**Committee on the Elimination of Discrimination against Women**

**contribution for the elaboration of a**

**General Recommendation on Trafficking in Women and Girls in the Context of Global Migration**

Geneva, 16.02.2018

## ASSOCIAZIONE COMUNITA’ PAPA GIOVANNI XXIII

The Associazione Comunità Papa Giovanni XXIII (APG23) is an International Catholic NGO, accredited with Special Consultative Status to the Economic and Social Council (ECOSOC) since 2006.

The Association was founded by Fr. Oreste Benzi, an Italian Catholic Priest, in the early ‘60, in Italy. The Association is present in 38 countries on five continents. Its specific mission is to share directly the life with the least and work to remove the causes that generate injustice.

The Association runs 500 welcoming structures all over the world, of which 298 are family homes where orphaned children, mentally and physically disabled, and others marginalised persons found a substitute family. The Association runs also emergency shelters, open families, houses of fraternity, cooperatives and day-centres, therapeutic communities for drug users, centres for alcoholics.

The Association works in the field of human rights on different levels and, in particular, it works on fight against human trafficking by providing support and protection to people victim of trafficking for sexual purposes. There is the constant work for the liberation of thousands of victims of trafficking and enforced prostitution. Our experience, acquired along 23 years, is well known nationally and abroad. This work has permitted to welcome in our structures over 5.600 women, often under age.

Last year, our social protection programme cared for 147 victims of prostitution, inrespects of what is established in article 18 of the Italian Legislative Decree 286/1998 on ‘Consolidated Act of Provisions concerning immigration and the condition of third country nationals’. Thirteen of them are under age. From the 1st January 2018, we have accepted 47 new women, seven of them are underage. The total number of women hosted in our structure is 134; most of them are Nigerian followed by Romanian and Albanian.

In Italy, our Association goes on the streets every night with 150 operators clustered in 30 anti-trafficking street units. We work in 27 Provinces of 12 Regions. In 2018, we approached around 10000 victims of human trafficking and 1200 of them were approached for the first time.

## TO TAKE ALL MEASURES TO PREVENT ALL FORM OF TRAFFICKING.

As clearly stated in the 2016 UNODC report and reported also in the 2018 UNODC report, 96% of detected victims of human trafficking in 71 countries are trafficked for sexual exploitation. Of all the detected female victims of human trafficking, 72% are trafficked for sexual exploitation[[1]](#footnote-1).

Statistics elaborated by our anti-trafficking street units in Italy estimate the actual presence of women, victims of trafficking, around 75.000: 36% are Nigerians; 22% Romanians and the remaining come from Albania, Moldavia, Ukraine, China and States of Eastern Europe. Moreover, since November 2016, APG23 takes part in the project INCIPIT[[2]](#footnote-2). This project is coordinated by APG23 and it consists of the early identification of victims and potential victims of human trafficking. Within this project more than 150 people have been listened to and 100 have been identified as victims of human trafficking. Most of them come from Nigeria and Ivory Coast. To date, 57 of the victims of human trafficking are underage. We have offered a programme of protection for some of them but 4 have left voluntarily. Carabinieri found them on street while prostituting on the streets of Orte, showing that the migratory flow and slavery are strongly interrelated. These numbers and information clarify the close relationship between human trafficking and prostitution.

For this reason, it is important to recall the UN Convention of New York 317/1951 that is too often overlooked. This Convention literally declares in the first paragraph of the preamble: “*Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community*”. Furthermore, it says clearly in art. 1, 2nd paragraph that it’s necessary to punish also who “e*xploits the prostitution of another person, even with the consent of that person*.”

This idea is also reiterated in the EU Honneyball Directive that sais: “*demand reduction should form part of an integrated strategy against trafficking in the Member States; (believes) that demand reduction can be achieved through legislation that shifts the criminal burden onto those who purchase sexual services rather than onto those who sell it, and through the imposition of fines to make prostitution financially less lucrative for criminal organisations/organised crime”.*

We are convinced that it is impossible to end human trafficking for sexual exploitation without addressing prostitution. We consider prostitution to be always an abuse and an offence to the human dignity of women.

This idea to contrast human traffickers for sexual exploitation combating the demand is already put in practice in some European States. In Sweden, Finland, Norway, Island, Northern Ireland and France the prostitution is regulated under the - so-called - “Nordic model”. This model criminalizes buying sex and it punishes the clients. Instead the person - who is selling her body for sexual purposes - is not be punished. They will be offered help to leave prostitution.

The results certify that tis model is efficient. The criminalization of buying sex is extremely incisive also against the human trafficking for sexual exploitation.

In Sweden the number of persons engaged with prostitution decreased of 65% after the implementation of the law.

The new law has also modified the public opinion in a very short time: before the new law only 30% were in favour of the punishment of the clients; now it’s 70% of the public opinion that it is in favour of the s.c. “Nordic model”.

As a contribution to the General Recommendation, APG23 suggests to insert the contrast to the demand as the best way in order to eradicate the human trafficking for sexual exploitation.

Furthermore, as the evident link between human trafficking and sexual exploitation even more among minors, APG23 would like to underline the importance to carry out specific trainings on human trafficking for those working with victims of human trafficking and the managers of reception centres and family-homes for unaccompanied minor migrants in order to ensure adequate defence and protection to minors identified as victims or potential victims of human trafficking, as established by UNHCR Guidelines on asylum seekers.

Another important act is to ensure and monitor the participation of mediators and specialized professionals in human trafficking cases in order to help the communication between the minor and the guardian as well as to support them in the asylum procedure and in the integration process.

## PROVIDE GENDER SENSITIVE REHABILITATION, AVOIDING REVICTIMIZATION.

In order to provide gender rehabilitation, it is important to recall the SDG n. 5 of the Agenda 2030 that has the purpose to “achieve gender equality and empower all women and girls”.

All women we met on the streets are trekked with the promise of a better future. Once they leave their country of origin, they are caught in the trap of trafficking and sexual exploitation. Not only they lose their hope for a better future but they also are mentally and physically destroyed by outdoor and indoor prostitution.

In order to help victims of trafficking for sexual exploitation, we must free them and give them the opportunity to take part in social inclusion programmes that allow them to rebuild their life.

**Women empowerment** can’t be achieved in a culture that allows the violation of the woman’s dignity as if she and her body were objects (see “Honeyball resolution” pp. A, B, D, I, K and art. 1). In our experience girls and women forced into prostitution come from geographical areas where gender inequality and violence are spread at both familiar and social level. Even education is interrupted due to the lack of economic resources, the promise of easy money from exploiters or social media.

Therefore, a real social inclusion will be achieved only by changing this kind of culture. We need a change of paradigm from a culture of machismo to a gender equality society.

Women that come from Sub-Saharan Africa are not only victims of sexual exploitation but during their journey to Europe, especially during their passage in Libya, they are subjected to gang rapes and tortures.

The first step must be to heal the “**psychological scars**” of these women.

That’s why we welcome these women in our reception centres and family homes where they can find parental figures, intercultural mediator and psychotherapy support.

This model of social inclusion is based on the relationship of trust with these women and a chance to rebuild a new future together.

The first step to empower these women starts with the recognition of their inherent dignity.

Throughout our interventions (reception, recovery and integration training for social inclusion and autonomous life) we reflect together with victims of trafficking about some indicators such as: time perception; salary; work environment; and safety rules.

The reception of women in our structures allows them to build a trust relationship, which leads them to try and learn a new job and to understand Italian society and culture.

An important step of this social inclusion model is to help these women entering in a net of **social relationships** both with people of same age and group that allow them not to feel rejected or marginalized. One possible way to achieve this goal is to revitalize their religious dimension, by attending religious communities that belong to their country of origin (such as Orthodox and Pentecostal churches).

Another possible chance is to develop their own talents in artistic, musical or sports fields: empowerment and social inclusion were strengthened by collaborating with other cultural and artistic association (i.e. Caritas, Fondazione Migrantes, AGESCI, Accademia di belle Arti, music and theatre schools)

**Education** is another important aspect of social inclusion.

Victims of trafficking in the past believe that they have to find any kind of job, just to end their previous life conditions and earn enough to survive and move on.

In the last five years something has changed: victims of exploitation are younger, they often had to interrupt their education, and new cultural models and “western” professional figures attract them. Therefore, more and more women everyday want to keep studying and achieve a proper education to find a better and more suitable job.

As it has been well remarked during the International Day of Women and Science on 11 February 2019, every woman has to be free to choose her own educational path and shape her future.

Regarding the rehabilitation of sexual trafficking victims, APG23 finds lots of difficulties because of the regularization of the women documents. This problem affects in particular Nigerian women. To have a regular document is a necessary precondition for the eventuality of a new independent life.

Over the past few years Nigerian citizens, who undertake the social integration programme recognized by the art. 18 of the Legislative Decree 286/98, have faced problems in obtaining their passports. These difficulties especially emerge in cases of women that through the actions of the racket had already obtained a document with false personal information in their home country. They are denied the issuing of a new passport and are invited to return to their home country in order to obtain their birth certificate, thus risking to nullify the real purposes of the Italian legislation and the 1949 *UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*, to which Nigeria is a State Party. Requiring a person to return to Nigeria to obtain their birth certificate in order to issue the document necessary for staying in Italy does not take into duly account the existence of “concrete risks” for the safety of the person. Given their stories and their attempts to escape from criminal organizations, such a practice exposes these women to the risk of suffering severe consequences once they are in the Nigerian territory.

The denial of issuing a passport has the immediate negative effect of considerably slowing down the path towards self-reliance and the impossibility to renew the residence permit or change it into a work permit by the competent authority. These problems push a great percentage of women to abandon the integration programme and fall again in the trap of sexual exploitation networks, consequently leading to an increase of irregular stays.

A further aggravating circumstance is that Nigerian consular officials themselves suggest keeping the false personal information as the last possible solution for having a document. Beyond the ethical and moral question, this solution implies retaining a link with the racket that does not make the women feel free. In addition, a document with false personal information can be later contested and not considered valid.

Therefore, in order to avoid nullifying the efforts made until now in compliance with the purposes of art. 18 of the Legislative Decree 286/98 and with international law concerning the suppression of the exploitation of prostitution, it is obvious that the effectiveness of the protection process provided for by art. 18 of the of the Legislative Decree 286/98 for trafficked women depends on the quality of the relations, both at local and international levels, not only among police authorities and other institutions, but also among the Italian State and other foreign States, including their diplomatic delegations, which are involved in the phenomenon of human trafficking. Consequently, while each actor and stakeholder maintain its own role and perspective, it is necessary to find a new method of collaboration among all the actors and stakeholders involved in the issues concerning foreign citizens, in particular women victims of trafficking.

For this reason, we suggest to include in the general recommendation the need for the state to realise the passport to women trafficked for sexual purpose (in particular Nigerian women) without the obligation to return to their home country to request the birth certificate, but only going to the embassy.

## MECHANISM AND COOPERATION NEEDED TO DETECT PERPETRATORS OF TRAFFICKING, BOTH NATIONALLY AND INTERNATIONALLY.

Human trafficking is considered the third most remunerative business after weapons and drugs. As recognized by the Italian Anti-mafia Investigative Direction (DIA) and an American survey[[3]](#footnote-3), the trafficking of human being is correlated to the mafia and it is a big economic business. It is difficult to collect data because of the underground characteristic of this business, but according to some estimates~~,~~ the economic profit is around 150 million per year[[4]](#footnote-4). Only in Italy there are more than 3.000.000 clients for a business of 90 million of euro.

For this reason, APG23 proposes to insert in the general recommendation to build investigative teams capable of tracking the financial flows that such illegal activities generate, striking with sequestrations and confiscation of all the capital attributable to such criminal conduct, also tracing and revealing the channels of recycling and cleaning money. The resources obtained can be used as resources for victim assistance, preventative initiatives, and strengthening the ways of fighting traffickers.

In conclusion, as a contribution to the General Recommendation, APG23 recommend the following:

1. to insert the contrast to the demand as the best way in order to eradicate the human trafficking for sexual exploitation.
2. to underline the importance to carry out specific trainings on human trafficking for those working with victims of human trafficking and the managers of reception centres and family-homes for unaccompanied minor migrants in order to ensure adequate defence and protection to minors identified as victims or potential victims of human trafficking, as established by UNHCR Guidelines on asylum seekers.
3. to ensure and monitor the participation of mediators and specialized professionals in human trafficking cases in order to help the communication between the minor and the guardian as well as to support them in the asylum procedure and in the integration process.
4. a change of paradigm from a culture of machismo to a gender equality society in order to achieve a real social inclusion.
5. the need for the state to realise the passport to women trafficked for sexual purpose (in particular Nigerian women) without the obligation to return to their home country to request the birth certificate, but only going to the embassy.
6. to build investigative teams capable of tracking the financial flows that such illegal activities generate, striking with sequestrations and confiscation of all the capital attributable to such criminal conduct, also tracing and revealing the channels of recycling and cleaning money. The resources obtained can be used as resources for victim assistance, preventative initiatives, and strengthening the ways of fighting traffickers.

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1. *The vast majority of the detected victims of trafficking for sexual exploitation are females, in particular women (68 per cent), while girls account for 26 per cent.* UNDOC report 2018, p.32. [↑](#footnote-ref-1)
2. Project carried out in partnership with the Ministry of Equal Opportunities since 2016. It takes place in Reggio Calabria where the disembarkation operations happen in order to identify victims or potential victims of trafficking. The project also sees the involvement of the ‘Coordinamento Ecclesiale Sbarchi’ which, together with other associations, works since 2013 in the disembarkation operations in Reggio Calabria. [↑](#footnote-ref-2)
3. http://apps.urban.org/features/theHustle/index.html [↑](#footnote-ref-3)
4. https://www.agensir.it/territori/2017/10/17/prostituzione-cosi-le-mafie-fanno-affari-per-150-milioni-di-euro-lanno/ [↑](#footnote-ref-4)