

INVERT – Identifying compaNies and Victims
in the Exploitation phase to disRupt the
financial business model of adult and child
labour Trafficking

WP4

Develop and conduct training modules on labour
trafficking features and prototype INVERT suite
(D. 4.1.)

Lead Beneficiary: UCSC-Transcrime

Disclaimer

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1 INTRODUCTION

Compliance with and consistency of the Handbook is a joint responsibility of all INVERT partners until full fulfillment of all obligations under the EC Grant Agreement (101101914).

WP4	D4.1	Training modules	UCSC-TC, PRP, VSE	OKRI	M17
WP4	D4.2	Training programme for investigations	UCSC-TC	OSDIFE	M17
WP4	D4.3	Implementation of the training	UCSC-TC, OSDIFE	OKRI	M17

2 GENERAL PROJECT INFORMATION

INVERT is a Project co-funded by the European Commission, Internal Security Fund under Call ISF-2022-TF1-AG-THB (Project number 101101914). The designated European Commission Project Officer is Ms Katarina Tiger.

The Project will run for 24 months, from 1st June 2023 to 31st May 2025 and the Consortium is composed of 7 partners presented below:

1. Università Cattolica del Sacro Cuore (UCSC), the Coordinator
2. Procura della Repubblica presso il Tribunale di Palermo (PRP)
3. Victim Support Europe AISBL (VSE)
4. Országos Kriminológiai Intézet (National Institute of Criminology – OKRI)
5. Ministero della Difesa, Comando Generale dell'Arma dei Carabinieri (CCTL)
6. Osservatorio sulla Sicurezza e Difesa CBRNE (OSDIFE)
7. Procura di Milano

Project INVERT aims at:

- a) **disrupting the exploitation stage of the financial flows of the criminal business model of labour trafficking** of both adult and children by developing a prototype suite of two risk assessment tools (company-focused and victims-focused) to be used by prosecutor offices and Law Enforcement Agencies (LEAs) across Europe, and
- b) **strengthening the international cooperation and capacity building among prosecutor offices and LEAs across Europe** in the investigation and prosecution of labour trafficking of both adult and children.

3 THE AIM OF THIS TRAINING MATERIAL

Trafficking in Human Beings is a very complex phenomenon. Forced labour, labour exploitation, servant, slave are the different definition of that phenomenon which is in the focus of this training material. In this document we use these different expressions as a synonym knowing that they have different meaning. Here, we summarise the currently available knowledge on labour exploitation, international, European, Italian and Hungarian statistics and experiences, in order to inform and expand the knowledge of law enforcement and sensitise and prepare them to talk to victims and introduce them to the INVERT Suite.

4 MODULES OF THIS TRAINING

THE CHARACTERISTICS AND TRENDS OF ADULT AND CHILD LABOUR TRAFFICKING (OKRI AND VSE)

Legal Frame

Forced labour is a crime and a serious violation of fundamental human rights. In addition to the individual consequences for the victims, forced labour has economic and social costs for society as a whole.¹

The International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29) provides the bedrock of the ILO normative framework and jurisprudence concerning the elimination of forced labour, and the main reference point for its statistical measurement. Forced labour is defined by Convention No. 29 as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (Art 2.1), with five limited exceptions. The essential elements of this forced labour definition are “work or service”, “involuntary” and “menace of any penalty”.²

Convention No. 29 is referred to in other ILO legal standards and recommendations without modifying the definition of forced labour provided within it:

- the ILO Abolition of Forced Labour Convention, 1957 (No. 105),
- ILO Worst Forms of Child Labour Convention, 1999 (No. 182),
- ILO Protocol of 2014 to the Forced Labour Convention, 1930,
- and the ILO Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203).

¹ Profits and poverty: The economics of forced labour. <https://www.ilo.org/publications/profits-and-poverty-economics-forced-labour-1>

² Hard to see, harder to count: Handbook of forced labour prevalence surveys – Third edition, <https://www.ilo.org/publications/hard-see-harder-count-handbook-forced-labour-prevalence-surveys-third>

Neither Convention 29 nor other ILO legal standards on forced labour explicitly address what constitutes forced child labour, and therefore there is **no agreed legal definition** of forced child labour.

An adult is considered to be engaged in forced labour if, during a specified reference period, he or she is engaged in an activity the purpose of which is the production of goods or the provision of services for the use of others or for his or her own use, which is involuntary and which is subject to punishment or the threat of punishment (coercion). **Forced labour means work which is forced on a person against his or her will by means of coercion.**

Forced labour, including forced child labour, is still widespread across the world. The ILO estimates that globally there are around 27.6 million people in a situation of forced labour, of whom 3.3 million are children.

On 14 September 2022 the European Commission proposed new rules to prohibit products made with forced labour on the market of the European Union.

The objective is to prohibit the placing and making available on the EU market, or the export from the EU market, of any product made using forced labour.

To achieve this, the legislation will establish a structured framework for prohibiting the use of forced labour in the production of EU goods and within supply chains. It will empower the EU to prohibit and remove a product from the single market if it is shown to involve forced labour, regardless of whether it is produced within the EU or imported into the EU.³

Trafficking for labour exploitation or forced labour is the second main form of exploitation in the EU (28%). Labour exploitation includes domestic work, care activities or cleaning services. The Member States registering the highest numbers of victims of trafficking for labour exploitation are France (792), Italy (681), the Netherlands (660) and Poland (311). The most represented EU citizenships among registered victims are Romanian (493), Polish (267), and French (266). The victims of trafficking for labour exploitation are mainly male (66%), while females amount to 34%. Children account for 3% of the reported victims for this form of exploitation. The number of reported labour exploitation victims in the EU in 2019 was 1786 and in 2020 1548. The numbers of victims over the broader reporting period suggest that there is an increase in victims of labour exploitation in 2019-2020, as compared to 2015 (900), 2016 (1047), 2017 (1052), and 2018 (980).⁴

In the context of employment, it is important to distinguish between employment irregularities and criminal offences.⁵ The diversity of definitions of labour exploitation also raises many

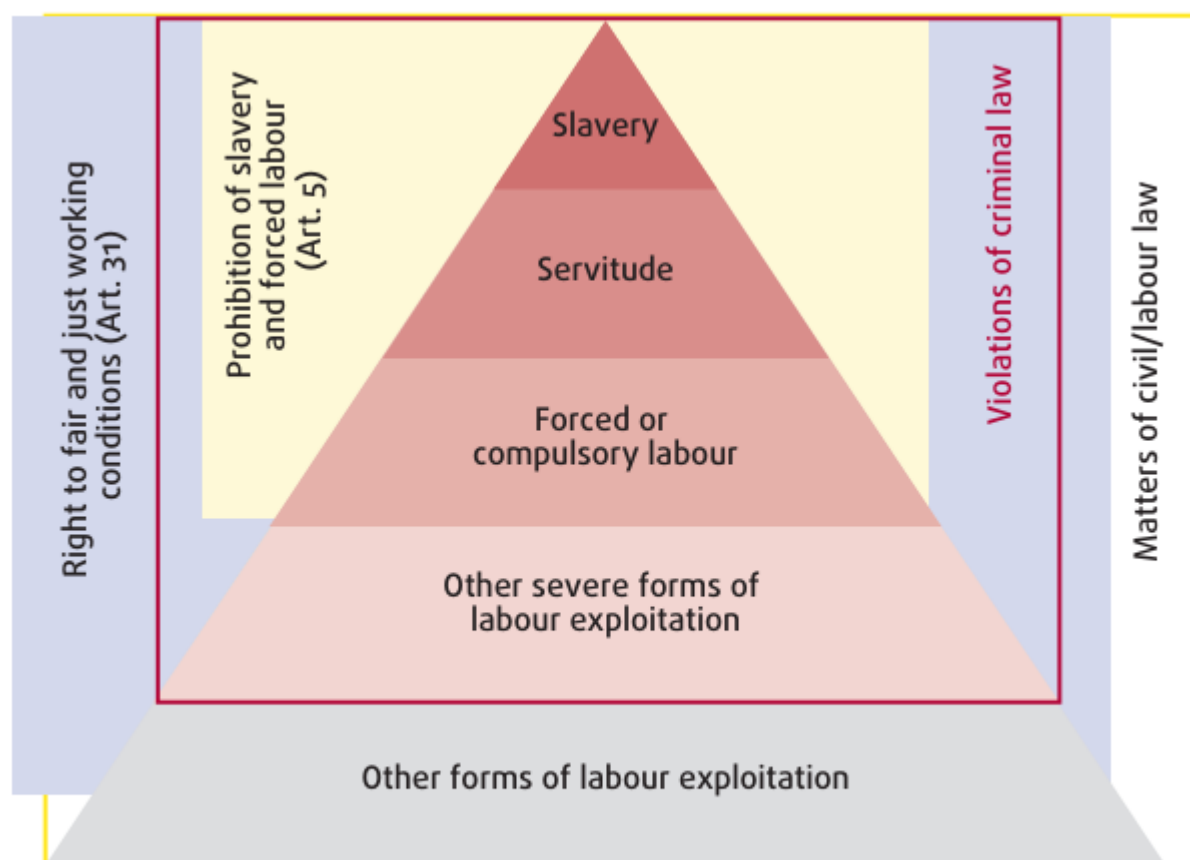
³ <https://www.consilium.europa.eu/en/policies/forced-labour-products/> and <https://www.europarl.europa.eu/news/en/press-room/20240419IPR20551/products-made-with-forced-labour-to-be-banned-from-eu-single-market>

⁴ Report on the progress made in the fight against trafficking in human beings (Fourth Report) {COM(2022) 736 final}, p. 4–5.

⁵ Interpretation and distinction between labour exploitation in the context of trafficking in human beings and particularly exploitative working conditions under the Employers Sanctions Directive May 2022,

questions: slavery, servitude, forced labour, labour exploitation all attempt to cover some of the characteristics of this phenomenon, yet their different meanings create difficulties in international comparison. A good example of this is the reasoning of the decisions of the European Court of Human Rights (ECtHR)⁶, including the decision of 30 March 2017 in *Chowdhury and others v. Greece*, but one could mention all the cases brought under Article 4 of the European Convention on Human Rights (on the prohibition of slavery and forced labour). In these cases, the ECtHR has sought to outline the distinction between slavery, servitude, forced labour and trafficking for labour exploitation, the differences and the complexity could be shown on the Chart 1.

Figure 3: Forms and severity of labour exploitation



Note: Victims of all forms of exploitation set out in Figure 3 may also be victims of trafficking whenever the elements of the trafficking definition in Article 2 of the Anti-Trafficking Directive, as covered by Member State law, are met.

Source: FRA, 2015

Victims of all forms of exploitation.

Source: *Severe labour exploitation: workers moving within or into the European Union*

https://orbi.lu.uni.lu/bitstream/10993/53821/1/EMN%20LU%20inform_Distinction-between-labour-exploitation-and-particularly-exploitative-working-conditions-THB.pdf

⁶ <https://www.echr.coe.int/>

CHILDREN

Case from Hungary:

In 2020, 2021 and 2022, the defendant worked mainly as a building contractor, mainly providing construction services, but also occasionally hiring out labour. The accused lived in a detached house with several outbuildings. In order to carry out his activities, the accused recruited labour by spreading the word among young people, generally aged between 14 and 25, living in extremely poor conditions in small villages in the east of the country, mainly in the Borsod-Abaúj-Zemplén County, that he could employ them, typically for short periods, as labourers. The young people who applied for work, about a dozen at a time, were brought to a farmhouse where they were housed in outbuildings. He did not declare their employment. The duration of the work varied according to the orders, but typically the young people came to work for two weeks, during which time they usually worked six days a week, ten hours a day, broken up by a short lunch break. Some young people were also used for night work. The young people were usually paid an hourly wage of 1100-1200 HUF⁷ with minor variations, of which 3000 HUF was given to them for meals every day. They often received no health and safety training. The work was typically done in the morning, when the accused or a foreman on his behalf would take the victims from the accuser's farm to the place where the accused had previously arranged for them to work, from where they would return to the accommodation in the afternoon after the work was completed. The young people's accommodation was neglected and dirty, and the young people, who often took turns, did not keep it in good condition. As the young people's workplaces were often far away, they spent several hours a day travelling. Overall, the working conditions provided to young people were significantly worse than they would have been entitled to if the law had been respected. Although their wages were generally higher than the minimum wage, which in 2022 was HUF 1150 gross per hour, they did not receive any wage supplement, they were not entitled to social security contributions, they had no means of claiming compensation from anyone for any accidents at work, and their working conditions were worse than the minimum set by law.

Contrary to the provisions of the Hungarian Labour Code, the accused, in addition:

- to not having concluded a written employment contract with them (breaking the Section 33 of Hungarian Labour Code),
- he did not declare the juvenile worker's legal the legal representatives of the juvenile's legal guardians whether they consented to the employment of the juvenile, although in practice parents were aware of the employment and did not object. The juvenile workers were sometimes sent to work nights, their working hours exceeded 8 hours a day, their weekly Sometimes they did not get a day of rest per week. According to the provisions of the Labour Code workers must be over the age of sixteen or, during the summer holidays who has reached the age of fifteen and is in full-time education, the accused is more than The accused did not comply with this rule in respect of several victims, and also employed younger victims. (breaking the Section 34 (2) of Hungarian Labour Code)

At the same time, the victims, who were living in poor conditions and had access to employment in their own. Many of the young people who were not able to work in their own homes came to work for the accused and were encouraged to do so, to offer each other work opportunities. Their young age and their own and their families' and their families, the situation of the victims, who were in a vulnerable position because of their young age and the accused was able to maintain a constant supply of which he could then use to carry out **construction work** or to employ workers and hiring out labour.

⁷ 1 EUR is about 390 HUF

The latest global estimates indicate that the number of children in child labour has risen to 160 million worldwide – an increase of 8.4 million children in the last four years. 63 million girls and 97 million boys were in child labour globally at the beginning of 2020, accounting for almost 1 in 10 of all children worldwide.

According to the ILO, the number of children aged 5 to 17 years in hazardous work – defined as work that is likely to harm their health, safety or morals – has risen by 6.5 million to 79 million since 2016. Additional economic shocks and school closures caused by COVID-19 mean that children already in child labour may be working longer hours or under worsening conditions, while many more may be forced into the worst forms of child labour due to job and income losses among vulnerable families. The ILO's report warns that globally 9 million additional children are at risk of being pushed into child labour by the end of 2022 as a result of the pandemic.

Children in child labour are at risk of physical and mental harm. Child labour compromises children's education, restricting their rights and limiting their future opportunities, and leads to vicious inter-generational cycles of poverty and child labour.

Involvement in child labour is higher for boys than girls at all ages. Among all boys, 11.2 per cent are in child labour compared to 7.8 per cent of all girls. In absolute numbers, boys in child labour outnumber girls by 34 million. When the definition of child labour expands to include household chores for 21 hours or more each week, the gender gap in prevalence among boys and girls aged 5 to 14 is reduced by almost half.

According to the UNICEF/ILO joint publication⁸ there are some characteristics of Child labour:

- **Child labour is much more common in rural areas.** There are 122.7 million rural children in child labour compared to 37.3 million urban children worldwide. The prevalence of child labour in rural areas (13.9 per cent) is close to three times higher than in urban areas (4.7 per cent).
- **Most child labour – for boys and girls alike – continues to occur in the agricultural sector.** More than 70 per cent of all children in child labour, 112 million children in total, are in agriculture
- **The largest share of child labour takes place within families.** 72 per cent of all child labour and 83 per cent of child labour among children aged 5 to 11 occurs within families, primarily on family farms or in family microenterprises.
- **Child labour is frequently associated with children being out of school.** A large share of younger children in child labour are excluded from school despite falling within the age range for compulsory education. More than a quarter of children aged 5 to 11 and over a third of children aged 12 to 14 who are in child labour are out of school.

⁸ Child Labour: Global estimates 2020, trends and the road forward, UNICEF/ILO joint publication, 2021. <https://data.unicef.org/resources/child-labour-2020-global-estimates-trends-and-the-road-forward/>

The latest Global estimate⁹ is that 50 million people will be living in modern slavery by 2021. Of these, 28 million are in forced labour and 22 million are trapped in forced marriage. Unfortunately, the number of people living in modern slavery has increased significantly in the last five years. By 2021, 10 million more people will be living in modern slavery compared to global estimates in 2016.

Victims of forced labour include 17.3 million exploited in the private sector; 6.3 million in forced commercial sexual exploitation, and 3.9 million in forced labour imposed by State. Three times more risk of forced labour for migrant workers.

According to the TIP Report 2024 both Italy and Hungary are in Tier 2. These Countries' Governments do not fully meet the minimum standards for the elimination of trafficking but are making significant efforts to do so. The data for the two countries are summarised in the table below:

	Hungary ¹⁰	Italy
Tier rank (TIP 2024)	2	2
Identified victims (in 2023 HU, in 2022 in Italy)	163	576
Main nationalities of victims	Hungarian	Nigerian
Victims		
women	90%	80%
children	16%	3,4%
Exploitation		
sexual	65% ¹¹	59%
labour	31%	38%
other	4%	2%

Hungarian and Italian Characteristics of THB

⁹ Global Estimates of Modern Slavery: Forced Labour and Forced Marriage – Executive Summary, 2022. <https://www.ilo.org/publications/global-estimates-modern-slavery-forced-labour-and-forced-marriage-executive>

¹⁰ The population of these two countries: Hungary has 9.643 million, Italy has 58,94 million inhabitants.

¹¹ In the period 2017-2022, GRETA(2024)02 p. 9.

CHARACTERISTICS AND TRENDS OF HUMAN TRAFFICKING (WITH EMPHASIS ON LABOUR EXPLOITATION) IN HUNGARY¹²

Section 192 of the Hungarian Criminal Code criminalized all forms of labour trafficking and some forms of sex trafficking. Section 192 prescribed penalties of one to 10 years' imprisonment for crimes involving an adult victim, and five to 20 years' or life imprisonment for those involving a child victim.

Hungary remains predominantly a country of origin of victims of trafficking in human beings (THB) and is to some extent also a country of destination. Human traffickers exploit domestic and foreign victims in Hungary, and traffickers exploit victims from Hungary abroad. Traffickers typically operate in small groups based on common interests or familial ties and tend to recruit girls from their own families. Traffickers continued to use the "lover-boy" recruitment method through which they seduce girls to willingly leave their homes, gradually isolate them from society, and then, through different methods and forms of control, force them into sex trafficking. Traffickers increasingly use the Internet, social media, and instant messaging applications to recruit victims, post advertisements, and exploit children in sex trafficking. Children in government-run institutions, particularly girls, remain vulnerable to sex trafficking.

Sex trafficking remains the most common form of trafficking in Hungary, but cases of labour trafficking have notably increased.

The majority of the reported victims were **women**, while **children** represented around **16%** of the victims, specifically, nine in 2019 (all girls), 34 in 2020 (29 girls and five boys), 37 in 2021 (28 girls and nine boys) and 41 in 2022 (37 girls and four boys). An overwhelming majority of identified victims were Hungarian nationals, some of whom had been trafficked to Western Europe (Switzerland, Germany, the Netherlands), while others were trafficked internally. Foreign victims trafficked to Hungary originated from other European countries (Romania, Slovakia, the Netherlands, Albania and Turkey), as well as from Asia (China, Mongolia, Thailand, and Pakistan), Africa (Nigeria and Mozambique) and South America (Cuba).

In 2023, the government identified 163 victims (64 sex trafficking, 48 labour trafficking, and 51 unspecified forms of trafficking), a notable decrease from 223 in 2022 but similar to prior years (171 in 2021). NGOs identified an additional 39 trafficking victims (14 sex trafficking, 21 labour trafficking, and four unspecified forms of trafficking) in 2023. The vast majority of identified victims were Hungarian citizens. Of the 163 identified victims, 83 were women and 55 were men. In addition, authorities identified 25 children (41 in 2022) and eight foreign nationals (four in 2022).

Trafficking for the purpose of labour exploitation is underreported, particularly considering the incidence of domestic servitude in the country, which often affects homeless persons, persons with disabilities and the elderly.

¹² A summary of data on 'characteristics and trends of Trafficking in Human Beings (THB) from the February 2024 GRETA reports on the implementation of the Council of Europe Convention on Action against Human Trafficking in Italy and Hungary and TIP Report 2024.

Traffickers subject Hungarians to labour trafficking in agriculture, construction, hospitality, and factories. Reports indicate an increase in the number of domestic labour trafficking victims 25 to 59 years old. NGOs report domestic labour trafficking remains a concern, particularly in rural areas, among Ukrainians and other third-country nationals who come to Hungary to assist with the country's labour shortage. While seasonal workers are at risk for labour trafficking in the agriculture and construction sectors, the majority of victims are Hungarian citizens, particularly adult men exploited by family members and acquaintances in domestic servitude and agricultural work, such as cleaning, landscaping, and farming.

Increased recruitment of children accommodated in state care institutions, including through the internet, for the purpose of exploitation has also been reported. The lack of effective access to asylum procedure and the high number of pushbacks and removals of migrants have rendered the identification of possible victims of trafficking among this vulnerable group virtually impossible. Concerns have also been raised regarding the lack of identification of possible victims of trafficking among persons fleeing Ukraine, despite indications that they may be exposed to labour and sexual exploitation in Hungary.

- The criminal code has taken steps to further develop the relevant legislative and policy framework. Amended in 2020, the criminal code has taken steps towards harsher punishment for **trafficking in human beings** and criminalizing the use of work or services of victims of trafficking.
- Hungary remains primarily a country of origin for victims of trafficking
- The number of identified victims has significantly increased compared to the 2019–2022 evaluation done by GRETA (754 victims in 2019–2022)

The number of workers from Mongolia, the Philippines, Serbia, Albania and Kosovo has increased. Hungarian law regulated companies employing numerous third-country nationals and specialized staff to increase transparency and prevent the flow of labour into the black and grey economy and reduce the risk of foreign workers becoming trafficking victims. The Ministry of Foreign Affairs and Trade published the list of approved countries in which foreign labour was allowed under the law and was responsible for regulating those companies. Hungarian law prohibited recruitment fees by private employment agencies, regulated employers' compliance with labour laws, and detailed the law's enforcement by the labour inspection authority, including punitive administrative sanctions prohibiting the further employment of workers and fines. The labour inspection authority did not have the competency to inspect labour recruitment agencies or impose fines or punishments on foreign labour exchange agencies that committed trafficking crimes, but it could assess agencies' compliance with regulations concerning temporary work. The Ministry for National Economy and the National Police implement a cooperation agreement authorizing police and labour inspectors to conduct regular and coordinated joint labour inspections, averaging one unannounced inspection per month in each of Hungary's counties. Authorities targeted high-risk sectors and environments and, in 2023, did not identify any trafficking victims. In addition, the National Directorate-General for Aliens Policing, police, and labour authority screened for trafficking indicators among foreign employees while conducting site inspections. Observers noted regulating

mechanisms, such as inspections, remained inadequate to address labour violations, including labour trafficking, and most recruiting agencies operated with inadequate oversight. Moreover, observers reported labour recruiting laws in Hungary were far less strict than in the rest of the EU – typically recruiting foreign workers took six to nine months in most European countries but in some instances the process took as little as 45 days in Hungary – resulting in an elevated risk of trafficking.

Access to Justice and Effective Remedies for Victims of Human Trafficking

Introduction

Victims of human trafficking, by virtue of their status as victims of crime and victims of a human rights violations, have a right to access to justice and effective remedies for any harm committed against them. These rights must be guaranteed according to the Council of Europe Convention on Action against Trafficking in Human Beings No. 197 (Hereinafter The Convention), in a gender and age sensitive manner, to all victims of trafficking subject to the jurisdiction of parties, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to cooperate with a criminal investigation.

Regardless of whether a state is implicated in the trafficking or directly responsible for harm, positive obligations deriving from international human rights law require states to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of THB and affectively investigate trafficking offences.

In accordance with the UN General Assembly “Basic Principles on the Right to an Effective Remedy for Victims of Trafficking in Persons”, the right to an effective remedy includes: **restitution, compensations, rehabilitation, satisfaction and guarantees of non-repetition.**

The remedy of compensation for instance, for any injury, loss or harm sustained, can provide critical support in victims’ recovery and empowerment, help their social inclusion, and prevent re-victimization. The remedy of rehabilitation can similarly help victims’ recovery, as well as social inclusion.

‘The Convention’ provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to these entitlements. These include the following:

- The rights to be identified as a victim of trafficking
- To be granted a recovery and reflection period
- A residence permit, to enable victims to remain in the country and seek access to remedies.
- Receive counselling, information, legal assistance and free legal aid.

The “non-punishment” provision of ‘The Convention’ provides the procedural rights according to which victims of human trafficking must not be subjected to penalties for their involvement in unlawful activities that they have been compelled to commit. ‘The Convention’ also requires

state parties to enable the seizure and confiscation of the assets of the traffickers, which could be used to fund state compensation schemes for victims.

Children need special support to access remedies, the best interest of the child being the primary consideration in all actions concerning trafficked children. The appointment of a legal guardian to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Furthermore, facilitating family reunification can also be an important element of restitution.

Civil society, including NGO's, trade unions, diaspora organisations and employer organisations play a vital role in enabling victims of THB to claim compensation and other remedies.

The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons. The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate victims' access to remedies to any harm that occurs. Businesses also have the potential to help trafficked persons regain economic autonomy. States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce the barriers that could lead to a denial of access to remedies.

Right to Information

Victims who are now longer under their traffickers' control general find themselves in a position of great insecurity and vulnerability. Two common features of the victims' situation are helplessness and submissiveness to the traffickers, as a result of fear and lack of information about how to address the situation.

The information that victims of trafficking must be provided with deals with essential matters; including:

- Availability of protection and assistance arrangements.
- The various options open to the victim.
- The risks they run.
- The requirements for legalizing their presence in the Party's territory.
- The various possible forms of legal redress.
- How the criminal-law system operates (Including the consequences of an investigation of trial, the length of a trial, the witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offenses or from other persons or entities, and the chances of a judgement being fully and effectively enforced.)

The information and counselling should enable victims to evaluation their situation and make an informed choice from the various possibilities open to them.

Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where

needed, is an essential measure to guaranteeing access to rights, which is a prerequisite for access to justice.

When a victim is referred to support services for victims of crime, which include Victim Support Centres, they are obliged to contact the victim within two days and inform them of the support available, including the right to accommodation provided through the National Crisis Management and Information Telephone Service (OKIT)¹³. Victims are also entitled to receive information concerning legal proceedings from a lawyer at the Victim Support Centre¹⁴. Representatives shall provide victims with information on access to healthcare and compensation, as well as with contact details of state and local government agencies and civil society organisations providing assistance to victims of crime (Victim Support Act¹⁵). Third country nationals who are victims of trafficking shall also be informed of their right to a one-month reflection period and a residence permit on the basis of their co-operation with the authorities.

The Ministry of Justice has produced a leaflet for victims of crime with general information on the available services, as well as contact information for all Victim Support Centres and regional victim support services.

- They have also produced an information card, the size of a business card, aimed at facilitating self-identification by victims of trafficking and containing the telephone number for the OKIT hotline. However, this hotline is only available in Hungarian or English, which limits the likelihood of identifying possible victims of trafficking among asylum seekers and additionally, inhibits informing them of their rights and services available.
- The National Directorate General for Aliens Policing¹⁶ has also developed a leaflet specifically aimed at possible victims of trafficking, providing information on government and non-government organisations providing support to victims of trafficking, including sheltered accommodation and legal assistance, in addition to a brief description of the most common indicators of THB, with a focus on THB for labour exploitation.)

The investigation authority, the prosecution or the court shall inform injured party of their rights and obligations in criminal proceedings. The relevant authority shall use simple and commonly understood language, taking into account the condition and personal characteristics of the injured party, and shall verify that the person understood the information, providing additional explanation if needed. Victims who are identified by the police receive the minutes of the interview which contain additional information about their rights, in a language they understand, as well as a certificate of the initiation of criminal proceedings.

Child victims of trafficking are informed of their rights and the available assistance by the Child Welfare Service, which is one of the bodies entitled to identify victims of trafficking and is responsible for operating the signalling system for detecting and reporting child vulnerability.

¹³ <https://okit.hu/main-page/>, +3680205520

¹⁴ <https://vansegitsegi.gov.hu/>

¹⁵ Act CXXXV of 2005 on Crime Victim Support and State Compensation of Hungary

¹⁶ <http://oif.gov.hu/index.php?lang=en>

If a victim of trafficking does not speak Hungarian, the costs of interpretation and translation are covered by the victim support services, from the budget of the Ministry of Justice.

In criminal proceedings, injured parties who belong to a national minority are entitled to use their mother tongue throughout the proceedings, while foreign victims will be provided with interpretation into a language they understand. The costs of translation and interpretation are borne by the relevant authority.

Hungarian authorities must take further steps to ensure that presumed and identified victims of trafficking are provided with information concerning their rights and the services available to them, from their first contact with the competent authorities and in a language they can understand. Law enforcement officers, other authorities in contact with victims of trafficking, as well as officials from foreign missions interacting with asylum seekers and Hungarian victims abroad should be systematically trained and instructed on how to properly explain to victims of THB their rights, taking into account the following factors:

Victims'

- ⇒ age
- ⇒ maturity
- ⇒ intellectual and emotional capacity
- ⇒ literacy and any mental, physical or other disabilities which may affect their ability to understand the information provided.

Legal Assistance and free legal aid

'The Convention' obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. Even in the absence of legislation granting free legal assistance in a civil matter, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

Early access to legal assistance is important to enable victims to take civil actions for compensation and redress.

Victims of trafficking are eligible to receive legal assistance, in the form of legal advice, as well as legal aid, which includes preparation of legal submissions and assistance in criminal, civil and administrative proceedings.

In accordance with the Victim Support Act, victim support services provide victims of crime with legal advice and assistance in order to help them obtain a remedy for the injury caused by the criminal act. Victims do not need to have a residence permit in order to benefit from legal assistance offered by Victim Support Centres, nor is legal assistance conditioned upon the filing of a criminal report and/or the opening of an investigation.

Recalling that access to legal aid is essential to guarantee effective access to justice for victims of THB. Steps to guarantee accessible and effective legal assistance to victims in practise ensures the following:

- That legal assistance is provided as soon as there are reasonable grounds for believing a person is victim of THB, before the person concerned has to decide whether or not to co-operate with authorities and/or make a statement to the police.
- Victims of THB have unrestricted access to free legal aid by a professional lawyer with specialized knowledge of THB cases in legal proceedings, including the enforcement proceedings and the proceedings on state compensation.
- Training on human trafficking is provided to lawyers registered as free legal aid providers with a view to ensuring that trafficking victims are systematically appointed to a specialized lawyer.
- NGOs which provide legal assistance to victims of THB receive adequate funding.
- Possible victims of trafficking among asylum seekers are provided with access to legal assistance and legal aid throughout the relevant proceedings. Legislation providing for criminal liability of lawyers in cases in which asylum seekers withhold information from authorities should not be applied in a way which would prevent lawyers and NGOs from providing legal assistance to victims of trafficking and deprive possible victims of trafficking among asylum seekers of the rights guaranteed to them under ‘The Convention’.

Psychological Assistance

Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking cope with the trauma they have been through, and to achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic intervention to the due violence they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy, conducted by an experienced clinician. **In the case of trafficked children, a specialised child psychologist should be employed.**

In Hungary, victims of trafficking can receive psychological support from Victim Support Centres. Each centre has a full-time psychologist whose position is financed by the Ministry of Justice, while the victim support centres in Budapest and Pecs also employ a child psychologist.

Some psychologists also offer counselling via video call or over the telephone. The psychologist will hold between six and eight sessions with each victim, usually once or twice per week as needed.

Victims of trafficking who participate in criminal proceedings may be accompanied by a support person, who may be a psychologist. In case the victim participating in criminal proceedings is under the age of 18 years old, the court may order a forensic psychologist to be present. A forensic psychologist is also present in the children’s house during the interview of child victims of crime.

NGO's assisting victims of trafficking also provide psychological support, depending on available resources. Examples of NGOs providing this type of support are:

- Hungarian Baptist Aid¹⁷
- The Salvation Army¹⁸
- Chance for Families 2005 Foundation¹⁹
- Anonym Ways Foundation²⁰.

However, victims who require psychiatric treatment must travel back to their registered place or residence in order for the costs to be covered by their health insurance. This however, does expose them to risks of coming into contact with their traffickers.

The NGOs assisting victims of trafficking also regularly use the services of mental hygienists which they find to be very beneficial for victims.

NGOs stressed the importance of psychological counselling for victims of trafficking they assist, given the trauma they have experienced and the lack of support from their families. **Many of the victims also suffer from addiction and serious mental health problems which may require hospitalization and/or a stay in a drug rehabilitation facility.** If this is the case, the victim will be assisted by the NGO only after they have completed the relevant treatment.

Access to work, vocational training and education

Residence permit granted to foreign victims of trafficking does not entail the right to work, but victims can apply for a separate work or study permit. **Victims have access to vocational training which is mostly provided by the NGOs, typically to victims accommodated in half-way houses.** The Salvation Army also provides short-term (up to six months) vocational training to victims of trafficking which helps victims to find work. Services provided by shelters run by Chance for Families 2005 Foundation also include assistance related to finding employment, using contacts with local businesses. However, due to the low level of education of the victims, there are difficulties in finding employment after they leave the shelter.

Compensation

'The Convention' established a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practise there is never full compensation whether because the trafficker has not been found, has disappeared or has declared themselves bankrupt. 'The Convention' therefor requires that Parties take steps to guarantee compensation of victims.

¹⁷ <https://domestic.hbaid.org/anti-trafficking>

¹⁸ <https://www.udvhadsereg.hu/en/rahab>

¹⁹ <https://lehetosegmozar.hu/>

²⁰ <https://nevtelenutak.hu/munkank> (this page is just In Hungarian)

The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes.

‘The Convention’ suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin.

The state shall contribute to compensate those who have sustained serious body injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

Compensation fulfils multiple purposes: Payment of reparations for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as being seen as a form of punishment and deterrence of traffickers. As such, compensation plays a crucial role in the right against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by states of their failure to meet their human rights obligations.

Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates some obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers such as:

- ⇒ High costs
- ⇒ Unavailability of free legal aid
- ⇒ Victim-support services
- ⇒ The claimant bearing the burden of proof of the amount of the damage

In Hungary, victims of trafficking can claim compensation from the perpetrator in civil proceedings or by filing a civil claim in criminal proceedings. The victim is entitled to make a statement of claim regarding the harm suffering as a result of the criminal offence.

As of January 1st 2021, victims can claim a so-called ‘grievance award’²¹ in criminal proceedings, which constitutes a monetary compensation for the harm suffered as a result of violation of personal rights, such as the right to life, health, body integrity, the right to privacy and family life, etc. If the perpetrator was convicted of the criminal offence by a final decision and no compensation was claimed or ordered before, the claim for the grievance award will be dealt with in an accelerated procedure, without the need to prove moral damages, provided that the defendant does not contest the claim.

Victims are eligible for state compensation even if the criminal proceedings against the defendant are terminated.

²¹ § 56, paragraph 1a and § 556, paragraph 6 of Act XC of 2017 on criminal procedure.

Hungarian authorities must prioritize taking further steps to facilitate and guarantee effective access to compensation for victims of trafficking by:

- Systematically informing victims of trafficking of their right to compensation in criminal and civil proceedings and the procedure to be followed, and ensuring that they are provided with effective legal assistance from their first contact with the competent authorities in order to exercise this right.
- Enabling victims of trafficking to effectively exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials and the judiciary.
- Make full use of the legislation on the seizure and confiscation of criminal assets to secure compensation to victims of THB, and ensure that recoverable property seized during criminal proceedings is returned as soon as possible to the victim.
- Ensuring that the victims obtain a decision on compensation from the offender as part of the criminal trial and requiring courts to state, where applicable, why compensation is not considered.
- Simplifying the application process for state compensation to make it more accessible to victims, as well as to ensure that all victims of trafficking who were exploited in Hungary are able to benefit from it regardless of the regularity of their stay in Hungary at the time of the request for state compensation.

Protection of Victims and Witnesses

Under ‘The Convention’, Parties **must take necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations support victims during trial proceedings and, where appropriate, to victims’ family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants.** Effective protection can be of various types such as:

- **Physical protection**
- **Relocation**
- **Identity change.**

And depends on the assessment of the risk that victims and witnesses run.

In addition, ‘The Convention’ also provides that child victims shall be afforded special protection measures, taking into account the best interest of the child.

‘The Convention’ also requires Parties to adapt their judicial procedure so as to protect victims’ privacy and ensure their safety, including special protection measures for child victims.

Some provisions on special treatment and protection of witnesses in criminal proceedings also includes:

- Confidentiality of personal data

- Avoiding confrontation with the defendants
- Use of an aid
- Testimony through audio-visual means
- Use of witness of victim statements recorded during the investigation, instead of testimony
- Exclusion of the public from the trial.

Hungarian authorities are encouraged to make full use of all existing provisions for the protection of witnesses and victims with a view of ensuring that victims are adequately protected from retaliation or intimidation before, during and after judicial proceedings.

CHARACTERISTICS AND TRENDS OF HUMAN TRAFFICKING (WITH EMPHASIS ON LABOUR EXPLOITATION) IN ITALY

Italy remains a country of destination for victims of THB, as well as of transit to other European destinations. According to data collected by the Observatory of anti-trafficking interventions (SIRIT database, Sistema Informatizzato di Raccolta Informazioni sulla Tratta²²) and the National Anti-trafficking Helpline (Numero Verde), the number of possible victims of THB increased in 2018-2019, but there was a downward trend during the COVID-19 pandemic.

The majority of the detected possible victims were female (some 80%), but the number of male and transgender victims has increased over the years. There is a growing number of women who are pregnant or with young children. The number of identified child victims is decreasing (3.4% of victims in 2021 compared to 12% in 2018).

Sexual exploitation remains the predominant purpose of exploitation of detected victims (84% in 2018, decreasing to 59% in 2022), **followed by labour exploitation (10% in 2018, increasing to 38% in 2022)**. Forced begging, domestic servitude, forced marriage and forced criminality account each for 1 to 2% of the victims.

The government identified 576 victims in 2022, an increase compared with 493 in 2021 and 536 in 2020. Of the 576 victims identified, traffickers exploited 313 in sex trafficking and 232 in labour trafficking, including 214 in forced labour, seven in forced criminality, two in domestic servitude, and nine in forced begging.

The government also had an NRM specifically for labour trafficking and exploitation in agriculture, which included minimum standards, standard procedures, and available assistance for victims.

There have been presumed victims from 101 different nationalities. The main country of origin of victims remains Nigeria (68,4%), followed by Ivory Coast (3.5%), Pakistan (3%), Bangladesh (2.9%) and Morocco (2.2.%). There are only a few victims identified among Italian nationals (8 in 2019 and 3 in 2021), exploited within Italy.

²² <https://osservatoriointerventitratta.it/en/trafficking-observatory-project/>

According to the National Anti-Trafficking Helpline²³, it is estimated that there are some 15,000 to 20,000 persons at risk of THB in Italy, and therefore there is a significant gap between the above-mentioned figures of detected victims, and the real scale of the phenomenon of human trafficking in Italy.

Human traffickers exploit foreign and domestic victims in Italy. Sex traffickers increasingly use online platforms, such as social networks, mobile applications, and the dark web, to recruit and exploit victims and book apartment rentals to make their illicit operations difficult to track. Refugees, predominantly women and children, fleeing Russia's full-scale invasion of Ukraine are vulnerable to trafficking.

Traffickers sometimes exploit migrant women in sex trafficking in and around migration centres.

Traffickers exploit children in Italy through sex trafficking, forced criminality, forced begging, and forced labour in the agricultural sector, shops, bars, restaurants, and bakeries. Romani children are vulnerable to trafficking, including forced begging and child sex trafficking. "Lover boy" gangs recruit girls in Eastern Europe, especially Romania, via social media and exploit them in child sex trafficking in Italy. Traffickers frequently target unaccompanied children, who are especially vulnerable to trafficking. The government reported the number of unaccompanied seaborne children increased to 17,319 in 2023; a significant increase compared with 13,386 in 2022, 10,053 in 2021, and 4,631 in 2020. The government reported there were 20,926 unaccompanied children in Italy in 2022.

In Italy's current legal system, THB is expressly punished by the entry into force of Law of 11 August 2003, no. 228 which rewrote provisions of the Italian Criminal Code previously concerning slavery (Articles 600, 601 and 602). The circumstances that lead to an increase in the penalties in the event of the commission of these crimes were subsequently amended by Law 108/2010, which incorporated Art. 602 bis into the Criminal Code. The 2003 Law already provided for the establishment of a Fund for anti-trafficking measures (Art. 12) and a special assistance programme for victims of trafficking (Art. 13). Two additional Laws have improved the protection provided to trafficked persons: Law of 29 October 2016, no. 199 on the new crime of 'illegal recruitment' and Law of 7 April 2017, no. 47 (the so-called Zampa Law).

Vigorously investigate and prosecute trafficking crimes and seek adequate penalties for convicted traffickers, which should involve significant prison terms, and ensure labour trafficking is pursued as such rather than a labour code violation.

In its 2024 report, GRETA expressed concern authorities often categorized human trafficking as other crimes with a lower burden of proof – such as labour code violations, illicit labour recruitment and brokering, labour exploitation (*caporalato*), commercial sex, and facilitation of irregular migration – which weakened deterrence, as penalties for these crimes were lower than the penalties for trafficking.

²³ https://osservatoriointerventitratta.it/en/helpline-800-290-290/#pll_switcher

A National Action Plan (NAP) to combat labour exploitation and illegal recruitment in agriculture was adopted in February 2020 followed by a new National Action Plan against trafficking and serious exploitation of human beings for the years 2022-2025²⁴.

The inter-ministerial working group on labour exploitation, which focused on the agricultural sector and illicit labour brokers, continued to implement its previous three-year plan (2023-2025) to combat labour exploitation in agriculture.

Recommendations

Consistently enforce strong regulations and oversight of labour recruitment companies, including by enforcing the law prohibiting recruitment fees charged to migrant workers, and holding fraudulent labour recruiters criminally accountable.

Labour traffickers operate in agriculture, predominantly in southern Italy, construction, household labour, hospitality, and restaurants. Undocumented migrants and asylum-seekers living in the approximately 30 informal settlements across Italy are vulnerable to trafficking.

Italy has an estimated 1.5 million unregistered workers and 3.7 million undocumented workers in the informal market who are at risk for labour trafficking. Specifically for the agricultural sector, experts estimated that as many as 200,000 workers in 2021, particularly seasonal workers, are at risk for forced labour and exploitation in Italy.

Labour inspectors did not have the authority to formally identify trafficking victims but could refer them to police and NGOs; in 2022, cooperating labour inspectors and police reported identifying 24 potential trafficking victims. With few exceptions, labour inspectors were not authorized to inspect private households without the homeowner's consent, thereby limiting their detection of domestic servitude. Labour inspectors collaborated with international organizations to strengthen inspection and outreach efforts through the use of cultural mediators and local multidisciplinary task forces. The government maintained a labour exploitation working group at the national level and local task forces in various regions to address labour exploitation, including labour trafficking. Experts estimated that as many as 200,000 agricultural workers, especially seasonal workers, and 500,000 undocumented migrants were at risk of labour trafficking and exploitation in Italy. There were several documented cases of exploitation among the more than 170,000 Ukrainian refugees in Italy; in April 2022, police arrested a suspect for illegal cigarette production, involving the labour exploitation of several Ukrainian refugees. In its 2024 report, GRETA encouraged the government to strengthen the oversight of domestic work and highly vulnerable sectors, such as agriculture, enforce relevant laws, and ensure labour inspectors had sufficient resources.

Fraudulent labour recruitment and passport retention remained concerns. Although illegal, employers or labour recruiters sometimes charged a placement fee to employees, which increased their risk of trafficking. EU workers not considered "highly qualified," non-EU workers, and asylum-

²⁴ National Anti-Trafficking Plan (NAP) 2022- 2025, Adopted by the Council of Ministers at its meeting on 19 October 2022. https://www.pariopportunita.gov.it/media/2428/piano-anti-tratta-2022-2025_eng.pdf

seekers were able to change employers without prior government permission, which may have decreased their vulnerability to trafficking. The government had a licensing and accreditation system for labour brokers and labour recruitment agencies. However, there was a lack of regulation – including a licensing or accreditation system – and oversight on massage parlors, which remained likely locations for sex trafficking. In its 2024 report, GRETA noted there were no reported cases of the government holding an agency or company accountable for trafficking or exploitation. In 2022, the government continued efforts to hold individual labour recruiters accountable for illicit labour brokering by arresting 74 suspects (48 in 2021 and 67 in 2020), prosecuting 591 suspects (523 in 2021 and 271 in 2020), and convicting 171 criminals (163 in 2021 and 109 in 2020). Illicit labour brokering did not meet the threshold for labour trafficking; however, law enforcement efforts in this sector helped prevent and reduce the demand for forced labour. In its 2019 and 2024 reports, GRETA recommended the government intensify efforts to screen for trafficking victims more effectively through increased labour inspections, expanded training of inspectors, and in strengthening the monitoring of recruitment and temporary agencies including in agriculture, domestic labour, hospitality, and food service. The law required businesses to submit reports on their actions to minimize the risk of forced labour and prohibited the purchase of products made with forced labour. The Department of Equal Opportunities (DEO²⁵) continued to operate its 24-hour national hotline for victims of human trafficking, available in 12 languages, through a contract with the Veneto regional government; the government provided €500,000 (\$552,486) in funding for the hotline until June 2024. In 2023, 140 calls to the hotline led to the identification of a trafficking victim (6 percent of total victims identified) and 67 victims identified through the hotline subsequently received assistance through the Single Program. The Ministry of Labour maintained a digital platform to provide legal counselling and access to local services to victims of labour exploitation. The government had a help desk dedicated to victims of labour exploitation, including trafficking; the help desk included a hotline, social media accounts, a website, and a chat function.

Victims of trafficking are informed of their rights mainly by specialised anti-trafficking organisations to whom they are referred by territorial commissions for international protection, law enforcement agencies or the national anti-trafficking helpline. Italian authorities should take additional measures to ensure that victims of human trafficking are given information on their rights in a proactive manner, and in a language they understand, as soon as they come into contact with a competent authority.

Legal assistance to victims of trafficking is mainly provided by specialised anti-trafficking organisations running assistance projects. Access to free legal aid is means tested and foreign victims are obliged to prove not only the income received in Italy, but also in their countries of origin, which is often extremely difficult.

²⁵ Dipartimento per le pari opportunità, DEO, <https://www.pariopportunita.gov.it/it/>

GRETA calls on the Italian authorities to ensure that access to free legal aid does not depend on proof of lack of financial means or the residence status of the victim, as well as to secure sufficient funding for the provision of legal assistance and free legal aid.

Even if compensation is granted by courts to victims participating as a civil party in criminal proceedings, it can take several years before the final decision. The payment of the awarded compensation is made impossible by the lack of assets or property of the perpetrators in Italy and international cooperation mechanisms are rarely used to identify and seized perpetrator's assets abroad.

There has been a decrease in the number of investigations, prosecutions and convictions for human trafficking.

Italy has taken measures to prevent and combat trafficking for the purpose of labour exploitation, such as the adoption of guidelines on the identification, protection and assistance to victims of labour exploitation in agriculture. Efforts have also been made to develop a multi-agency approach to labour inspections, with the involvement of cultural mediators and specialised NGOs.

Assistance to victims of THB continues to be provided under the **“Single Programme for the detection, assistance and social integration of victims of trafficking and exploitation”**²⁶ which was introduced by the Decree of the President of the Council of Ministers of 16 May 2016.

Right to Information

In Italy, pursuant to Article 90bis of the Code of Criminal Procedure (CCP), victims of crime must receive information on their rights and the relevant procedures, in a language they understand, from their first contact with the competent authorities. This information should cover, inter alia, how to file a report or a complaint about criminal offences, the right to be informed of the criminal proceedings and join them as a civil party, the right to legal assistance and free legal aid, the right to interpretation and translation, the possibility to have protection measures applied, the right to request compensation for damages caused by the offence, and the right to access health care and assistance services for victims of crime.

In practice, presumed and identified victims of THB are informed of their rights mainly by specialised anti-trafficking organisations implementing projects for the assistance of victims as part of the ‘Single Programme’.

The National Anti-Trafficking Helpline (Numero Verde) provides information on victims' rights and operates a website. A brochure with information on the helpline is available in a range of languages. In the southern regions of Italy, an inter-institutional helpdesk has been established for victims of labour exploitation providing information in a range of languages through a dedicated website and a toll-free number.

²⁶ <https://www.pariopportunita.gov.it/media/2wjn405x/national-referral-mechanism-2023.pdf>

Victims have the right to an interpreter and translator in criminal proceedings, in accordance to the CCP. This right is available from the stage of filing a complaint. The appointment of an interpreter is made by the competent authority from a register of qualified interpreters and translators. Interpretation may also be provided through communication technologies.

However, there are concerns regarding the insufficient number of qualified interpreters in certain languages and dialects from African countries, as well as the lack of sensitisation of interpreters to the situation of victims of trafficking or persons in a vulnerable situation. Over the years, Italy has developed the use of cultural mediators for facilitating the communication between the growing migrant population and public service providers.

GRETA considers that the Italian authorities should take additional measures to ensure that presumed and identified victims of human trafficking are given information on their rights in a proactive manner, as soon as they come into contact with a competent authority.

The information should take into account the victim's age, maturity, intellectual and emotional capacity, literacy and any mental, physical or other disability which may affect the ability to understand. The information should be provided irrespective of the victim's capacity or willingness to co-operate in the criminal proceedings and cover the right to a recovery and reflection period, the services and assistance measures available, the state compensation procedure and other relevant civil and administrative remedies and procedures.

- Developing a document with information on the rights of victims of THB and how to access them, which is available in a range of languages and is provided to presumed victims upon their first contact with competent authorities.
- Ensure that all victims of trafficking who are not fluent in Italian are assisted during interviews with law enforcement authorities and hearings in court by qualified interpreters, and sensitise the latter to the issue of human trafficking.
- Sensitizing cultural mediators to THB and the rights of victims of human trafficking.

Legal Assistance and free legal aid

As court and administrative procedure is often very complex, legal assistance is necessary for victims to be able to claim their rights.

Highlighting the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with authorities.

Foreign victims are obliged to prove not only the income received in Italy, but also their country of origin, which is often extremely difficult and sometimes impossible. The possibility to be exempted from proving the income limit is authorised on a case-by-case basis. This income level criterion does not apply for child victims of trafficking.

Free legal aid can be provided to victims in criminal proceedings irrespective of their residence status, but not in civil and administrative proceedings. This may be problematic as victims of trafficking can wait for several months before being granted a residence permit (see paragraph 277), and may have to go to civil courts to obtain a decision on the amount of compensation from perpetrators.

Italian authorities are recommended to take further steps to guarantee effective access to legal assistance and free legal aid for victims of trafficking, including:

- Ensuring that victims have access to legal assistance as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not he/she wants to co-operate with the authorities and/or make an official statement.
- Making sure that access to free legal aid for victims of THB does not depend on proof of lack of financial means to pay for a lawyer and/or their residence status.
- Securing sufficient funding for the provision of legal assistance and free legal aid to victims of trafficking, including when provided by ex officio lawyers or NGOs' lawyers.
- Encouraging Bar Associations to offer specialised training to lawyers assisting and representing victims of trafficking.

Psychological Assistance

In Italy, **access to psychological assistance is mainly provided through specialised NGOs implementing anti-trafficking projects**. Pursuant to the Decree on the Single programme, the provision of psychological assistance must be a component of these projects. It is available irrespective of the victim's residence status or co-operation with the authorities. In case a victim does not speak Italian, a cultural mediator can be used to facilitate communication between the psychologist and the victim.

Victims can also be referred to the public health system (Servizio Sanitario Nazionale, SSN). However, professionals of the SSN are often now equipped to assist victims of trafficking in severe trauma, and lack of cultural mediators trained to participate in the provision of psychological assistance. Some training has been organised for professionals of the SSN, but it focuses on victims of gender-based violence.

All asylum applicants should be promptly referred to the Reception and Integration System (Sistema di accoglienza e integrazione, SAI)²⁷, where they have access to medical and psycho-social support, linguistic/cultural mediation, legal assistance and, in the case of sexual exploitation, anti-violence operators.

Access to work, vocational training and education

²⁷ [https://www.cinformi.it/Progetti/Accoglienza-ordinaria-SAI/Il-sistema-di-accoglienza-nazionale-SAI/\(language\)/eng-GB](https://www.cinformi.it/Progetti/Accoglienza-ordinaria-SAI/Il-sistema-di-accoglienza-nazionale-SAI/(language)/eng-GB)

In Italy, one of the purposes of the Single Programme is to ensure social and work inclusion of victims of trafficking. Victims can be assisted by entities of the anti-trafficking projects in their search for job, vocational training and education. Victims who are asylum seekers or beneficiaries of international protection can also access social and labour inclusion projects available for these categories of people.

Both the National Action Plan on trafficking and severe exploitation of human beings 2022-2025 and the Plan to combat labour exploitation and illegal recruitment in the agriculture include measures towards the social inclusion of victims. For instance, the NAP envisages the establishment of job placement for trafficked persons using funding from the European Social Fund, and the establishment of an inter-regional job search network to promote the mobility of trafficking victims with the involvement of public job centres.

The Ministry of Labour foresees the introduction of specific integration pathways for victims of trafficking and severe exploitation which will include job orientation and other support measures.

However, the number of victims of trafficking assisted in accessing work or vocational training is still relatively low.

The social inclusion of victims of trafficking is undermined by significant difficulties in obtaining a residence permit authorising them to work. Most victims are assisted by specialised NGOs in finding activities that do not require a resident permit, such as vocational training or Italian language classes.

Victims with very young children cannot access kindergarten free of charge without a residence permit and their participation in vocational training or job search activities is not possible unless the kindergarten is paid for by an NGO.

Another consideration to keep in mind is victims of THB not having bank account, resulting in employers being unable to pay them salaries and former victims being in a vulnerable position to new exploitation.

Italian authorities should strengthen effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state-supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking.

Italian authorities are also encouraged to extend the right to work to victims of THB awaiting a residence permit.

Compensation

Victims can also authorise NGOs whose purpose is to protect the interests harmed by the criminal offence to act as a civil party on their behalf.

Italian authorities are encouraged to make efforts to guarantee effective access to compensation for victims of trafficking, by:

- Informing victims, in a language they can understand, of the right to compensation and the procedures to be followed, building the capacity of legal practitioners to support victims to claim compensation and including victim compensation in the training programmes for law enforcement officials, prosecutors and judges
- Making full use of the existing legal provisions and mechanisms of international co-operation to identify and seize perpetrators' assets with a view to securing compensation for victims of THB.
- Ensuring that victims can obtain a decision on compensation from the offender as part of the criminal proceedings within a reasonable time.
- Making the state compensation scheme effectively accessible to victims of trafficking and reviewing the maximum amount of 1,500 Euros of compensation paid by the state in order to ensure that it corresponds to the actual harm suffered by victims

Protection of Victims and Witnesses

To avoid secondary victimisation, victims of trafficking are included in the list of victims who can be interrogated through the “special evidence pre-trial hearing. It allows to obtain the victim’s testimony during the investigation or the pre-trial phase, in the presence of the defendant’s lawyer, and prevents the victim from having to testify again during the trial. The victim’s testimony can be obtained through the use of audio-visual means and the victim does not have to be present in court.

The period in which protection measures have to be provided depends on the threats to the persons concerned.

Following the identification of a victim, a preventive risk assessment should be conducted by competent personnel to assess the risks and needs of the victim and determine the next steps necessary to ensure the victim’s safety

During the investigation and pre-trial phase, other protection measures exist for victims of trafficking if they are in a “particularly vulnerable situation”, in particular the obligation to audio-record the testimony before the police or the prosecution, and to be assisted by an expert psychologist. Concerning the trial phase, it is possible to conduct the trial in camera and child victims and victims of trafficking suffering from mental illness must be heard through one-way mirror.

The main criterion for granting protection measures is that the witness or his/her close relatives are under serious threat due to their testimony. However, according to the Italian authorities, these programmes have never been used in the case of victims of trafficking.

THE CHARACTERISTICS, TRENDS OF LABOUR TRAFFICKING IN AREAS AFFECTED BY ORGANIZED CRIME (GANGMASTER SYSTEM) – OKRI

There have been several recent cases of “urban caporalato” or “digital caporalato”. In general that is frequent:

- a. Among workers in a vulnerable position (migrant, does not speak the language, is in economic need),
- b. In labour-intensive sectors where no particular skills are required.

The distinctive feature with respect to the general case is that there is often an organization that illicitly deals with the recruitment, transportation and organization of workers’ lives.

An individual or business that provides workers for **agricultural** work is called a ‘gangmaster’.

According to the UK practice²⁸, Gangmasters must be licensed if they provide workers for:

- agriculture
- horticulture
- dairy farming
- food and drink processing or packaging
- forestry
- gathering shellfish (anybody who uses supplied workers to gather shellfish also needs to be licensed).

The master gang system is a national phenomenon that affects all Italian regions and creates close links between businesses, migrant networks and criminal organisations.

According to Giampaolo and Ianni²⁹, the term “Caporalato” (i.e. **master gang system**) is referred to the illicit system of brokering and exploiting labour by illegal intermediaries (named “caporali”) who recruit the labour force. A crucial feature of the master gang system is the monopoly of the transportation system, which forces workers to pay money to a private informal system of transportation to commute to and from the workplace. The system is mainly widespread when the **worker’s accommodation** (sometimes remote slums) is **far** from the workplace .

According to ILO, **migrants** are the most vulnerable to victimisation by the gangmaster system.

In Italy, corporate exploitation of workers is reported in various sectors: besides agriculture, that is still the most “typical” case of caporalato, recently some cases of exploitation have recently been uncovered in:

- a. Logistics, where big companies employed workers through smaller companies that acted as (legal) intermediaries
- b. Fashion, with high-end brands subcontracting the production to opaque firms where rights and safety of workers was largely lacking.

²⁸ <https://www.gla.gov.uk/who-we-are/legislation/>

²⁹ Giampaolo and Ianni, The Master Gang System In Italy, 2020. p. 5.

The novelty in these cases consist in the fact that there is often one big company which outsources some activities to smaller companies that exploit workers in order to cut costs and be more competitive. The main contractor is generally not directly involved in the exploitation but it's at fault when it does not check the behavior of its subcontractors, see: the case of Giorgio Armani Operations, Amazon Italia Transport, Dior and DHL.³⁰

These cases show that caporalato is not only a phenomenon that affects rural areas and territories in which the presence of organized crime is pervasive.

The spread of globalization and the concentration of power in the international market structure are affecting, among other things, the agricultural sector. The low prices imposed by the large-scale distribution are often a cause of workers exploitation. Among the risk factors related to labour exploitation in the **agricultural sector** the main ones are:

- a. the massive use of labour force for short periods and in isolated locations, which often lead to the creation of informal settlements;
- b. the inadequate conditions of both transportation and accommodation services;
- c. the precarious or irregular legal status of several migrant workers.³¹

The master gang system has **some unwritten rules** which help better understand the scale of this phenomenon. The share of income deducted by corporals from the workers' salaries is around 50% of the remuneration set by National and Provincial sectorial contracts. The daily salary earned by these workers is around 25-30 euros for 10 to 14 working hours. Corporals, in addition, impose daily taxes to "their" workers for transportation and meals. In order to contrast the system of Caporalato, Italy approved the Law 199/2016 which provides for some important measures to face the spread of the phenomenon:

- a. financial penalties for the employer in case he hires labour force in exploitative conditions, also through intermediaries, taking advantage of their state of need;
- b. confiscation of properties for companies which are involved in such criminal activity,
- c. arrest in flagrante delicto.

In addition, Law 199/2016 introduces the monitoring of the agricultural labour market trends, the promotion of active policies for contrasting the so called "black labour", the setting up of efficient forms of transportation, among others.³²

The gangmaster phenomenon also affects workers who are hosted in the **reception centres**. Living in a reception centre means waiting a very long time for documents to be issued and specific rules to comply with that may prevent from getting a quick job – quick because it is irregular. Even the system has changed: the mastergang – once Italian – has been replaced by migrants who became

³⁰ <https://www.dailysabah.com/business/economy/italy-watchdog-probes-armani-dior-over-alleged-labor-exploitation>

³¹ Giampaolo – Ianni, p. 5.

³² Giampaolo – Ianni, p. 5.

corporals and linked to local mafia – especially those with long experience in the sector and who have established trusty relationships with the owner of the enterprise.³³

Between 400 000 and 430 000 farm workers are at risk of irregular work in Italy to the work carried out by group leaders, of whom more than 132 000 are in a serious social situation are in a vulnerable position and suffer severe employment hardship.³⁴

The triennial plan to contrast working exploitation in agriculture and the master gang system 2020-2022³⁵ led by the Ministry of Labour and Social policies of Italy.

The plan identifies priority areas to prevent and contrast job exploitation:

- a. inspection and surveillance activities,
- b. quality assurance of productive food supply chain,
- c. intermediation and job services,
- d. strengthening job quality networks in the agricultural sector,
- e. transportation,
- f. housing and temporary accommodation solutions.

To guarantee the quality of the food supply chain, it is necessary to implement:

- a. preventing unfair market practices;
- b. transparency of the agricultural labour market and simplification of administrative procedures;
- c. promoting traceability and product certification, and supporting the association of producers, including cooperatives.

It is important to raise awareness and strength the knowledge on labour rights in relation to the protection of workers' rights, with trade unions being the main actors.³⁶

ASSISTING/SUPPORTING VICTIMS OF TRAFFICKING – VSE

An interview (especially with a victim of THB under 18 years old) needs a structure, with different phases and preparation. These are the main point of it, take into account the difference between adults and under-18s, the specificities of age, the level of understanding must be taken into account individually in each case and adapted to them:

1 Pre-interview planning and preparation³⁷

³³ Giampaolo – Ianni, p. 6.

³⁴ Fourth Report On Agro-Mafias And Gangmasters, <https://www.fondazionemetes.it/the-4th-report-agromafias-and-gangmasters/>

³⁵ Piano triennale di contrasto allo sfruttamento lavorativo e al caporalato 2020-2022. <https://www.lavoro.gov.it/priorita/Documents/Piano-Triennale-contrasto-a-sfruttamento-lavorativo-in-agricoltura-e-al-caporalato-2020-2022.pdf>

³⁶ Giampaolo – Ianni p. 9.

³⁷ Julia Korkman: HANDBOOK FOR FORENSIC CHILD INTERVIEWS IN PRESUMED CASES OF TRAFFICKIN GAPRIL 16, 2024 and Baugerud, G.A., Johnson, M.S. (2017). The NICHD Protocol: Guide to Follow Recommended Investigative Interview

The investigative interview should commence with the **planning** and **preparation** of the interview, in which the interviewers inform themselves about:

- The background of the victim
- The background information related to the alleged offence(s)
- If possible, the victim's knowledge about the investigation
- The victim's possible need for interpretation, including the dialect spoken by the victim using interpreter.

2 Introductory phase: Create rapport & familiarize the child with the interview situation

3 Practice interview (Episodic memory training)

4 Ground rules (child friendly and in accordance with legislation)

5 Substantive phase

Themes to focus on:

- Control / freedom
- Friends, social life outside the home, means of contacting social contacts
- The use of phone, social media (access / other persons' access)
- Bank cards, the use of money
- Salaries, payments
- Daily routines³⁸
- Circumstances of living (room of one's own, sanitary, food)
- Relationships (to the suspect, friends, family)
- Persons the child can trust – how can the child contact them?³⁹
- Persons who the child can talk to?

Prepare: If the child does not want to talk about the subject matter

6 Closure

GOOD PRACTISES ON HOW TO ENGAGE WITH AND SUPPORT VICTIMS OF TRAFFICKING⁴⁰

Basic Principles

- A commitment to curtail human trafficking and to protect the rights of those who have become victims of trafficking, and to act to achieve respect for and protection of the human dignity and well-being of victims.
- The protection, safety and the respect of human rights of actual and potential trafficking victims are the guiding principles to be followed at all times.

Practices at the Barnahus. In: Johansson, S., Stefansen, K., Bakketeig, E., Kaldal, A. (eds) Collaborating Against Child Abuse. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-319-58388-4_6

³⁸ These topics can be difficult and complicated for a child, so they should be asked about them with due care, asking them about these in an age-appropriate way.

³⁹ It is important to the child having a "person of contact" or a "trusted person" as soon as possible. This person will often be a children-specialised social worker or mental health worker.

⁴⁰ IOM (International Organization for Migration) Handbook on Assisting Victims of Trafficking (2007)

- All services to trafficking victims are provided on the basis of the informed consent of a victim and, concerning support under the Assisted Voluntary Return programme, such assistance shall only be extended to victims who have freely chosen to return home.
- In providing assistance to children who have become victims of trafficking, organizations should always act in accordance with the best interests of the child

Key Guidelines

- **Do no harm.** To do no harm is the first principle of most medical ethical guidance. Given the extreme risks associated with trafficking, the fragile state of many of its victims, and the potential for increased trauma, the significance of this basic rule cannot be overstated. It is the ethical responsibility of every organization providing assistance to victims of trafficking to assess the potential for harm of any proposed action and, if there is any reason to believe that carrying out an interview or conducting an examination or procedure will cause the individual to be worse off than before, it should not be undertaken at that time.
- **Individualized treatment and care.** While acknowledging that trafficking victims share some common experiences and circumstances, organizations should recognize and respect the individuality of victims and, to the extent possible, provide personalized care and assistance. Throughout the assistance process, staff should strive to provide the most appropriate protection, assistance and support appropriate to the needs and circumstances of the individual victim.
- **Continuing and comprehensive care.** The range of services outlined in Chapters 3 and 4 of this Handbook are designed to offer a holistic approach to aid the recovery of trafficking victims, thereby offering a comprehensive continuum of care in accordance with the physical, psychological and social state of the victims.
- **Victim interviews and informed consent.** Throughout the assistance process, from initial contact and screening up to the final social reintegration, there are numerous instances where trafficking victims are interviewed in relation to a broad range of issues, such as initial screening interview, case history interview, assistance interviews, a range of health interviews and other procedures. Moreover, during many of these encounters, the victim will be required to make decisions and to provide written consent to a number of actions or procedures.
- **Self-determination and participation.** Recognize the right and need of victims to make their own choices and decisions, and encourage them to participate in decision-making as much as possible. By working in collaboration with victims, staff should aim to restore the autonomy of victims and to enable them to take decisions and actions affecting them. Such collaboration will help them to regain control over decisions affecting their lives and increase their confidence to determine the next courses of action.
- **Non-discrimination.** Staff must provide the best possible assistance to victims of trafficking without discrimination, for example, on the basis of gender, age, disability, colour, social class, race, religion, language, political beliefs or status.

- **Confidentiality and right to privacy.** Confidential trafficking data should not be disclosed without the victim's prior knowledge and informed written consent.

Security and Personal Safety

- Trafficking in human beings is often controlled by international organized criminal networks and the potential level of risk to which victims of trafficking and service delivery personnel who interact with trafficking victims are exposed must, therefore, be considered as significant.
- Without overstating the degree of risk, the key to managing such situations lies in the careful assessment of the security risk involved in each case, and the constant adherence to basic best practice security procedures.
- Total security cannot be guaranteed in any situation and, while in many cases no risk to service delivery personnel will be involved, it is a fundamental principle of best security practice to consider each case from the outset as a potential security risk, and for security risk and risk management to be assessed according to the known circumstances of each case.

Security Issues and Risk Assessment

The capacity of the traffickers to retaliate against victims who have managed to escape and/or have testified against them is well documented.

There have always been risks to the victims of trafficking and, though less so, to those who assist them. That risk may be expected to increase as service delivery organizations help more victims to escape from their exploiters and more victims testify against their traffickers.

The duty of care to victims and staff incumbent on service delivery organizations is to ensure that the risks are properly identified and assessed at every stage of the assistance process and that, within realistic and reasonable means, appropriate security measures are taken to ensure that the risks are effectively managed.

The first step in confronting this threat is to properly identify and assess the level of risk. Effective risk assessment involves a generic risk assessment conducted in the country, continuous review of the risk assessment, and specific assessment of risk in response to specific events.

Depending on the circumstances in each country and each case, other risks and risk indicators may be present which should be assessed by local staff according to their best knowledge of local circumstances and expertise. Where there is strong cooperation between the service delivery organisation and the relevant local or national law enforcement authorities, the process of risk assessment should be conducted in close consultation with them.

Generic Risk Assessment Indicators

- The extent and impact of trafficking in the country.
- Is the country concerned one of origin, of transit or of destination, or any combination thereof?

- How many trafficking victims may be expected to seek the service delivery organisation assistance?
- The extent to which trafficking is controlled by organized criminal groups.
- Their known or estimated capacity to plan and implement reprisals against the victims and/or service delivery organisation staff.
- The capacity of the local law enforcement agencies.
- The extent of endemic corruption and how it adds to the level of risk.
- The level of governmental commitment and support to combat trafficking in human beings (THB).

Continuous Review of Risk Assessment

It is of critical importance to conduct an ongoing process of assessing generic risk. It is not enough to conduct an assessment once as it will only constitute an effective security measure if it is regularly reviewed and updated. The intervals will vary depending on the prevailing circumstances:

- Conducting risk assessment and having in place a risk management plan is the responsibility of every service delivery organisation
- The risk assessment should be reviewed on a monthly basis, at the least. Depending on the circumstances of a case, risk assessments may have to be reviewed on a weekly basis during the periods of high risk.

The following list is an example of a range of specific events that should be subject of specific risk assessment:

- All escaped victims are at risk of reprisals from traffickers, irrespective of whether or not they have cooperated with law enforcement agencies.
- These risks are immediately magnified in those cases in which the victims cooperate with law enforcement agencies because the victims then pose a much higher risk to the liberty of the traffickers.
- In any case in which it is established that the traffickers have already become aware that a victim has or intends to cooperate with law enforcement officials, the risk levels increase and become more immediate.

Examples of specific risk events:

- The point at which a victim is first referred to the service delivery organisation for assistance, especially if it can be foreseen that the assistance package will include admission to a shelter and or cooperation with law enforcement agencies.
- Any assisted movement of victims in cases where they have already provided evidence to a law enforcement agency and where there is any reason to believe that the traffickers are aware of this fact.
- In relation to victims being cared for in shelters – any planned movements outside of the shelter to attend hospitals, clinics, or other welfare or social assistance appointments.

- In relation to any victim in the service delivery organisation's care who is cooperating with law enforcement – any movement to keep appointments in relation to that cooperation, such as attendance at premises to make statements, or attend identification parades or police medical examinations.
- Attendance at court buildings, especially any planned attendance to provide testimony at the trial of the traffickers – especially as the traffickers will be aware of it because they will have been informed as part of their rights as accused persons.
- Any movements of a victim or member of staff related to transferring the victim from one country to another to enable that victim to testify against traffickers are likely to be able to predict the timing and route of the transfer, either in the origin or destination country, or both.
- Any incident that can be interpreted as attempted intimidation of a victim or member of staff – such as anonymous and threatening phone calls, or repeated calls where the caller hangs up without speaking, the repeated and prolonged appearance outside of shelters of unknown persons or vehicles or the overt following at a distance of a victim or member of staff.

Risk Management Plans and Documentation

Each risk assessment, be it generic, review or specific, must be accompanied by a risk management plan designed to address the areas of risk identified during the assessment process:

- The initial generic review should be accompanied by a risk management plan specifying the minimum level of security standards and the appropriate procedures to ensure that the risk of reduced to a minimum and effectively managed.
- As a risk assessment review is carried out as part of the continuity plan, a new risk management plan will only be necessary if the risk has increased or new risks have been identified.
- Whenever an immediate review was conducted in response to a specific threat or event, it must be accompanied by an updated risk management plan designed to address the new risk.

Handling and Security of Confidential Personal and Trafficking Data

It is of critical importance to handle confidential data concerning the victim, the trafficking process and the service delivery organization staff with all due regard to security considerations and rules.

- Service delivery organizations should ensure that trafficking victims are fully informed as to the purpose of the collection of data about them and the uses to which it will be put, as well as to their own rights to access the data.
- Service delivery organizations should ensure that no personal data of victims of trafficking be released unless the victim gives written and fully informed consent authorizing the release of personal data for specific purposes and uses.
- In view of the increased risk posed by organized criminal activities to trafficking victims and support staff, the service delivery organization must at all times use all due diligence in the management and disposal of confidential personal data.

Handling and Disposal of Confidential Personal and Trafficking Data:

In view of the sensitive nature of the work involved, it is most important that best practices are observed regarding personal data and information of service delivery organization staff in addition to that directly concerning the trafficking victim, and that such data be kept confidential.

- The key principle governing the handling of confidential as well as more general data concerning victims and trafficking is the “need to know”. Service delivery organization staff should follow this rule in all cases and disclose data internally and externally only to such persons whose need and right to receive such information is acknowledged.
- Within each service delivery organization, the need to know should also apply between functions within the organization – no confidential data should be disseminated outside of the counter-trafficking section and the security handling principles should be as diligently applied within the service delivery organization as without.
- In particular, a trafficking victim’s confidential personal data should not be disclosed by service delivery organizations to anybody without the prior written and informed consent of the victim concerned.
- Even where a victim has consented in writing to the disclosure of confidential personal and/or confidential trafficking data, service delivery organization staff members are still bound to assess the contents of the data to ensure that disclosure does not increase the risk to the victim or member of their family, any other victim or member of the service delivery organization staff. If that is a possibility, the service delivery organization should reserve the right to withhold the data in the interest of the victim or other party that may have been identified as being put at risk if the information is disclosed.

Best Safety Practice – Service Delivery Organization Staff

All members of staff engaged with direct contact with trafficking victims should bear in mind that proven cases of infiltration of victim assistance programmes have already been identified and staff should always remain alert to the risk.

Best Practise – Initial Victim Contact

- Obtain full particulars and details of how to contact the victim, establish a contact system with the victim, giving them relevant phone numbers for contacting your organization, but not disclosing your street address or location.
- If the victim cooperates, obtain telephone number and ring back immediately to confirm and discuss the situation.
- Record the time of the call and note any telephone number given by the caller.
- Be aware while on the phone of who may be within earshot.

⇒ *Victim Contact via a different service delivery organisation:*

- Ascertain all the particulars of the victim and the case history.
- Speak with the victim and make appointment for an interview.

- Give the victim only the contact numbers as set out above.
- Ensure that the organisation's staff members do not disclose any details other than those indicated above.

Best Practice – Victim Interviews

Service delivery organisation personnel may be required to deal with trafficking victims at the office or at the other locations, such as police stations, detention centres, and the offices of lawyers or of other partners.

⇒ *Interviews held at your service delivery organisation offices:*

- Where safety constraints allow, it is preferable to conduct interviews with trafficking victims away from the office to limit the number of persons who know the location of the office.
- Interviews should only be arranged and held by appointment.
- If contact has been made through a partner organization and the victim wishes to be accompanied by a member of its staff the identity of that person should be confirmed by the organization in question.
- Upon arrival at the office, the victim should be vetted at the door, either on the closed circuit television (CCTV) system or via the “spy hole” in the door.
- The interview should be conducted in **a private room** at the organization's offices, but at least one other staff member should be informed that a colleague is conducting an interview in order to be able to periodically verify the progress and good order.

As a basic security measure, interviews away from the service delivery organisation office should normally be conducted by two staff members. However, this may not always be possible, in which case the following guidance is recommended:

- If the victim sought the service delivery organization's assistance through another NGO, the interview could be arranged at the referring organization's premises.
- Where an interview can safely be held at the referring organization's premises, at least one staff member from the referring organization should be present for the duration of the interview.
- If the interview is to take place at a police station, detention centre or other government premises, at least one member of the staff of the premises should be in the building for as long as the interview is taking place. The member of staff of the other organization should not be allowed to be present during the interview itself unless the victim specifically requests it.

⇒ *Interviews at independent locations:*

- There is no such thing as complete security.
- Personal security can be enhanced by a combination of risk assessment and management, and taking responsibility for personal security.

- Even though it is possible to cause staff anxiety through overstating the level of risk, all personnel who are required to interact with trafficking victims should be fully informed of all the risks involved. All new members of staff should be provided with a detailed trafficking and security briefing upon taking up their post.
- For the sake of personal security, staff members dealing with trafficking victims should always remain aware of their immediate surroundings and situation, in particular when meetings take place at a neutral venue.
- Always be aware, when discussing cases of trafficking, of who may be within earshot.

Screening of Victims of Trafficking

The Victim

The third method is to consider the issue from the viewpoint of the victim and that has been inflicted on her or him.

In some cases of internal trafficking, it may be very difficult to distinguish trafficking from traditional or accepted practices and therefore difficult to identify the trafficker or the victim. In many cases, traditional practices are so normalized in society that the abuses and exploitation are not recognized. These practices should be reviewed from the perspective of the victim and in the framework of the UN Protocol. Each case should be separately analysed to determine if it constitutes trafficking.

Victims of Trafficking

Similarly, it cannot be affirmed with any degree of certainty whether more men or women fall victim to trafficking. What can probably be said is that worldwide more women and children become victims of trafficking, although this may not be true in particular regions and countries, where young men and boys are often trafficked into bonded labour or as child soldiers.

National and regional variations and characteristics underline the need for service delivery organisations to be aware of such differences when considering the pre-interview assessment indicators that constitute the first stage of the two-stage identification process.

The screening and identification process begins by considering the circumstances surrounding each case before asking the person concerned specific trafficking-related questions.

The following indicators should be considered:

Age: All available indicators point to growth in the trafficking of children and very young adults. Generally speaking, therefore, the older the individual, the less likely the case is to involve trafficking. Trafficking for forced labour will normally centre younger victims, as physical labour in slavery-like conditions demands younger and fitter individuals.

Sex: The role and importance of sex in trafficking for labour exploitation depends on the type of labour involved. If the labour exploitation consists of physically demanding work in mines, fields or fishing vessels, it is more likely to affect males than females. Conversely, if labour consists of

light agricultural work, sweatshop labour, or domestic slavery, it is more likely that victims will be female.

The scale of exploitation of either man, women or children of all ages for forced labour often occurs within a region and typically involves boys and men in physically demanding labour such as mining, fishing and harvesting, and girls and women in manufacturing sweatshops and domestic labour.

Nationality/Ethnicity: The supply chain of victims relies on the exploitation of a combination of factors including poverty, discrimination, and lack of opportunity. Although it cannot be excluded, it is far less likely that a victim of trafficking will originate from a wealthy industrialised country.

Documentation: In the regional context, the use of genuine or bogus documentation may also be less prevalent because the victims, particularly children, often do not possess any form of identity papers and are clandestinely transported across porous green borders. Again, however, this varies by country and region, depending on border control, as well as the ease or difficulty of getting falsified documents.

The use of documents is more prevalent in the case of intercontinental trafficking as this is more likely to involve the use of aeroplanes, trains or ferries, where the illegal entry will be an overt one requiring proof of identity and travel documents. Documents may be real, containing true information about the victim, or they may be falsified, using fake names or nationalities, and, not uncommonly, falsified birthdates to increase the age of minors. In such cases, the traffickers may give the passports or travel documents to the victim to pass through immigration or police control points and then collect them back again.

Last location: The referred victim's last exploitative location immediately prior to the referral to the service delivery organisation will always be an important indicator.

Context: The circumstances leading up to the referral will also serve as a key indicator, and the referring agency should be asked to provide as much information as possible concerning them. Cases that involve the identification and rescue of trafficking victims by other NGO partners will help to simplify the screening process.

Screening Interview

Special Considerations for Interviewing Minors:

- Only staff trained in the special needs and rights of children should question child victims. Wherever possible, child victims should be questioned by staff of the same sex.
- Find out as much as possible about the child's case prior to the interview and make clear and friendly introductions (talking about something the child is familiar with helps to establish a rapport).
- Create a space that is safe and comfortable for conversation (include toys, books, games, etc., to help build a rapport).
- Establish a rapport by talking about, or doing things that are not related to the trafficking experience (e.g., discuss things the child is familiar with, play games).

- Dedicate adequate time for discussions and do not rush.
- Keep the atmosphere simple and informal (e.g., do not assume an air of interrogation or press for responses).
- Use appropriate and child-friendly language (pick up terms the child uses).
- Explain things in a manner the child can easily comprehend (use visual aids wherever possible).
- Questions should be adapted in order to take into consideration the age and mental capacity of the child.
- Begin with open-ended questions, allowing the child to give her/his own account. Avoid leading questions, e.g., “Did the person abuse you?” and use more open questions, such as, “What did the person do?”
- Do not pursue and press for details when there are signs that the child has told all s/he knows. However, also bear in mind that children will leave information out if the right question is not asked, and will give the answer they believe the interviewer wants to hear.
- Interviews of minors should take place in the presence of a parent. In cases where this is not possible, due to a parent not being present or in case there is suspected or known family involvement in the trafficking, in the presence of a trained guardian, psychologist or social worker.

Close the interview in ways that reassures the child that s/he has done well, and that you will be available whenever s/he needs to talk again.

Victim Response and Treatment

Whether an individual has become a victim of traffickers, has been exploited or abused or is otherwise vulnerable, the individual must be treated with sensitivity and due respect for her or his human rights.

Screening interviews are likely to be a challenging task for the service delivery organization staff member who may be confronted with an individual who was able to survive and flee only by being very circumspect and suspicious of everybody and very careful with information.

It is not uncommon for trafficked persons to react to the interviewer in a traumatized, hostile, suspicious, aggressive or defensive manner, or a combination of these.

It may be very difficult in the initial interview to obtain enough information to determine conclusively if the person is in fact a victim of trafficking.

The person may not feel able to or willing to be interviewed and answer questions that relate to traumatic or painful events.

In addition to the often legitimate fear and anxiety over the possible consequences for themselves or their families, they may in fact suffer from mild to severe memory loss owing to the trauma suffered. Memory loss is particularly acute in the time around the ‘initial trauma’ or the period when the individual first became aware of the danger they were in – which, of course, is also the

period about which officials and other want to know more. However, pressing for the detail that the person either cannot or does not want to recall, or asking about events or periods that the person may have blocked out, may increase their anxiety and impede your ability to obtain information on other subjects.

Reluctance to reveal details:

Victims of trafficking have many legitimate reasons why they may be reluctant to discuss the details of their trafficking experience, especially during initial interviews. Service providers should be aware of these in order to be patient and non-judgmental in their approach to victims:

- **Fear of traffickers:** Victims may be afraid of the reprisals against them or their families.
- **Fear of law enforcement:** Victims may be fearful of getting arrested for breaking the law – For illegal entry into the state, working without a permit, or for engaging in unlawful activities related to their trafficking.
- **Loyalty to trafficker:** Victims may have personal relationships with those who trafficked them. The presence of such ties should not be presumed to be indicative that the person is not a victim or acting voluntarily.
- **Lack of trust:** During the course of being trafficked, victims have often had their trust in people severely violated. Self-preservation may make them very distrustful of others and suspicious of service providers.
- **Memory loss:** Due to trauma and other causes (Drugs, alcohol) victims may not be able to remember all of the details of what happened to them. They may try to make up details to fill in the blanks. Changes in the details of the victims' stories may be a result of memory loss and should not be interpreted that the victim is being intentionally uncooperative.

If a person shows acute signs of anxiety, the interview should be suspended or terminated until it is possible to continue.

It is important during the course of the interview to **monitor non-verbal forms of communication** such as signs of fear or anxiety or acute tiredness. Whenever there are reasons to believe that the person being interviewed is suffering from acute trauma, the assistance of a psychologist should be sought before proceeding further.

Everything should be done to put the individual at ease, such as providing comfortable furniture and surroundings in the interview room, and ensuring that the person's basic needs have been met – checking if they are hungry, thirsty, cold, or in need of a toilet.

The questions will have to be asked during the first meeting between a vulnerable and probably traumatized victim and the service delivery organization interviewer. How the interviewer conducts this initial interview will depend on the interviewer's assessment of the situation, considering among other things the person's condition and responsiveness. Obviously, the use of a questionnaire format is not likely to put the trafficking victim at ease and should therefore be best avoided wherever possible. The interviewer can decide which questions are relevant in relation to each particular case and adapt the interview accordingly.

Given the interview's importance in the screening process, it is essential that the person being interviewed actually **understands** what is being said. If there is any doubt as to the ability of the individual to understand the context and detail of the interview, an interpreter should be present to assist wherever possible

The interviewer should bear in mind that the indicators and questions set out in this section are first and foremost designed to assist with the screening process, and not necessarily to be applied strictly in each and every case. As far as possible, the style of the interview should be determined by the condition of the victim.

Ethical Principles in Caring for and Interviewing Trafficked Persons

Interview Checklist

Conditions:

- Where possible, ensure that the interview takes place in a closed private space where others cannot overhear or interrupt.
- The only persons allowed to be present should be the victim, the interviewer(s), an interpreter (where necessary) and a qualified support person (such as a child's guardian, legal or psychological counsellor) where appropriate.
- If there is any doubt as to the ability of the individual to understand the language of the interview, every possible effort must be made to secure the services of an interpreter.
- Mobile phones should be turned off.
- If a closed space is available, a "do not disturb" or similar sign should be placed on the door to prevent interruptions
- If no closed and private space is available, the interviewer should endeavour to find as private a place as possible where the interview cannot be overheard.
- Avoid adopting a judgmental or interrogative style of interviewing.
- Try to establish a rapport with the individual that makes her/him feel respected and that she/he is someone whose views should be believed.

Explaining the interview process:

- Give a brief explanation of the role of the organization in the provision of assistance to trafficked victims and of the purpose of the interview that is about to begin.
- Explain how the information provided will be used
- Explain to the individual that the interview may include questions concerning the history of what has happened to her or him and that some of the topics may be upsetting, painful to recall and may bring back difficult memories.
- Tell the individual that she or he can take time in answering the questions and may take a break at any time if necessary.
- Ensure that the victim understands that the interview is voluntary and that the person is not required to answer any questions. Explain that the more information that can be provided, however, the better the organization may be able to help. Explain any limitations

to the assistance the organization can provide (for example if assistance is only for trafficked persons, irregular migrants, children, etc.)

- Explain that if the organization is not able to provide direct assistance because the individual does not qualify, the organization will try to help and identify a qualified group or individual that can provide assistance.

PRACTICAL INSTRUCTIONS ON HOW TO USE THE PROTOTYPE INVERT SUITE (UCSC-TC)

Company-level risk indicators for labour exploitation

Factors related to the employer company

Risk factor	Description
Excessive outsourcing	Revenues/employees ratio significantly lower than sectoral average for prolonged periods of time
Low personnel costs	Personnel costs/total costs significantly lower than sectoral average
Previous criminal charges and negative news	Beneficial owners or directors associated with adverse media
Records of previous labour violations	Company sanctioned for labour violations in the past
Exposure to high-risk territories	Company located in an area where it is easier to recruit and employ workers under exploitative conditions
High risk economic sector	Company active in high-risk economic sectors in terms of labour exploitation (construction, agriculture, cleaning services, etc.)
Lack of quality control certifications	No quality controls certifications related to management or workplace safety

Factors related to main contractor and subcontracting companies

Risk factor	Description
High risk legal form	Subcontractors with legal forms recurrently involved in fraudulent behaviours
Recent incorporation and short lifespan	Company's overall timespan of activity excessively short to avoid scrutiny
Anomalous geographic concentration	Multiple companies at the same corporate address suggesting absence of real economic activity
Lack of real economic activity and high tax debts	High debts on income and social security contributions compared to sectoral average

Links with bankrupt companies	Prominent figures (beneficial owner, managers, directors) have links with bankrupt companies
Lack of shareholding information	Unavailability of beneficial ownership information suggesting fraudulent behaviour
Anomalous place of residence of prominent figures	Prominent figures within the company residing significantly far from headquarter

Victim-level risk indicators for labour exploitation

Factors related to victims' personal characteristics and appearance

Risk factor

- Status of irregular migrant or deportation order
- Physical injuries that appear to be the result of control measures
- Signs of psychological distress and abuse Lack of identification documents or availability of false documents
- Lack of familiarity with local language and laws
- Social and economic vulnerability in areas of origin

Factors related to employment conditions and other risk factors

Risk factor

- Lack of a valid employment contract
- Particularly extended working hours
- Disproportionately low wage conditions
- Exposure of the worker to poor safety and hygiene conditions Deprivation or limitation of the freedom of self-determination (of movement, of choice of housing, of communication, etc.)
- Debt-bondage and/or unavailability of earned money

Additional factors specific to exploitation of child labour

Risk factor

- Lack of access to schooling
- Lack of responsible caregivers
- Substance misuse
- Employment in family enterprises

Objective and outcomes

Objective: To design and develop the prototype INVERT suite of risk assessment tools for the identification of:

- Legal companies (i.e., places of abuse)
- Potential adult and child victims of labour exploitation
- Outcomes: Prototype of two integrated risk assessment tools for disrupting the exploitation stage of the criminal business model of labour trafficking.
- Tool 1 for the identification of legal companies involved in labour exploitation
- Tool 2 for the identification of potential adult and child victims

Preliminary activities

Operationalization of risk indicators

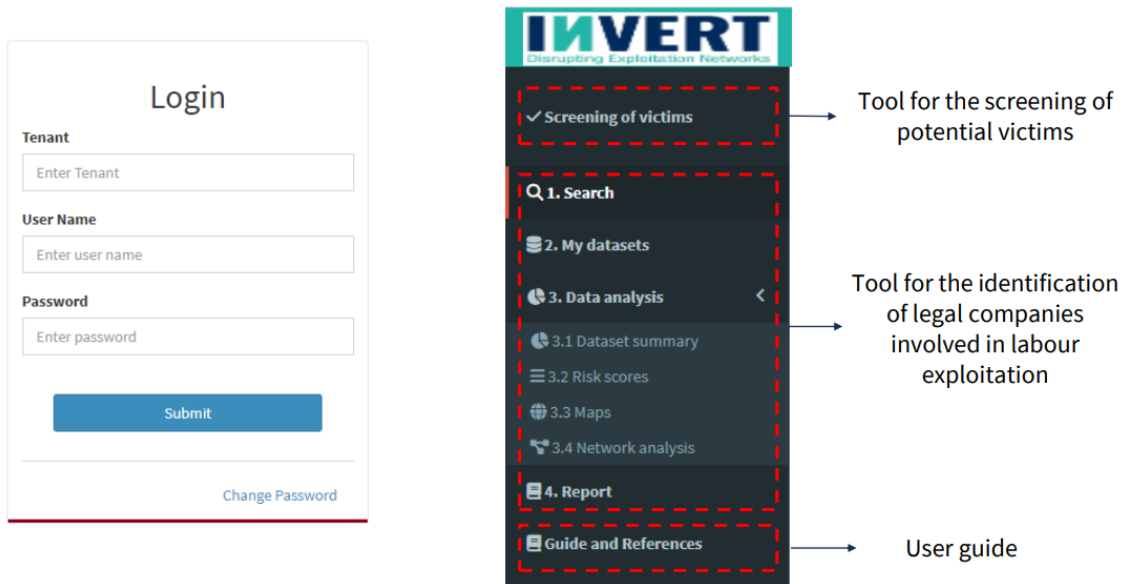
Turning concepts into measurable outputs

Identification of four use cases:

- a) To improve investigations in cases of trafficking for labour exploitation
- b) To improve investigations in cases of illicit intermediation for labour exploitation (caporalato system)
- c) Detection of companies involved in exploitation of labour
- d) Early detection of cases of exploitation of minors.

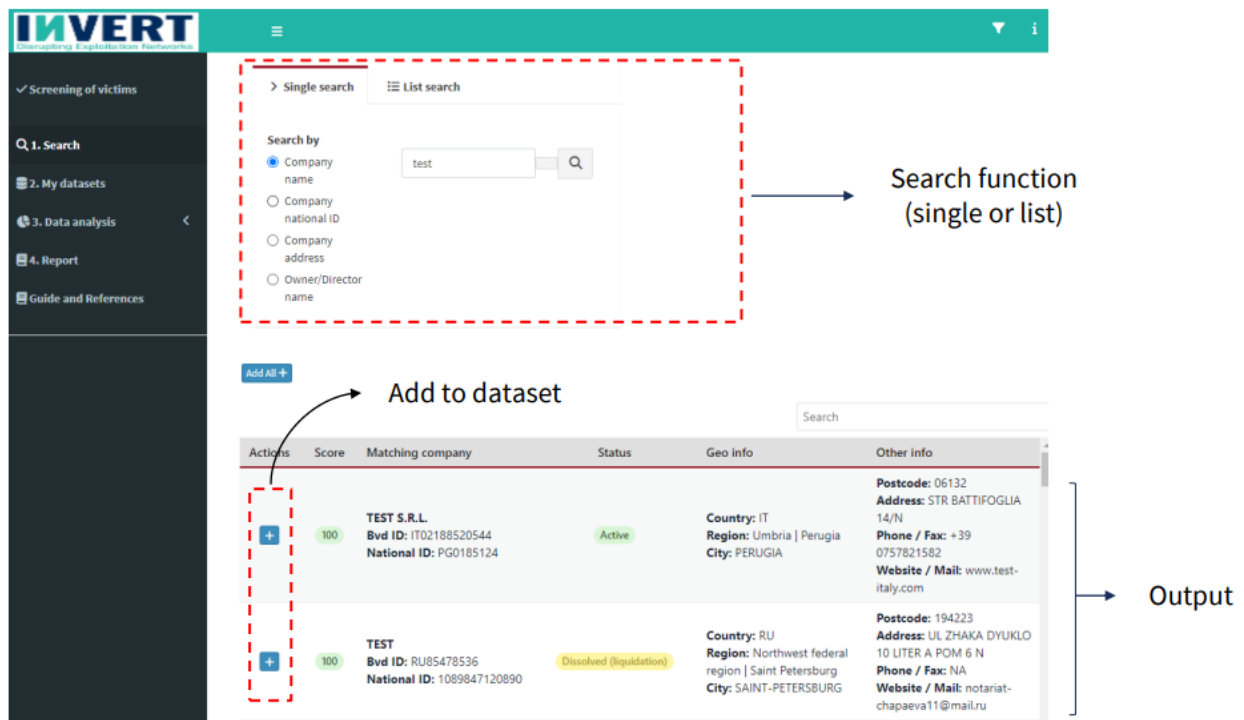
Introduction of the Menu of INVERT suite:

The prototype INVERT suite: login page and menu



The prototype INVERT suite: tool for the screening of legal companies

1. Searching companies



2. Risk assessment and data visualization (example)

3. Data analysis

3.1 Dataset summary

3.2 Risk scores

3.3 Maps

3.4 Network analysis

4. Report

Guide and References

Session info

Dataset

Company info

TEST

Bvd ID: RU32458143N

VAT Number: 7729773587

Country ISO: RU

Entity type: Corporate

Status: Active

Risk indicators

Territory: 1

Sector: 2

Ownership Structure: 1

Other: 3

TEST S.R.L.

Bvd ID: IT02188520544

VAT Number: 02188520544 | 02188520544

Country ISO: IT

Entity type: Corporate

Status: Active

Territory: 3

Sector: 3

Ownership Structure: 1

Other: 2

TEST

Bvd ID: RU85478536

VAT Number: 7802428121

Country ISO: RU

Entity type: Corporate

Status: Dissolved (liquidation) | In liquidation | Active

Territory: 1

Aggregate risk indicators

Single risk indicators

Other Risk Detail

IT02188520544

Legal form	○○○○○	No significant risks identified.
Recent Incorporation	○○○○○	No significant risks identified.

3. Overall score and analytics

Company info

TEST

Bvd ID: RU32458143N

VAT Number: 7729773587

Country ISO: RU

Entity type: Corporate

Status: Active

TEST S.R.L.

Bvd ID: IT02188520544

VAT Number: 02188520544 | 02188520544

Country ISO: IT

Entity type: Corporate

Status: Active

TEST

Bvd ID: RU85478536

VAT Number: 7802428121

Country ISO: RU

Entity type: Corporate

Status: Dissolved (liquidation) | In liquidation | Active

Overall risk

Analytics

2

2

3

Additional analytics:

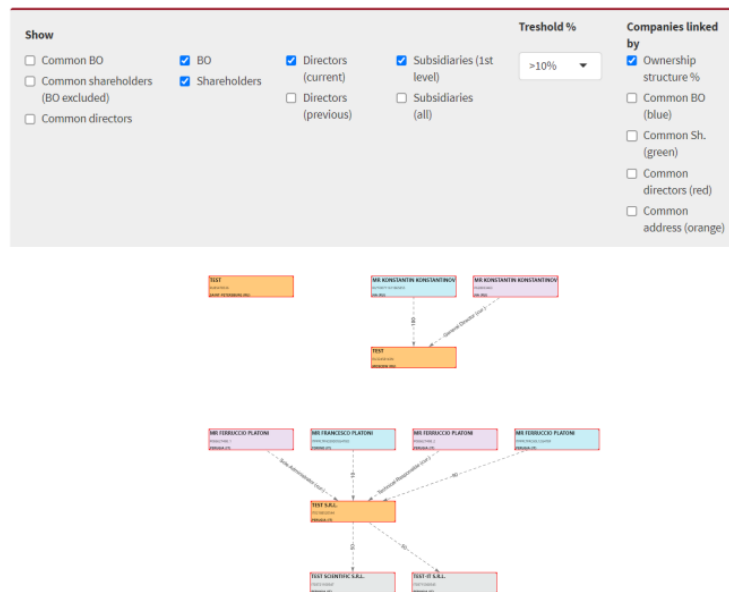
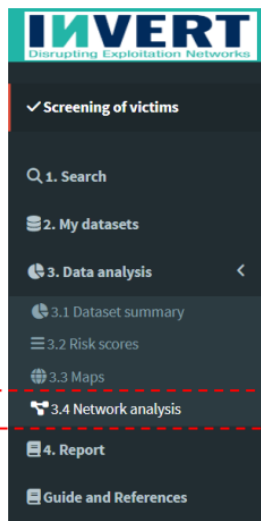
Geographical location

Street view

Network visualization

Download report

4. Network analysis



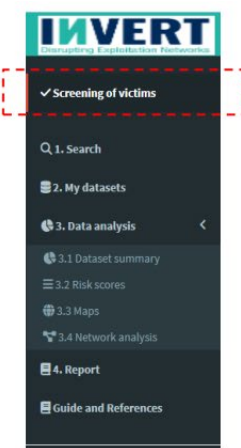
Tool for the screening of legal companies:

The tool produces synthetic information on companies of interest and calculates risk scores based on publicly available data.

The information provided needs to be interpreted carefully and **should not substitute**, but rather **integrate** other detailed assessments performed by LEAs and other professionals working on field.

The prototype INVERT suite: tool for the screening of potential victims

1. Data entry



GENERAL INFORMATION	MIGRATION PROCESS AND DEBT-BONDAGE
This section collects general information and characteristics on the potential victim	
Age *	Why did the interviewee leave their home country? *
40	<input type="checkbox"/> For work related matters (to look for a job/because had found or had been promised a job...)
Country of birth *	<input checked="" type="checkbox"/> To join family
China	<input type="checkbox"/> To escape conflict/persecution
Proficiency in the language of the country of residence *	<input type="checkbox"/> Other reason
<input type="radio"/> Excellent <input type="radio"/> Good <input type="radio"/> Fair <input checked="" type="radio"/> Poor	<input type="checkbox"/> Unable to indicate a reason
Availability of authentic personal documents *	Was the interviewee travelling alone or with other people when they first arrive in the country? *
<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Alone <input checked="" type="radio"/> With a family member <input type="radio"/> With other people/in a group <input type="radio"/> No answer
	Was the travel arranged by someone else? *
	<input type="radio"/> No

2. Summary of risk factors

HOUSING AND CONTROL MECHANISMS3 punti su 7

This section collects data on housing conditions and the presence of mechanisms to limit the freedom of the interviewee.

Was the accommodation provided by someone or did the interviewee choose it? *1/1

☐ Chosen by the interviewee
☐ Provided by a family member
☒ Provided by someone else (e.g. the employer, a third person, ...)
☐ No answer

Does the interviewee live...? *1/1

☐ Alone
☐ With family
☐ With coworkers
☒ With other people
☐ No answer

Does the interviewee live, or has lived, in the workplace? *0/1

Disclaimer:

Interaction with potential victims of trafficking and exploitation is a particularly sensitive issue and every case is unique.

The aim of this tool is **to help end-users gather information on the simultaneous presence of risk factors** to guide further investigations. **It cannot be a substitute for training and good practices.**

While the tool provides a count of the risk factors, **the final assessment should be left to the users.**

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