



**Organization for Security and Co-operation in Europe
Secretariat**

PC.DEL/1083/06
16 November 2006

ENGLISH
Original: ITALIAN

Conference Services

**"ALLIANCE AGAINST TRAFFICKING IN PERSONS"
Human Trafficking for Labor Exploitation/Forced and Bonded Labor
Prosecution of Offenders, Justice for Victims
Vienna, Hofburg, Neuer Saal
16 - 17 November 2006**

**Investigation, Prosecution and Access to Justice:
National Experiences in the OSCE Region**

Please find attached the statement made by Mr. Piero Grasso, Anti-Mafia Chief Prosecutor,
Italy.

National Anti-Mafia Directorate

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**STATEMENT BY DR. PIERO GRASSO,
NATIONAL ANTI-MAFIA PUBLIC PROSECUTOR OF ITALY**

Mr. Chairman,

In thanking you for having given me the floor, I should like, first of all, to express the high regard in which I personally and the Italian Anti-Mafia Directorate under my direction hold the OSCE, whose many activities, principally in areas having to do with the suppression of organized transnational crime, are well known to us all.

On more than one occasion representatives of the OSCE have visited our offices in Rome, but I have wanted to use the opportunity offered by this meeting to come to the Organization's Vienna headquarters so that through direct contact I might restate some points that have already been made during discussions with my predecessor, Dr. Piero Luigi Vigna.

The National Anti-Mafia Directorate is a judicial office responsible for co-ordinating all the investigations conducted in Italy into organized crime, including crime connected with trafficking in human beings.

This traffic can almost be described as the dark side of globalization. It is on the rise because of, among other reasons, the fragile economies of a number of countries, the social status of women, the enormous profits earned by the traffickers, and the low level of risk and infrequent convictions they face.

The trafficking industry is a vicious circle within which all levels of crime may be found — from small groups to large international networks, where all involved are engaged in enriching themselves through operations in various areas.

If we are to attack the criminal organizations, we believe that two aspects must be simultaneously developed: that of prevention and care for victims and that of the suppression of the traffickers. By itself neither of these is sufficient; the failure to ensure effective suppression is in fact having a negative impact on the area of victim care.

Given its seriousness, this phenomenon has certainly caught the attention of the international community. One need only think of the Palermo Convention and its associated Protocols and of the many European documents on this subject.

However, if we are to achieve the results we seek, we need concrete and effective international collaboration to enable us to act swiftly in the countries of origin, transit and destination.

Permit me, however, Mr. Chairman, to note in this regard that this kind of international collaboration is still far from being sufficient, and this for various reasons:

- The absence in some States of internal norms permitting the exchange of files and information;

- No or inadequate responses by some countries;
- Overly long waiting times for responses.

If there is no improvement in the way investigations are conducted in the countries of origin, those investigations will always be limited to persons in subordinate positions within the criminal organizations.

As I have mentioned, many countries still lack adequate internal regulations both from the substantive as well as the procedural point of view, even if they have ratified the Convention and the Protocols. What is more, often, because of their frame of mind, they focus their attention and investigations on a single episode, thus losing sight of the overall picture so that they do not even attempt to identify the origin and the destination of the victim.

The Italian law on trafficking enacted in 2003, in keeping with the aforementioned Convention, extends the full range of anti-mafia legislation to the area of human trafficking, thus according special benefits to those traffickers who, breaking free of the organization, collaborate with the justice authorities, and, on the other hand, reaffirming the particular attention to be paid to those victims wishing to escape violence so as to participate in an assistance programme and make a new start in society.

In Italy, we have conducted many trials in this area and have succeeded in identifying a large number of criminal organizations engaged in managing human trafficking, often transporting their victims from countries very far away. We have established relations with the judicial authorities of many countries, some of which are represented here today, and we intend to further expand and consolidate those contacts to make certain that even those at the head of the criminal organizations in question never feel safe.

At this point, it should be pointed out that trafficking is to be understood as referring not only to trafficking for the purpose of prostitution but also to trafficking for the purpose of forced labour, since this too involves reducing the victim to a state of servitude. In fact, article 600 of the Italian Penal Code, when speaking of enslavement, refers to both labour and sexual services and to begging.

The United Nations speaks of some 200 million minors subjected to forced labour, while more than a million are victims of sexual violence. This figure alone indicates the extreme gravity of the phenomenon of labour exploitation.

The reality, however, is that there is a “grey zone” between the trafficker and the victim, which frequently goes unobserved and uncontrolled.

In Italian legislation too there are situations that are inadequately described in terms of criminal law and that therefore may not be covered among the instances codified under criminal provisions.

One grey zone can certainly be seen in the huge number of clandestine immigrants, who appear almost as living ghosts lacking all rights other than the right of health care. These persons are easy prey to those who would exploit them to their own advantage (prostitution or forced labour).

In turn, the illegal aliens act as a kind of means between two needs: the need of every one of them to escape from his or her country of origin in the hope of achieving a better economic situation in the country of destination, and the need of many citizens in this second country for labour services at a favourable price. This situation, which combines an element of agreement and of conflict, frequently gives rise to the oppressive exploitation of a person in a working arrangement.

This is why we must deal with clandestine immigration, since only in this way can forced labour be curbed. The representatives of the police forces present here today will speak in particular about this emergency situation in Italy and of the investigations that are under way.

At this point, I should like to recall that the provisions of the Italian penal system that may be used against the phenomenon of forced labour fall under different levels of gravity, ranging from the simple use of foreigners whose papers are not in order to the exploitation of the individual's irregular status for the purpose of work, the aiding and abetting of clandestine employment for the purpose of exploitation, to actual enslavement.

Corresponding to the various levels of gravity are different punishments and also a different system of investigations. It should be made clear in fact that in Italy investigations into trafficking and investigations into smuggling fall under the competence of different investigative bodies: trafficking cases under the District Anti-Mafia Directorates and smuggling cases under the ordinary offices of the prosecutors of the Republic.

It follows from this that with regard to forced labour the full array of anti-mafia laws applies only to the most serious case among those mentioned above (enslavement), naturally when and if it is possible to prove that this level of exploitation has in fact been reached. In the other cases the ordinary procedure would be applied. There is provision, however, for a constant flow of information between the various offices in order to spot the "trafficking indicators" that should emerge from the investigations into cases of smuggling.

A constant characteristic of a person whose labour is being unlawfully exploited or who has been reduced to a state of slavery is that person's total isolation from the reality of the country in which he or she has been placed by the person involved in the exploitation: the worker has no knowledge of the local language, lives in lodgings that have been provided to him or her by the exploiter, has lost possession of his or her passport and is constantly made to fear the consequences of turning to the authorities.

The need, therefore, is to seek to break this isolation and to establish a relationship of mutual trust that in the end will allow the exploited worker to collaborate with the justice system. To achieve these objectives, we are offering and asking for collaboration, exchanges of data and information, and rapid replies to requests forwarded in the form of international summonses.

I believe it is very useful to discuss these issues in a meeting such as this one. All of us, representing countries variously involved in dealing with this problem, must move beyond the experience of the past and see to it that the exploitation of a human being, whether for sexual purposes or for labour, ceases to be a low-risk high-profit activity and becomes a high-risk low-profit one.

Thank you, Mr. Chairman.