women, the so-called "guardians".

As already noted in connection with the victims, physical, sexual and emotional abuse were already inflicted on the way from Moldova to Italy, during the various stages along the way where the girls were sold and forced to become prostitutes and sometimes forced to have unsafe sexual contacts. In cases of refusal to engage in prostitution, criminal groups did not hesitate to resort to sexual abuse, beatings, threats of retaliation against family members. In transit countries like the former Yugoslavia and Albania, the victims were also seized in private houses: in these countries the sale of children took place, which could be

bought and sold several times, passing from a traffickers' criminal group to another, often of different nationalities.

The clandestine status of the victims increased their subjection to criminal organizations, as such an illegal status was an element of blackmail. Often, the victims were seized identity documents as soon as they arrived at the place of exploitation until the payment of the debt incurred for the trip or they were provided with false or counterfeit documents to seem adults. The status of illegal immigrants, the forged documents, the complete ignorance of the Italian legislation, the lack of trust in institutions, led the children, doubly vulnerable by age and status, to become completely subject to criminal organizations.

Even more complex is the submission mechanism in case of traffickers known to the victims (boyfriends / exploiter-friends) who use deceitful exploitation systems, mainly of sentimental / emotional nature that the children could not perceive in their absolute negativity²⁸.



²⁸ Save the Children, *In Italia ancora molti i bambini e gli adolescenti coinvolti nello sfruttamento sessuale, lavorativo o in attività illegali e accattonaggio*, www.savethechildren.it, 2009.

3.8.3. THE PROSECUTION OF TRAFFICKERS

The majority of trafficked underage girls were included in social protection projects through the so-called “judicial” path: the victims made regular criminal complaints against their exploiters. It was not possible to know the outcome of the criminal processes, given the long duration and complexity of the proceedings for trafficking in persons. However, all persons reported by victims were arrested and two cases were concluded with the sentencing of traffickers. According to the report of the National Anti-Mafia Directorate²⁹ criminal cases registered during the period 7.9.2003 / 30.06.2008 in relation to Articles 600, 601, 602 of the Italian Criminal Code (Measures against trafficking in persons) are as follows.

**CRIMINAL PROCEEDINGS
DURING THE PERIOD 7.9.2003/30.06.2008 IN RELATION TO ARTICLES 600,
601, 602 CRIMINAL CODE
(MEASURES AGAINST TRAFFICKING IN PERSONS)**

INVESTIGATED PERSONS	ADULT VICTIMS	CHILD VICTIMS
3.804	2.194	251

4. ASSISTANCE AND PROTECTION TO VICTIMS OF TRAFFICKING

4.1. TYPES OF PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING

The forms of assistance and protection offered by organizations working in the field of social protection of victims of trafficking are:

- Street units
- First reception
- Secondary reception
- Third reception (semi-autonomy)
- Safe houses
- Shelters
- Management of the anti-trafficking toll-free number 800 290 290 (which has a central and 14 local centers located throughout the country)

²⁹ DIREZIONE NAZIONALE ANTIMAFIA, *Relazione annuale*, December 2009.

- Legal advice
- Psychological counseling
- Preventive medicine
- Education courses
- Training courses
- Labour market orientation
- Social and labour inclusion.

In large cities, associations working with trafficked victims are more specialized than those present in small towns, there are only those working on the street, or just first reception of victims or just labour orientation, etc. In medium-sized or small towns the organizations are involved in the whole integration process of the victim, from the first contact on the road to full employment and social integration. The institutions that have participated to our survey have also realized and continue to realize awareness and information campaigns on the risks of exposure to infection of AIDS and other sexually transmitted diseases and their means of prevention.

4.2. THE LEVEL OF COOPERATION BETWEEN THE ACTORS INVOLVED

The fight against human trafficking and victim protection is based on the cooperation of all actors involved: the police, judiciary, local and governmental organizations, social workers and so on. The division of labour on a sectoral basis only would not give successful results, and so, as showed through the interviews, the level of cooperation, communication and trust between the non-profit sector involved in the protection of trafficking victims and other concerned authorities was valid and consolidated over time.

It is obvious that such cooperation should not be limited to local or national actors, but it is particularly effective when it includes the active exchange of information across borders between the different stakeholders in various countries involved. To foster further such cooperation, the organization of seminars, training courses, workshops, study days with the various stakeholders, can play an important role, because the fight against trafficking must be seen in an integrated, interdisciplinary view, according to a short- and long-term preventive approach, repressive and protective of victims and with the ultimate goal for their reintegration in society. To this end it is worth remembering the coordination activities carried out in Italy by the National Anti-Mafia Directorate strongly pursuing the involvement of "all stakeholders to find a multidisciplinary perspective, the necessary synergies between the different skills and activities"³⁰.

5. PREVENTION OF TRAFFICKING IN HUMAN BEINGS

In the integrated view of combating trafficking in human beings the preventive aspect is particularly important as underlined by the Protocol to Prevent, Suppress and Punish

³⁰ SCIACCHITANO G., *Tratta di persone*, in DIREZIONE NAZIONALE ANTIMAFIA, Annual Report, December 2008.

Trafficking in Persons, Especially Women and Children, Palermo (2000)³¹, which requires Member States the adoption of preventive measures in the short and long term. The first set of measures include information and awareness programs (the so-called awareness raising campaigns) of society and citizens in general, on the characteristics of trafficking as a criminal phenomenon perpetrated by organized crime and the serious risks that poses for the migrants involved in this process. A problematic aspect of awareness campaigns on trafficking for sexual exploitation concerns the role of the "client", which in most cases analyzed has contributed to helping the victims to escape exploitation. In this regard it is worth mentioning the Council of Europe Convention on Action against Trafficking in Human Beings³² that under Art. 19 provides the possibility to punish clients of victims of trafficking for having received sexual services from them, if there is an awareness that the person is a victim of trafficking in human beings. This prediction is apparently intended for a possible reduction in demand through a broader responsabilization of clients.

The long-term measures are much more complex and are designed to identify the root causes of the phenomenon: the Member States should promote or strengthen (where they already exist) "development programmes and cooperation at the national, regional and international levels, taking into account the socio-economic realities of migration and paying special attention to economically and socially depressed areas, in order to combat the root socio-economic causes of the smuggling of migrants, such as poverty and underdevelopment"³³. These measures are aimed at "tackling" the root causes of trafficking. The main actors responsible for implementation of these measures are government authorities and intergovernmental bodies, acting through the establishment and strengthening of economic development programs for the most deprived areas, including through closer transnational cooperation.

It is obvious that any information and awareness campaign on the phenomenon is to be implemented in origin countries and their effectiveness must be tested there.

With regard to the prevention strategies implemented in Italy, the role played by the Department for Equal Opportunities should be pointed out and its work (at national, international and transnational levels) through: 1) assistance and protection programs for victims of trafficking (from 2006 to 2009 it has co-financed 72 programs); 2) establishment of the National Anti-Trafficking toll-free number (800290290); 3) monitoring and data collection; 4) establishment in 2007 of a national observatory on trafficking in human beings, managed since 2009 by Transcrime; 5) communication campaign promoted by the Ministry of Interior in collaboration with the Department which realized the video spot "Let's erase trafficking" broadcast by the national networks; 6) meetings with foreign delegations. At transnational level, the Department for Equal Opportunities is the proponent and leader of two projects funded under the Community Programme "Prevention and Fight Against Crime" and leader of the European project "FREED", seeking to create networks of assistance and training among institutions and NGOs and aimed at combating trafficking in persons for the

³¹ See art. 14 of the *Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime*, Palermo, 2000.

³² Signed in Warsaw, 16 May 2005.

³³ Art. 15, par. 3 of the *Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime*, Palermo, 2000.

purpose of labor exploitation. It should further reported on the action carried out by Save The Children with “AGIRE”, “REACT”, “Praesidium”, “CivicoZero”, and “Accoglienza” projects, by the Italian NGO On The Road - and by IOM Italy and by the Italian Ministry of Interior with the “NIRVA” and “AZIONE DI SITEMA” projects.

6. SHADOWS AND LIGHTS RAISED DURING THE SURVEY: THE VOICE OF SOCIAL WORKERS

The findings of this survey have both positive and negative connotations. Significant negative aspects are:

- The scarcity of financial resources for protection and social reintegration initiatives for victims of trafficking;
- The problem of the duration of the social inclusion projects of victims of trafficking under Article 18;
- The heterogeneous application of the double path laid down in Article 18 Legislative Decree 286/198 (in the sense that the so-called social path laid down by art. 18 is infrequently used, even though the law expressly so provides);
- The full integration of victims on the labor market and the need for psychological support even after the conclusion of the project;
- The need for personnel turn over and for training programs for new staff;
- The need for greater disclosure of services for victims;
- Issues related to the legislative restriction on the conversion of the residence permit of unaccompanied foreign minors when they turn 18³⁴.

Among the positive connotations we can mention:

- the application of Art. 18 of Legislative Decree 286/1998 with the integration of victims into Italian society as a possible model to be replicated in other countries;
- the approach to the victim as a key actor;
- the awareness raising campaigns on the phenomenon of trafficking in human beings aimed at various sectors of society;
- the judicial approach which is not only repressive but oriented to the human rights protection of victims and their defence.

Final remarks

In light of the findings of the survey conducted it is possible to reach some final conclusions, which refer to the traditional areas of work in the field of trafficking in persons and highlight how our protection methods have proved effective, in relation to the priority

³⁴ Law n. 94 of 15 July 2009, on “Public safety dispositions” (published in the Italian Official Journal of 24 July 2009), entered into force 8 August 2009.

aim of recovery and subsequent integration of the victims, but also as a valuable judicial tool. One should not overlook the small number of underage Moldovan victims object of our study which, considering the almost invisibility of the trafficking phenomenon, could lead to presume a very different and not identified reality. It is therefore appropriate to point out the need for better implementation of specific risk indicators which, while well conceived, were not correctly or not currently used.

In this perspective, one of the best ways to understand the complexities of human trafficking would be to frame it according to two approaches to be converged and integrated: the first approach is centered on the protection of human rights (human rights-centered approach), intended to ensure to all individuals the fundamental right to be free and self-determination. This safeguard should be fully provided in a transnational vision of each stage of the trafficking process: recruitment / deceiving, transit / coercion-sexual violence, destination / sexual exploitation, methods to exit exploitation / protection and social reintegration. It is clear that if the whole process of trafficking does not positively end for the victim, there may be two further stages represented by a subsequent victimization or even by a potential "retrafficking" or role reversal that would then need a strategy for prediction.

The second approach is to consider the trafficking of human beings as a transactional network whose driving force is characterized by economic pressures for the author (exploitation / financial gain) and for the victim (vulnerability / economic improvement).

These two integrated and convergent approaches must be, always in a transnational dynamic, the conceptual basis of four distinct operational moments which reformulate the 4P's approach³⁵ in the most strictly criminological sense: Prevention, Protection, Prosecution, Prediction.

The actions relating thereto shall be constructed using interdisciplinary strategies, whose effectiveness should be continuously monitored, evaluated and improved.

With this in mind, 10 years after the Protocol, one could suggest:

1) ensure the development or strengthening of the criminal policies adopted to combat the phenomenon of trafficking and their consistency with all other policies related to social welfare;

2) consequently, the legislation in the field should also provide for the criminalization of all related criminal phenomena and the subsequent proceedings against the traffickers should be a priority as well as the dismantling of criminal networks, ensuring the victims's respect in order to avoid a new victimization and witnesses protection;

³⁵ The so-called 4P's (Prevention, Partnership, Prosecution, Protection) principles that the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime* (2000), the *Stockholm Programme* (2009) and the *Action Oriented Paper (AOP) on Strengthening the EU external dimension on Action Against Trafficking in Human Beings* (2010) consider basic, to be pursued in any action, domestic and outside the EU, against the trafficking and that should always guide the implementation of any social/criminal policy.

3) application of sanctions appropriate and proportionate to the seriousness of the crime and to ensuring the confiscation of the proceeds thereof;

4) collect all possible information at national and international level on status of trafficking so that their comparison, according to an intelligence system and disaggregated availability, we can achieve a better understanding of the complex links between trafficking and other forms transnational organized crime;

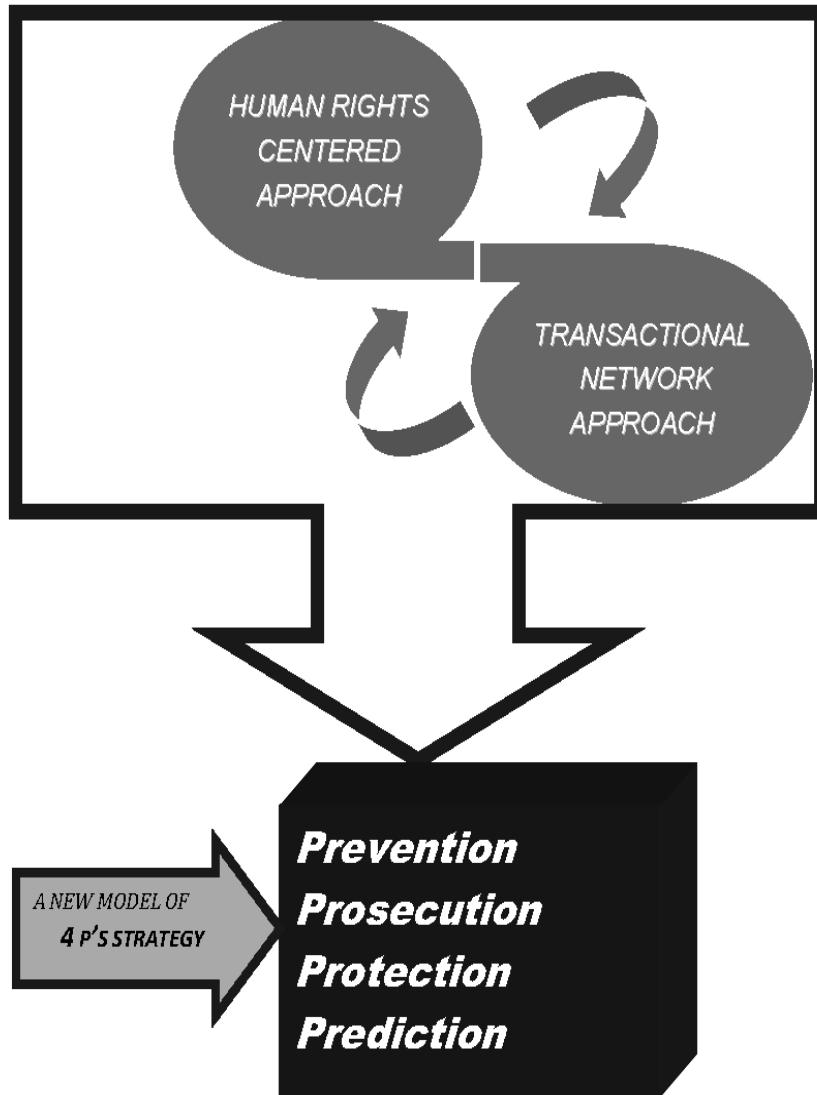
5) strengthen the training of all possible "actors" involved and, in particular, of those working in the fields of law enforcement and justice administration because starting from their cooperation and coordination both nationally and between states (as rightly argued by the Proposal for a Directive on Preventing and Combating Trafficking in Human Beings, and Protecting the victims³⁶ that the European Commission should adopt at the end of 2010) one could develop comprehensive programs of prevention/fight to reduce the vulnerability of potential victims addressing the roots of the problem, including the demand side which is at the basis of any trafficking dynamic.

This dynamic view of criminal policies is also in line with recent suggestions of the Secretary General of the United Nations formulated during the Twelfth United Nations Congress on Crime Prevention and Criminal Justice (12-19 April 2010), indicating as the most effective and comprehensive response "the five pillars of intervention: prevention, prosecution, protection, National coordination and cooperation and International cooperation and coordination"³⁷. So much so that the UN Secretary General Ban Ki-Moon at the launch of the Global Plan of Action Against Trafficking in Persons (August 31, 2010), effectively emphasizes that "we must improve our knowledge and understanding of this crime if we are to make good policy decisions and targeted interventions"³⁸.

³⁶ Malmstrom C., *Speech at the European Anti-Trafficking Day*, Brussels, 18 October 2010.

³⁷ UNITED NATIONS, *Criminal justice responses to the smuggling of migrants and trafficking in persons: links to transnational organized crime*, working paper prepared by the Secretariat, Twelfth United Nations Congress on Crime Prevention and Criminal Justice, 12-19 April 2010.

³⁸ BAN KI-MOON, *General Assembly launches global plan of action against trafficking in persons*, sixty-fourth General Assembly Plenary 114th Meeting, 31 august 2010.



**APPENDIX:
QUESTIONNAIRE ON CHILD TRAFFICKING FROM MOLDOVA
(2001 - 2009)**

Please reply to the questions below from the direct experience of your organization. Consider that all the questions concern the situation of trafficking of children from the Republic of Moldova.

I. ORGANIZATION DATA

Name

Type of organization

Address

Interviewed person

II. VICTIMS DATA

1. How many Moldovan child victims of human trafficking has your organization assisted during the past years (starting 2001)?
2. Could you provide information on the age, sex, type of exploitation, type of assistance received by the Moldavian children assisted by your organization during the past years ?
3. From your experience, which are the main types of exploitation experienced by Moldavian children in your country?
4. Could you comment on the pre-conditions for trafficking in minors from Moldova: which was the general situation, categories of children at risk, push and pull factors.
5. How were the children recruited?
6. How did children leave their country of origin? Ways of transporting minors abroad.
7. Which were the routes employed for trafficking children from Moldova to your country?
8. Which is the ratio of Moldavian migrating children to adults – if available from your organization's data? Which is the ratio of Moldavian trafficked children to adults – if available from your organization's data?

III. TRAFFICKERS DATA

1. Which are the principal methods used by traffickers when recruiting Moldovan children? Have they changed in the recent past?

2. From your experience, is organized crime involved in cases of trafficking in Moldovan minors?
3. How law enforcement proceeds in the detection and investigation of child trafficking cases in your country?
4. Could you provide any information on the prosecution of authors in your country?

IV. VICTIM ASSISTANCE AND PROTECTION

1. How is your organization addressing the issue of victims' protection?
2. What is your role in assisting victims or providing services?
3. Do you actively share information with police and prosecutors regarding traffickers, victims and routes?
4. What is the level of cooperation, communication, and trust between your organization and law enforcement?
5. How could methods of victim protection and implementation be improved in your opinion?
6. Do you know of cases where the government punished victims for forgery of documents, illegal crossing of borders, or illegal work?

V. PREVENTION OF CHILD TRAFFICKING

1. Are public awareness campaigns directed at potential victims? Are they directed at reducing demand by changing attitudes of society? If so, how?
2. Has your organization realised/helped to realise such campaigns?
3. Does prevention include protection against criminal incrimination or protection against vulnerabilities that create victims (poverty, domestic violence, unemployment, poor schooling, discrimination against women, children, or minorities, etc.)?
4. Does prevention include specific ethical issues relating to children?

VI. BEST PRACTICES AND RECOMMENDATIONS

1. Could you please share any best practices emerged from your experience?
2. What would you recommend to improve the activity of organizations similar to yours?
3. Which are the major difficulties and needs that your organization is facing?
4. Please comment on any experiences with Moldavian child trafficking not already addressed.
5. Could you also share some specific Moldavian victim stories or significant case studies, as long as names and identities are protected?

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