

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.*

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

INVESTIGATED	ADULT VICTIMS	JUVENILE VICTIMS
3.804	2.194	251

L. 18 agosto 2003, n. 228, Misure contro la tratta di persone- Ripartizione per articolo																
Periodo di riferimento: 07/09/2003 - 30/06/2008																
DDA	art 600 c.p.					DDA	art 601 c.p.					DDA	art 602 c.p.			
	Nr. Proc		Nr. indagati	Nr. Vittime			Nr. Proc		Nr. Vittime		Nr. Proc		Nr. Vittime			
	noti	ignoti		di età < 18 anni	di età > 18 anni		noti	ignoti	di età < 18 anni	di età > 18 anni		noti	ignoti	di età > 18 anni	di età < 18 anni	
ANCONA	6		71	8	2	ANCONA	1		3	3	ANCONA	0		0		
ARI	17	1	77	20	4	ARI	5		37	6	ARI	2		2	3	
BOLOGNA	53	14	126	145	19	BOLOGNA	27	11	81	101	6	BOLOGNA	0	2	0	4
BRESCIA	33	3	139	56	9	BRESCIA	12		47	15	3	BRESCIA	1		2	1
CAGLIARI	21	2	100	19	1	CAGLIARI	26	1	93	18	1	CAGLIARI	4		13	
CALTANISSETTA	5		97	111	0	CALTANISSETTA	4		99	106		CALTANISSETTA	1		4	16
CAMPORASSO	9		47	54	0	CAMPORASSO	5		15	39		CAMPORASSO	0		0	
CATANIA	5		27	5	0	CATANIA	4		25	1		CATANIA	1		2	
CATANZARO	20	1	64	9	3	CATANZARO	5	1	39	10		CATANZARO	1		26	
FIRENZE	18	3	57	38	3	FIRENZE	11		46	14	1	FIRENZE	0		0	
GENOVA	19	1	71	94	8	GENOVA	11	1	44	15	8	GENOVA	3		7	
L'AQUILA	16	4	75	19	2	L'AQUILA	8		42	7		L'AQUILA	1		3	1
LECCE	15	2	40	14	1	LECCE	5	1	25	25		LECCE	0		0	
MESSINA	0		0	0	0	MESSINA	0		0	0		MESSINA	0		0	
MILANO	48	12	122	200	7	MILANO	9	2	29	22	1	MILANO	2	1	10	4
NAFOLI	83	10	300	173	22	NAFOLI	27	2	153	72	3	NAFOLI	4	2	50	5
PALERMO	5	1	10	11	0	PALERMO	2	1	6	5		PALERMO	1		5	
PERUGIA	6	1	59	43	0	PERUGIA	3	1	22	5		PERUGIA	0		0	
POTENZA	2		45	2	0	POTENZA	0		0	0		POTENZA	0		0	
REGGIO CALAB.	15	1	33	28	1	REGGIO CALAB.	5	1	12	8		REGGIO CALAB.	2		4	2
ROMA	170	30	441	202	77	ROMA	31	5	123	30		ROMA	20	2	85	26
SALERNO	8		60	14	1	SALERNO	1		10	5		SALERNO	1		53	
TORINO	20		155	155	22	TORINO	14		63	69	11	TORINO	0		0	
TRENTO	14	1	41	22	0	TRENTO	4		22	11		TRENTO	0		0	
TRIESTE	22	1	123	58	13	TRIESTE	3		11	1	1	TRIESTE	2		7	
VENEZIA	26	4	67	37	14	VENEZIA	7	2	29	10	2	VENEZIA	1		5	1
TOT	854	92	2456	1634	209	TOT	230	29	1070	699	37	TOT	47	7	273	67

* Nell'ambito di un singolo procedimento può procedersi in ordine ad uno o più dei delitti suindicati

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

Again with reference to the same crimes, it is clear that when faced with a phenomenon that is becoming more widespread, the proceedings are relatively few with the highest concentration of suspects in the Central and northern Italy; they are completely absent in areas of strong presence of our traditional mafias and this could be explained by the fact that our traditional organized crime does not normally directly handle this trafficking that remains in the hands of foreign organizations. It is still relevant the geographical dislocation of the suspects and victims, which highlights that the countries most affected are:

in Central and Eastern Europe:

- Albania
- Romania
- Bulgaria
- Poland

in Western Europe:

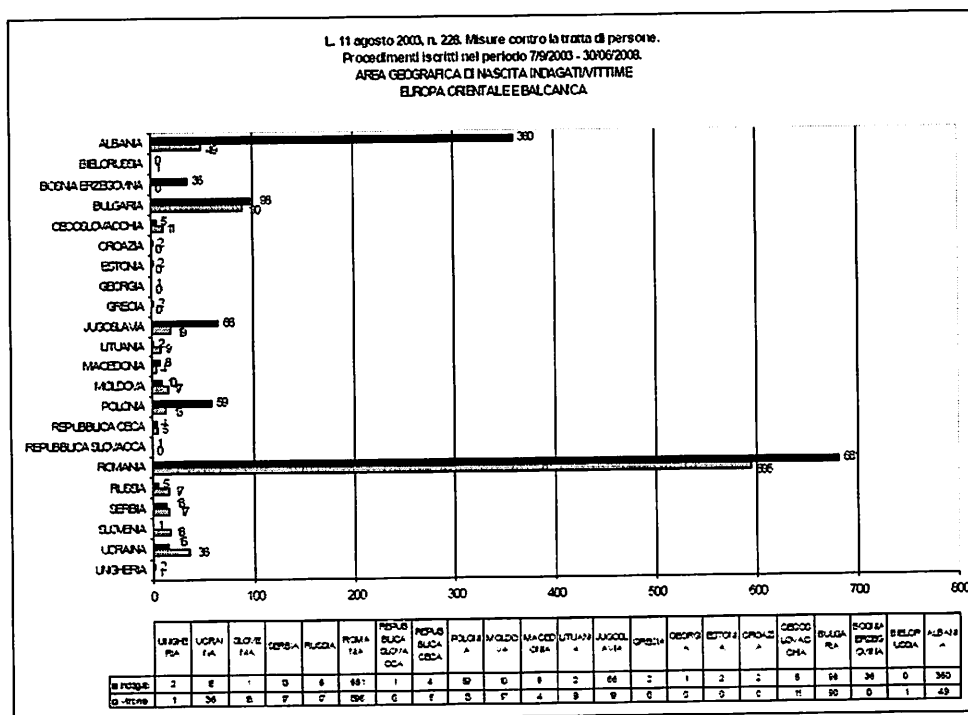
- Italy

in Africa:

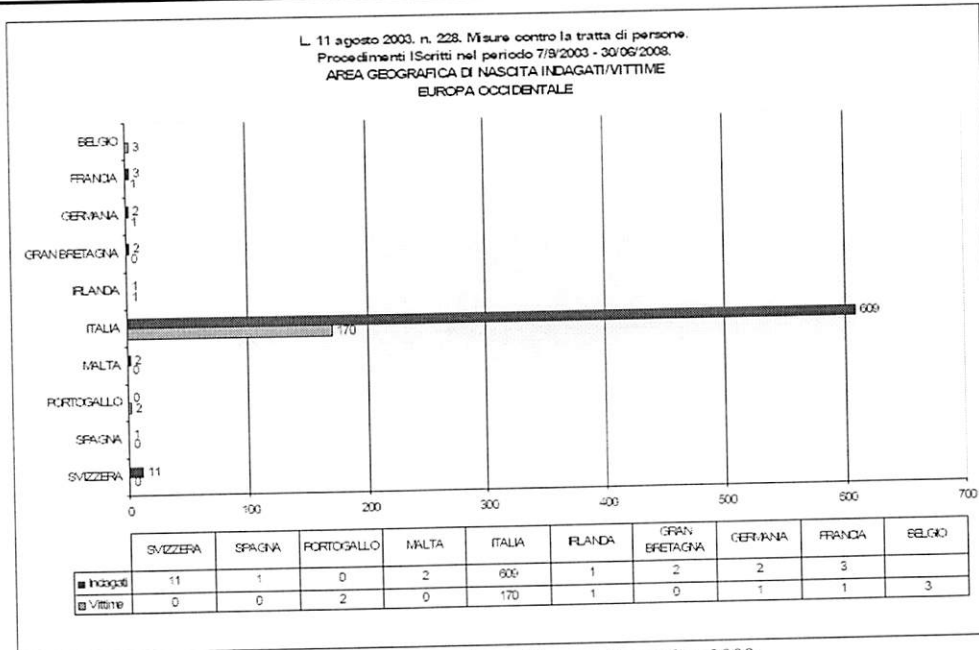
- Nigeria

in Asia:

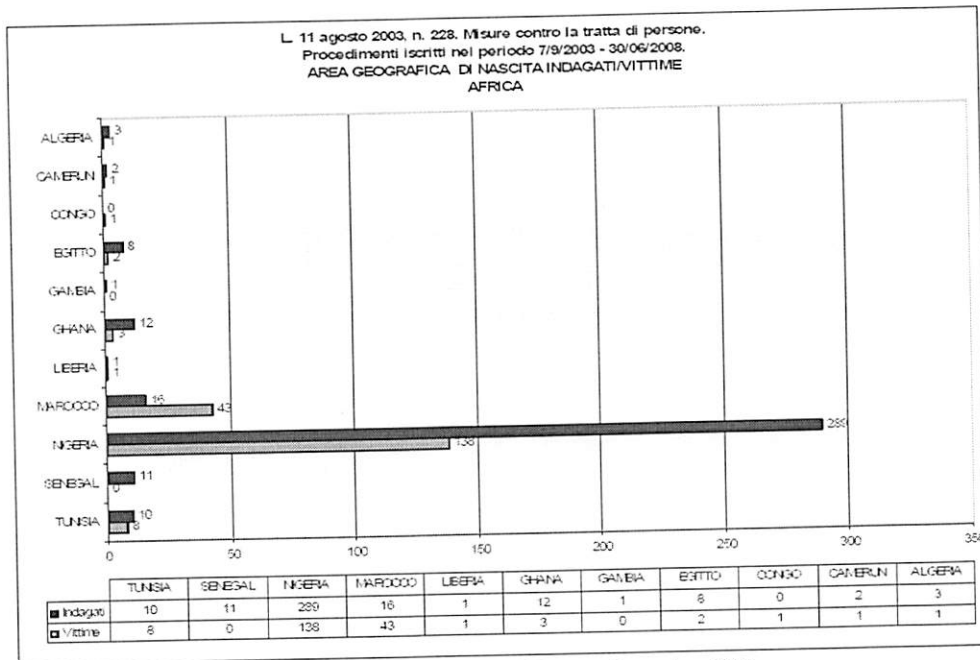
- China
- Thailand



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 a 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).

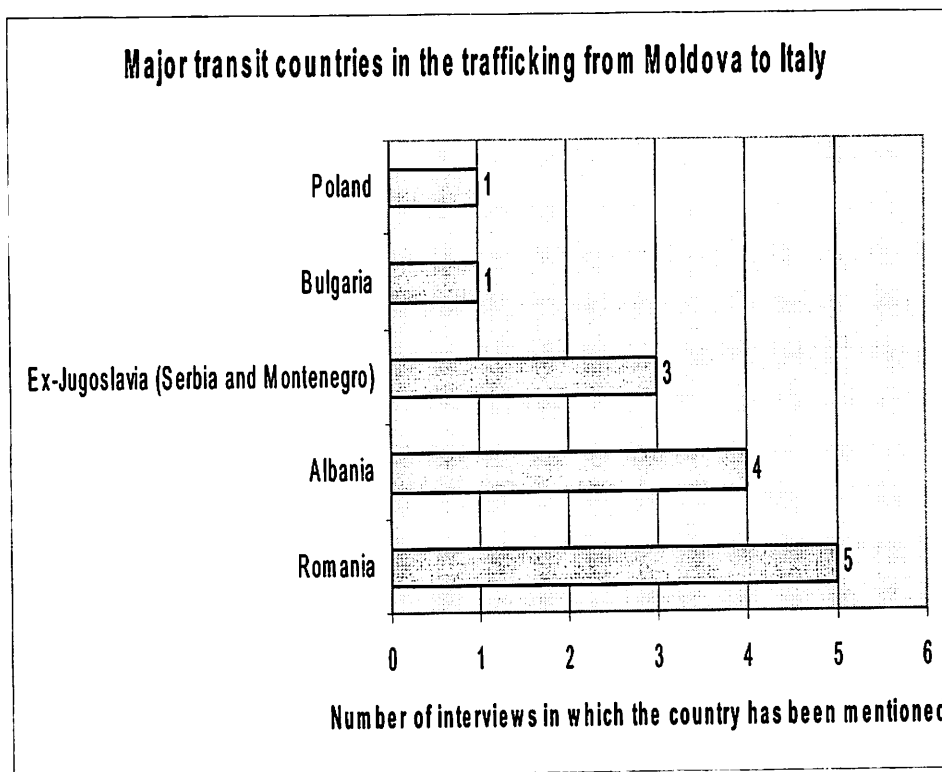
3.3. ROUTES USED

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).