



UNITED NATIONS INTERREGIONAL CRIME AND JUSTICE RESEARCH INSTITUTE

**Programme of Action against Trafficking in Minors
and Young Women from Nigeria into Italy for the
purpose of sexual exploitation**

Desk Review

Prepared by Vittoria Luda di Cortemiglia



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Contents

Introduction

Chapter I – Trafficking in human beings for sexual exploitation: the juridical picture

1. *Notes on the international measures directed to the prevention and combating of trafficking*
2. *The bilateral agreement between Italy and Nigeria*
3. *Outlines of the Italian legislation on trafficking in human beings*
 - The "Merlin" Act
 - The Criminal Code
 - The Comprehensive "Immigration" Enactment
 - The "Numero Verde" (green helpline)

Chapter II – Trafficking of Minors and Young Women from Nigeria to Italy for sexual exploitation

1. *Nigerian organised crime in Italy*
2. *Ways and means of recruitment and exploitation*
3. *The victims*
4. *The access routes*

Chapter III – The local situation: Turin and its Province

- The Piedmontese "Numero Verde" (green helpline)

References

Introduction

There has been a striking increase in the trafficking of women and minors for sexual exploitation over the last few years (Commissione parlamentare d'inchiesta sul fenomeno della mafia, 2000; Da Pra Pocchiesa & Grosso, 2001; Aghatise, 2002). A particular feature of this increase has been the growing involvement of criminal organisations in exploitation of the urge to migrate felt by those who live in the world's poorer nations (Polizia di Stato, 2000; Ministero dell'Interno, 2001; Massari, 2003). The efforts of a single State to establish efficacious ways and means of stemming such trafficking are thus proving ever more insufficient.

The international community has become conscious of the need to act multilaterally in this respect. In December 2000, the United Nations Convention on Transnational Organised Crime and its Supplementary Protocols entitled "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children" and "Protocol against Smuggling of Migrants by Land, Air and Sea" were drawn up for signing at Palermo¹. On 19 July 2002, the Council of the European Union adopted a framework decision on the fight against the trafficking of human beings².

Several stages are involved in trafficking for sexual exploitation: recruitment, provision of valid or faked emigration documents, transport and furnishing of accommodation, initiation (often by violent means) into the practice of prostitution and exploitation in the host country.

The expression "international trafficking in persons" refers in general terms to all criminal activities having to do with the apparently legal or totally illegal transference of persons from one State to another. It thus embraces two distinct situations: trafficking properly so called, and the aiding and abetting of clandestine immigration³.

The subject of this Review is the trafficking of minors and young women from Nigeria to Italy for sexual exploitation.

The international definition of "trafficking" is to be found in article 3 of the Supplementary Protocol of the Palermo Convention:

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over

¹ At the end of December 2002, this Convention had been signed by 115 States and ratified by 21, and the Trafficking Protocol by 111 and 20 States respectively. However, both documents must be ratified by at least 40 States before they can be brought into effect.

² Article 10 requires the Member States of the European Union to adopt the provisions needed to conform to this framework decision not later than 1 August 2004.

³ The Smuggling of Migrants Protocol declares:

"Smuggling of Migrants" shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident [...].

another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

Italy is heavily involved in this problem: Nigerian and Albanese citizens constitute a considerable portion of the approximately 20,000 immigrant women brought in for the purposes of prostitution (Euripes, 2001a). They have recently been joined by women from Romania, Moldavia, the Ukraine and Bulgaria (Commissione parlamentare d'inchiesta sul fenomeno della mafia, 2000).

Trafficking of women to Italy dates from the end of the 1980s when the fear of AIDS rendered drug-addicted Italian girls no longer "attractive propositions" on the prostitution market and the first Nigerians began to appear on the streets, especially in the centre and north of Italy. These girls were often very young, since it was mistakenly supposed that youth was a sure defence against HIV infection (Commissione per le politiche di integrazione degli immigrati, 2000; IOM, 2001).

Nigerians thus constituted Italy's first cohort of "forced prostitutes". They are still numerous throughout nearly the whole of the country (Commissione per le politiche di integrazione degli immigrati, 2000; Agathise, 2002). It is thought that about 60% of immigrant street sex workers are Nigerian nationals (Massari, 2003).

Recruitment of the victims of this trafficking is generally achieved through the promise of a loan along with a job that will enable them to pay it back over the course of a few years, remit money to their families and save enough to start a business when they return to Nigeria. "Juju" rites⁴ are a powerful means of securing a girl's compliance. The initial debt, however, is reckoned according to the usurious conditions dictated by her exploiter, who can thus compel her to go on the streets under increasingly harsh and coercive conditions, subject to the control of a so-called "Maman" or "Mama Loa".

Turin is one of the main destinations of Nigerian victims of the trafficking of women for sexual exploitation. Many significant public and private activities and initiatives have been launched to provide them with information, assistance and the chance of finding a proper place in society (CLES, 2002). The Piedmont Region, whose chief city is Turin, is running five of the 49 area projects established as part of the social protection procedures envisaged by sect. 18 of the Comprehensive "Immigration" Enactment (Legislative Order No. 286 of 1998).

⁴ Juju rites are a Nigerian version of the more familiar animist magic and ritual practices known as voodoo.

No precise indication can be given of the total number of trafficking victims. Some estimates speak of 7-10% of the women immigrants engaged in prostitution (Carchedi, 2000; Monzini, 2002; Massari, 2003). Many, however, have managed to win their freedom with the aid of the protection programmes and in other ways. Since 1998, following the approval of the above-mentioned section 18, about 1,500 persons (nearly all women) have been enrolled in these programmes. More than 2,700 criminal proceedings are now under way according to the estimates published by the Direzione Nazionale Antimafia (Giammarinaro, 2002a).

Chapter I – Trafficking in human beings for sexual exploitation: the juridical picture

1. Notes on the international measures directed to the prevention and suppression of trafficking

Trafficking in human beings is unanimously regarded by the world at large as a modern form of slavery (Arlacchi, 1999; Virgilio, 2001; Giammarinaro, 2002b) and one of the most repulsive examples of the violation of human rights.

The Geneva Convention on the abolition of slavery, adopted by the League of Nations in 1926⁵ and joined by a supplementary convention in 1956, provides a precise definition of slavery and trafficking. Slavery is described as the possession of a person and exercise over the same of any or all the powers attributing to the right of ownership. Trafficking consists of the act of capturing, acquisition or conferment of a person to reduce the same to slavery, as well as every act of acquisition or conferment by sale or exchange, and, in general, every act of trading or transport of slaves.

Slavery and trafficking are also solemnly outlawed in the Universal Declaration of Human Rights (1948), the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)⁶, the Declaration of the Rights of the Child (1959), the International Covenant on Civil and Political Rights (1979), the Convention on the Elimination of all Forms of Discrimination against Women (1979), and Convention on the Rights of the Child (1989) with its supplementary Protocol on the Sale of Children, Child Prostitution and Child Pornography (2002)

Convention No. 182 of the International Labour Organisation (ILO) relating to prohibition of the worst forms of child labour (1999)⁷ comprises among such "worst forms" all forms of slavery, as well as the employment, engagement and offering of children for the purposes of prostitution, the production of pornographic material and pornographic performances.

It may also be mentioned that sect. 7, para. 1(g) of the Charter of the International Criminal Court (Rome, 1998) includes among "crimes against humanity" rape, sexual slavery and forced pregnancy, sterilisation and forced prostitution. Four significant consequences flow from the configuration of these circumstances as crimes against humanity: a) exclusion of the principle of the territoriality of the crime and that of the nationality of the offender or the victim; b) the imprescriptibility of the crime; c) the applicability of the public international law principle *aut dedere aut judicare*, in other words the obligation to extradite the alleged offender to another applicant State whenever the State in which he is present does not intend to bring him to trial (Comitato Parlamentare Schengen-Europol, 2001).

⁵ Rendered operative in Italy by Royal Order No. 1723 of 1928.

⁶ Rendered operative in Italy by Law No. 1173 of 23 November 1966.

⁷ Rendered operative in Italy by Law No. 148 of 2000.

The interest of the international community in this question and its sensitivity with regard to the same are clearly illustrated by this array of documents. Even so, their number is itself an indication of how difficult it is to act efficiently so as to secure the concrete implementation of their oft-repeated principles.

The absoluteness and mandatory nature of the prohibition of trafficking, however, require the adoption of complementary measures to render it effective.

The Palermo Convention and its supplementary Protocols are of considerable importance as ways and means for the prevention and combating of trafficking. As already mentioned, they must be ratified by at least 40 States before they can be brought into effect.

The Convention sanctions the obligation to incriminate the crimes of participation in criminal organisations, recycling, corruption and obstruction of justice. In addition to provisions concerning cooperation with the judicial authorities and the police, its measures deal with the protection of witnesses and the furnishing of technical assistance to the developing countries.

The Protocols are aimed at the prevention, investigation and prosecution of the crimes of trafficking in persons and the smuggling of migrants. They also set out to safeguard the victims of trafficking and the rights of the victims of clandestine immigration (Comitato Parlamentare Schengen-Europol, 2001). The provisions of the trafficking Protocol are directed to ensuring the confidential nature of the identity of victims and their assistance and protection⁸. The Member States are also called upon to adopt measures to promote their prevalently voluntary return to their countries of origin.

These universal declarations form part of international customary law and are thus binding on Italy (Comitato Parlamentare Schengen-Europol, 2001). They are flanked by regional measures, such as art. 4 of the European Human Rights Convention (1950) and the European Social Charter (1961), and art. 5 of the European Union's Charter of Fundamental Rights (2000).

The Treaty of Amsterdam (in force since 1 February 1999) explicitly ranks trafficking in human beings along with drug trafficking among the sectors in which cooperation on the part of the judicial authorities and the police forces of the signatory nations is required. The European Council meeting at Tampere in October 1999 urged the harmonisation of the legislation of the Member States dealing with the trafficking of persons for sexual exploitation.

On 19 July 2002, the Council of the European Union adopted a framework decision on the fight against trafficking in human beings⁹. This requires the Member States to punish as crimes the commission or attempted commission, whether directly or as an accomplice, instigation, aiding and abetting of the following acts:

⁸ Article 6 of the Protocol requires Member States to adopt measures for the psychological and social rehabilitation of victims, housing, health care and legal assistance, opportunities for the acquisition of a place in society through training courses, and reparation of any harm suffered.

⁹ 2002/629/GAI.

the recruitment, transportation, transfer, harbouring, subsequent reception of a person, including exchange or transfer of control over that person, where:

- (a) use is made of coercion, force or threat, including abduction, or*
- (b) use is made of deceit or fraud, or*
- (c) there is an abuse of authority or of a position of vulnerability, which is such that the person has no real and acceptable alternative but to submit to the abuse involved, or*
- (d) payments or benefits are given or received to achieve the consent of a person having control over another person*

for the purpose of exploitation of that person's labour or services, including at least forced or compulsory labour or services, slavery or practices similar to slavery or servitude, or

for the purpose of the exploitation of the prostitution of others or other forms of sexual exploitation, including in pornography.

The European Commission has recently approved a draft directive of the Council providing for the issue of a special permit to stay to victims of trafficking and illegal immigrants who agree to cooperate with the authorities (Sjolinder, 2002). A similar provision can also be found in the Italian legislation.

This proposal meets the need to combat trafficker networks by establishing the conditions to be applied to victims who bring charges or provide the judiciary or the police with information. Victims, in fact, are often reluctant to institute proceedings and cooperate with the authorities because they do not have a valid permit to stay. The fear of reprisals against themselves or their families, too, reduces the possibility of obtaining the information needed to break up criminal networks.

To prevent abuses, the issue of a temporary permit to stay is subject to the fulfillment of three conditions: the continued presence of the victim on the territory of the host country must be "useful" for the inquiries of the investigating authorities and the police; a clear intention to cooperate must be shown; all relations with the perpetrators of the crimes associated with trafficking must be severed ¹⁰.

The first step in the granting of a permit is information of the victim of the possibility of obtaining it and the relevant conditions. The victim must then break off all relations with the supposed criminals in order to be entitled to the concession of a thirty-day interim period during which she must decide whether to cooperate or not in view of

¹⁰ Article 10 of the draft directive declares: "The authority responsible for the investigation or prosecution shall decide on the following matters, [...]"

- (a) whether the presence of the victim is useful;
- (b) whether the victim has shown a clear intention to cooperate substantiated, for example, by an initial, material declaration to the authorities responsible for the investigation or prosecution, or the lodging of a complaint, or any other act provided for by the Member State's legislation;
- (c) whether the victim has severed all relations with those suspected of acts that might be included among the offences referred to in Article 2.

the risks involved. She is entitled to assistance and treatment during this "reflection" period and cannot be expelled.

The authority responsible for the investigation or prosecution shall decide on the three conditions mentioned above: the utility of the presence of the victim, her clear intention to cooperate and the fact that she has not re-established contact with the traffickers. A clear intention to cooperate can be demonstrated by an initial declaration of the facts to the authorities, or the lodging of a complaint.

If these three requirements are satisfied and no objections are raised on the grounds of public order or State security, the victim is granted a six-month permit to stay that can be renewed as long as the same conditions are fulfilled and the proceedings have not been brought to a close by the handing down of a judgment.

The issue of a permit to stay by a Member State carries with it the right of access to the labour market, education, vocational training and basic medical treatment.

The draft directive is primarily concerned with adult victims. It nonetheless contains specific provisions to be applied should a Member State wish to extend it to minors. In this event, account must be taken of the particular interests of minors and an appropriate procedure must be adopted. Specific measures (determination of identity, legal representation, etc.) are prescribed in the case of unaccompanied minors.

2. The bilateral agreement between Italy and Nigeria

The intrinsically transnational nature of trafficking in human beings necessitates the cooperation of the States from which they come, those through which they pass, and those to which they are directed. More than twenty such cooperation agreements with regard to the readmission of persons in irregular situations have been concluded between Italy and other States, both members of the European Union (Austria, France, Greece, Spain) and other countries (from Albania to Switzerland and Algeria to Georgia) (Ministero dell'Interno, 2001; Maggio 2002). One such agreement was signed by Italy and Nigeria on 12 September 2000 (Commissione per le politiche di integrazione degli immigrati, 2000).

All these agreements are drafted in the same form. They regulate the readmission of the citizens of a signatory State who no longer meet the entry and residence requirements of the other signatory State, and also contain provisions governing the readmission of the citizens of other countries.

Each signatory undertakes, on request, to readmit citizens of other countries in cases where it is shown that they entered the other signatory State after sojourning in or passing through its own.

The readmission agreement stipulates that States must primarily return foreigners to their country of origin. Transport costs are debited to the requesting party.

The agreement signed with Nigeria is a significant model since it is the first to comprise commitments relating to welfare and the social re-insertion of trafficking victims (Commissione per le politiche di integrazione degli immigrati, 2000). It also

includes provisions designed to combat clandestine immigration, such as the Italian undertaking to assist consular officials and the Nigerian immigration service in matters concerned with migration and vocational training (Maggio, 2002).

Figures released by the Nigerian Embassy in Italy show that 1,316 irregular immigrants were repatriated from Italy to Nigeria from February 2001 to September 2002. Many were women victims of trafficking (Okpoyo, 2002).

3. Outlines of the Italian legislation on trafficking in human beings

When examining the position with regard to trafficking for sexual exploitation in Italy, it is as well to remember that prostitution as such is not a crime as it is in Nigeria.

The Merlin Act

Law No. 75 of 1958 on "Abolition of the regulation of prostitution and combating exploitation of the prostitution of others", often referred to as the Merlin Act, decriminalised private prostitution, abolished licensed brothels (*maisons closes*) and made all activities collaterally associated with prostitution criminal offences.

These include:

- the ownership, management and renting of a house where prostitution is practised;
- any and every form of participation in such activities;
- tolerance of prostitution on premises open to or used by the public (hotels, boarding houses, clubs or others);
- recruitment of a person for prostitution and facilitation of the commencement of the same;
- incitement to prostitution, whether privately or in any public form;
- exploitation of any form of prostitution;
- incitement of persons to move to a place or State other than their own for the purpose of engaging in prostitution therein and facilitation of their departure;
- operations on the part of national or foreign organisations for the recruitment of persons to be engaged in prostitution or exploitation of the same, or aiding and abetting such organisations.

These offences are punishable even if committed outside Italy, though incitement is punished "insofar as this is prescribed by the international conventions" (Prina, 1998).

The first reading of a Bill envisaging extensive amendments of the Merlin Act was approved on 20 December 2002.

This Bill is now before Parliament. It prohibits the practice of prostitution in public places and places open to the public (sanctioned by pecuniary penalties and arrest for up to three months and a fine of up to Euro 1,000 in the event of a subsequent offence), and other penalties are imposed upon customers. At the same time, the Bill proposes that the renting of flats in which prostitution takes place shall no longer be regarded as the crime of aiding and abetting. It also introduces the notion of criminal coalition for the purpose of crime directed to the exploitation of prostitution and greatly increases the

penalties imposed on those who perform sexual acts with a minor aged 14 to 16 years in return for their payment of money or conferment of any other economic benefit.

The criminal code

Four sections of the Italian criminal code comprise provisions applicable to trafficking in persons for the purpose of exploitation:

- Section 600, which punishes reduction to slavery or a similar condition¹¹ with imprisonment for from five to fifteen years;
- Section 601, which punishes trafficking and trading in slaves with imprisonment for from five to twenty years; this penalty is increased if the offence is committed for the purpose of exploitation of the prostitution of minors aged less than 18 years;
- Section 602, which punishes, also residually, the acquisition and detention of slaves with imprisonment for from three to twelve years;
- Section 604, which lays down that the preceding sections also apply when the offence is committed abroad or to the detriment of an Italian citizen¹².

Section 600 of the Criminal Code enables the Italian legal system to suppress and prevent the establishment or maintenance of relationships of bondage whereby an individual is deprived of capabilities relating to his personal freedom. This means that any form of behaviour whose result is the assertion of a proprietary right by one person over another and the deprivation or restriction of the juridical capacity and state of liberty of the passive subject is punishable. The passive subject of the crime may be either an Italian citizen or a foreigner. The consent of such subject is not an exonerating circumstance, since the Italian Constitution lays down that personal freedom is a good that cannot be relinquished.

As to the interpretation of the expression a “condition similar to slavery”, the Constitutional Court (Decision No.96 of 1991) has laid down that reference must be made to the Geneva Convention of 1956, and in particular to the (not exhaustive) list in article 1. This list comprises servitude for the non-payment of debts, serfdom and practices allowing the sale of a spinster in marriage, the sale of married woman, and the sale of a human being aged less than 18 years for the exploitation of his or her services as a worker or of his or her person (Maggio, 2002).

Section 600 has been applied to both *de jure* and *de facto* situations by the Italian courts. Even so, the many uncertainties associated with its interpretation, coupled with the difficulty of proving the existence of a state of subjection similar to slavery when the person is left with a certain margin of self-determination, have resulted in its confinement of its application to minors. Adult victims (nearly always women) are thus denied any form of protection in the case law (Comitato Parlamentare Schengen

¹¹ The established *ratio* of this rule is that the individual, even if not deprived of his juridical capacity and *status libertatis*, may in effect be placed in a state of servitude such as to enable him to be regarded as reduced to a situation similar to that of slavery. Cf. Maggio, 2002).

¹² Section 603 (undue influence or moral subjugation) was declared unconstitutional in 1981 on account of its indeterminateness.

Europol, 2001). In 1998, however, the Corte di Cassazione held that sec. 600 is applicable to the exploitation of clandestine immigrants.

In some instances, offenders have been sentenced for the crime of false imprisonment, even in the absence of deprivation of personal freedom understood as deprivation of the freedom of movement, where the psychological constriction resulted in a true state of subjection (Comitato Parlamentare Schengen-Europol, 2001).

Pursuant to the requirements of the U.N. Convention on the Rights of the Child¹³, Italy's Law No. 269 of 1998 has supplemented sect. 600 by inserting six addenda dealing specifically with minors:

- sect. 600 *bis* – juvenile prostitution – punishes anyone who induces, aids and abets or exploits the prostitution of a person aged less than 18 years with imprisonment for from six to twelve years, plus a pecuniary penalty, and anyone who performs sexual acts with a minor aged 14 to 16 years in return for the payment of money or the conferment of any other economic benefit with imprisonment for from six months to three years, plus a pecuniary penalty;
- sect. 600 *ter* – juvenile pornography – punishes anyone who exploits minors under 18 years of age for the purpose of arranging pornographic exhibitions or producing pornographic material with imprisonment for from six months to three years, plus a pecuniary penalty, and anyone who distributes, disseminates or publicises pornographic material concerning minors or notices or information aimed at the soliciting or sexual exploitation of minors with imprisonment for from one to three years, plus a pecuniary penalty;
- sect. 600 *quater* – holding of juvenile pornographic material – punishes anyone who, while not falling within the scope of the last preceding section, knowingly procures or has at his disposal pornographic material produced by means of the sexual exploitation of minors with imprisonment for up to three years, plus a pecuniary penalty;
- sect. 600 *quinquies* – tourist ventures directed to the exploitation of juvenile prostitution – punishes anyone who arranges or publicises tourist trips directed to the exploitation of juvenile prostitution with imprisonment for from six months to twelve years, plus a pecuniary penalty;
- sect. 600 *sexies* increases the penalties laid down in the previous additional sections in all cases where the offence is committed to the detriment of a person aged less than 14 years, or by a minor's parents, ancestors, relatives or guardian.

The Comprehensive "Immigration" Enactment

Two sections (sects. 12 & 18) of the "Comprehensive Text of the provisions concerning the governance of immigration and regulations concerning the position of foreigners" (Legislative Order No. 286 of 1998) are of particular importance with respect to the subject of trafficking in human beings.

¹³ Ratified in Italy by Law No. 176 of 27 May 1991.

Section 12 punishes those who organise immigration for the purpose of recruiting persons to be engaged in prostitution or its exploitation, or the entry of minors to be employed in illicit activities for the purpose of aiding and abetting their exploitation.

Section 18 is an innovative and very advanced provision internationally regarded as an example of "good practice" (Giammarinaro, 2002a, 2002b). It provides for the issue of a temporary permit to stay for social protection to trafficking victims who decide to quit the streets and enrol in programmes designed to enable them to find employment and a proper place in society (IOM, 2001).

Section 18 is the first in Part III of the enactment entitled "Humanitarian Provisions". Its intention is to reconcile the need to protect the rights of victims of trafficking with the need to secure its repression and punishment. Traffickers can, in fact, be identified and sentenced if (and only if) their victims are prepared to make statements and cooperate with the authorities. This in turn becomes possible when victims perceive that they have rights that the Italian legal system is prepared to safeguard unreservedly when a hard core of subjective situations are involved.

Section 18 establishes two procedures through which trafficking victims can regularise their position: social protection and collaboration in judicial proceedings.

In case of violence or grave exploitation, a Police Commissioner may grant a permit to stay for social protection reasons to a foreigner who has become free from the influence and control of a criminal organisation with the help of a certificated structure engaged in the rescue and social integration of trafficking victims. Issue of a permit is subject to demonstration that the victim's personal safety is concretely and currently endangered.

Permits are applied for by the social services of a local authority or by the recognised association to which the victim has turned to receive assistance and become free from exploitation. This is the start of the social procedure, which involves the cooperation of an organised association and is entirely separate from the judicial procedure described below.

A further prerequisite for the issue of a permit is enrolment "in an assistance and social integration programme". This, in turn, must conform to certain specifications.

Presidential Order No. 394 of 1999 lays down the criteria for conferment of the execution of these programmes on volunteer associations and bodies, and states that 70% of their funding is to be provided by the State and 30% by the relevant local authority.

A register of associations working on behalf of immigrants has been set up at the Social Affairs Department of the Prime Minister's Office. One of its sections is devoted to private persons or entities entrusted with the execution of sect. 18 programmes. Private persons or entities that wish to provide assistance and social integration services must conclude a specific agreement with their local authority.

The opinion of the Public Prosecutor's office is not required. Since legal proceedings have not been instituted, in fact, the need for regularisation is solely a

question of social protection. If, however, the application for a permit contains the details of an information that has been laid, the Police Commissioner must notify the Public Prosecutor's office of the same to enable an investigation to be started if required. This provision means that those responsible for the crimes perpetrated can be prosecuted without direct involvement of the victim.

The judicial procedure, on the other hand, is set in motion by the contribution the victim has decided to make towards the institution of legal proceedings by offering to collaborate with the magistrates or the police through the lodging of a complaint or by providing useful information.

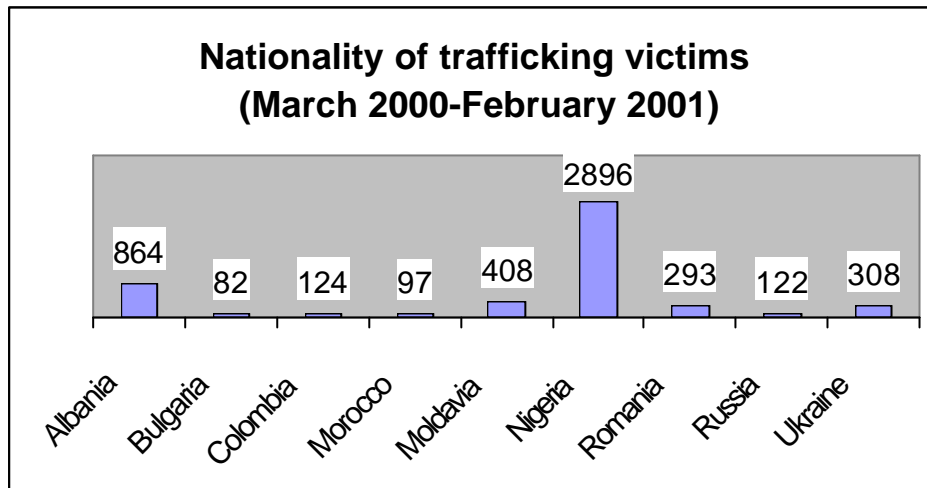
Here, too, a permit to stay will only be issued in the presence of violence or grave exploitation and declarations showing that the victim's personal safety is concretely and currently endangered.

An application for regularisation in this case may be presented by a Police Commissioner, the Police or the Attorney-General's office. If legal proceedings have already been instituted, the opinion of the Public Prosecutor's office is required.

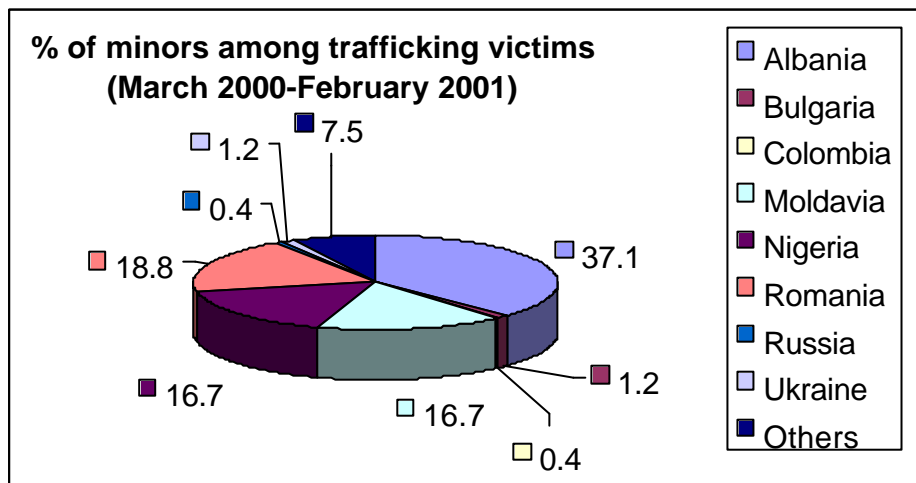
The permit to stay is issued for a period of six months. It can be renewed for a further year or such longer period as may be required to allow justice to run its course. If the victim is employed under a contract of hire when the permit expires, it may be extended to cover the duration of such contract. It may also be converted for educational purposes and allow access to welfare services, registration at an employment office and employment as a subordinate.

The results of a survey of the working of sect. 18 carried out by the Osservatorio sull'Applicazione dell'articolo 18 (Prina, 2002) indicate that the selection and checking methods used to govern access to the social protection procedure are such as to secure a significant reduction of the risk of its improper utilisation.

The data furnished by the Commissione Interministeriale sull'applicazione dell'articolo 18 show that in the year 2000 "takings in charge", namely the more or less continuous relationships established with women driven to forced prostitution, numbered 5,577, including 2,896 Nigerians (52%). The 40 Nigerian minors "taken on" in 2000 constituted 16.7% of the total (Commissione Interministeriale articolo 18, 2001).



*Source: Commissione Interministeriale art. 18, 2001. Processed by UNICRI.



*Source: Commissione Interministeriale art. 18, 2001. Processed by UNICRI.

Sect. 18 has also made it possible to conduct an awareness-raising campaign in the form of TV spots, posters and radio messages, and set up a Green Helpline. These nationwide measures have been accompanied by 49 social protection projects handled and co-financed by local authorities in collaboration with volunteer associations designed to help trafficking victims break free from their "forced prostitution" situation (CLES, 2002).

More than 1,000 permits to stay have been issued for social protection reasons since the Comprehensive Enactment came into operation. About 4,000 women have received concrete assistance in the form of medical treatment and counselling, and more than 1,500 persons (nearly all women) have been enrolled in the social integration programmes (Giammarinaro, 2002a).

The "Numero Verde" (green helpline)

A national "Numero Verde" telephone number (**800-290290**) has been set up by the Equal Opportunities Department of the Prime Minister's Office to provide information concerning the opportunities offered to trafficking victims to escape from exploitation and forced prostitution.

This helpline service is provided by a central call centre and fourteen regional or inter-regional call centres connected to the 49 social protection projects run by local bodies and associations to enable trafficking victims to escape from forced prostitution (Commissione per le politiche di integrazione degli immigrati, 2000; Da Pra Pocchiesa & Grosso, 2001).

Helpline calls are made by prostitutes and their customers, but also by the police and ordinary citizens. Their subject-matter ranges from requests for information (how to help a woman in trouble) to offers of help in the form of accommodation or a job, and expressions of opinion on the part of citizens who are worried by the problem of street prostitution (CLES, 2002).

Data presented by the Commissione Interministeriale sulla tratta during the international meeting held at Bologna in May 2002¹⁴ show that the Numero Verde received 454,000 calls between March 2000 and March 2002.

¹⁴ The international meeting entitled "STOP. Osservatorio sull'Applicazione dell'art. 18 del D.lgs 25/7/98 n.286 nel contesto delle norme di contrasto della criminalità contro i migranti" was arranged by the "On the Road" Association and sponsored by the European Commission's STOP programme, the Equal Opportunities Department of the Prime Minister's Office, the University of Bologna and the University of Turin. It was held in Bologna on 23 & 24 May 2002.

Chapter II – Trafficking of Minors and Young Women from Nigeria to Italy for sexual exploitation

1. Nigerian organised crime in Italy

Nigerian criminals in Italy are not organised hierarchically in a pyramid pattern, but horizontally in what are also called "bloc" or "modular" formations marked by extreme secrecy and a strong magical and religious component enabling them to exert a very heavy influence over their victims (Polizia di Stato, 2000; IOM, 201).

The high level of organisation and dangerousness of these groups are shown by the resemblance to criminal organisations of the Mafia type, repeatedly attributed to them by the courts in view of the ways and means they use to commit their offences (Ministero dell'Interno, 2001).

These groups are present in virtually the whole of Italy, especially in Piedmont, and the City of Turin in particular (Polizia di Stato, 2000; Cracovia, 2002; CLES, 2002). Their main activities are the exploitation of prostitution, clandestine immigration, counterfeiting of documents and paper money, illegal currency export transactions, and the trafficking of narcotics and human beings.

Exploitation of prostitution occupies a central role. It began in Rome and has now spread to Italy's main towns and cities. Furthermore, Nigerian girls, often unaware of their fate, no longer arrive from their own country only, but from France, Switzerland, Germany, the former Yugoslavia, Belgium and other parts of Europe (Ministero dell'Interno, 2001; Monzini, 2002).

Nigerian criminal organisations have moved into trafficking in human beings to make huge profits quickly by employing the means, structures and know-how built up in other spheres, especially trafficking in drugs (cocaine) and arms, and through the corruption of frontier officials and those responsible for repressing clandestine immigration, and for the issue of visas and exit permits (Cracovia, 2002).

The prostitution market has made them very wealthy. By moving into the fields vacated by local criminal organisations, foreign groups have extended their operations to a number of illicit markets, and have thus begun to take root in Italy (Commissione parlamentare d'inchiesta sul fenomeno della mafia, 2000; Da Pra Pocchiesa & Grosso, 2001).

The absence of clashes between Nigerian and Italian criminal organisations points to the existence of a joint management agreement. There is evidence that the Italian organisation which handles prostitution rents out sex workers' areas to its Nigerian opposite number at from 200 to 250 euros per beat per month according to what is known as the "toll system" (Olivero, 2002; Cracovia, 2002).

The absence of an efficacious set of international regulations for the suppression of clandestine immigration and trafficking in human beings allows these often transnational criminal coalitions to run their operations with the certainty of collecting

huge revenues without incurring particularly heavy penalties (Commissione parlamentare d'inchiesta sul fenomeno della mafia, 2000).

Since this is a business run by criminal organisations whose eyes are set on the maximum profit, trafficking is mostly directed to street prostitution, which does not require any further investment and has both few risks and a high demand. They can thus be sure of the rapid payback and multiplication of the loans made to the girls for their travel expenses. In addition, the girls themselves can be repeatedly sold to other traffickers for renewed exploitation (Commissione per le politiche di integrazione degli immigrati, 2000).

Part of the capital acquired from these illicit operations is remitted to Nigeria by currency couriers who bring in large sums in US dollars on behalf of other Nigerians (Massari, 2003). In Turin, for example, the home of Italy's biggest Nigerian community, there has been a marked increase in their activities (Polizia di Stato, 2000; Ministero dell'Interno, 2001).

Nigerian criminal groups engaged in trafficking for sexual exploitation employ a "sponsor" to recruit girls in Nigeria. He often advances their travel expenses¹⁵. Recruiting is commonly accompanied by the attainment of intensive psychological submission through magic rituals performed by "native doctors" or a resort to false lawyers (Massari, 2003). The "Maman" or "Mama Loa", on the other hand, is the key figure in the sexual exploitation of Nigerian girls. When they arrive in Italy, she handles them and sometimes keeps them in a state of semi-slavery, takes their passport away and much of the money they earn (Agathise, 2002; Massari, 2003).

Nigerian women are exploited until they can pay off a very high "ransom" of the order of 40 to 50 thousand euros, plus their board and lodging and the rent of their beat or "joint" on the pavement, which ranges from 100 to 250 euros a month (Da Pra Pocchiesa & Grosso, 2001; Cracovia, 2002).

2. Ways and means of recruitment and exploitation

Criminal organisations use various ways of recruiting women in their home countries. Direct violence or even kidnapping are sometimes employed. Most recruiting, however, involves simple misrepresentation of the type of work to be done in the host country and especially the terms and duration of such employment, and the percentage of their earnings women can keep for themselves (Pastore, Romani, Sciortino, 1999). Some estimates, however, indicate that at present 70% of the women who leave Nigeria in this way know that they will be used as sex workers (Monzini, 2002).

Until 1992, women were brought to Italy and then auctioned. In view of the costs and risks involved, however, recruitment is increasingly "ordered": Nigerians engaged in exploiting and aiding and abetting prostitution, well established in Italy and often holding a permit to stay for employment as a subordinate worker, "commission" other Nigerians (known as "sponsors") in Nigeria to recruit young women for prostitution (Cracovia, 2002; Massari, 2003).

¹⁵ He is thus regarded as a benefactor by both the girls and their families (Monzini, 2002).

Sponsors form part of a large organisation that sees to the recruitment of girls, the contract resulting in their debt bondage, their subsequent sale, the procurement of passports and visas, and clearance through frontier checks. A sponsor eventually "passes the girls on" to the Mamans in Italy at from 8,000 to 10,000 dollars each.

The first step in the procedure is the contract signed by the girls to enable them to leave. This covers the transit visa, airline ticket, employment, board and lodging. It usually consists of the "blood pact" accompanied (though not always) by a "legal agreement".

- the "blood pact" involves the performance of juju rites and is mostly applied in the recruiting of girls in rural areas. It is concluded before a village elder and the sponsor, or the Maman acting as intermediary and guarantor of the sponsor advancing the money. The rites are often celebrated by "native doctors". These are persons who practise forms of traditional medicine and can perform black magic rites (Massari, 2003). The blood pact is a powerful means of securing a hold over a girl and her family. On taking the oath, the beneficiary of a loan must hand over her nails, hair, blood and photographs as guarantess, along with other objects that will not be restored until the loan is repaid (Da Pra Pocchiesa & Grosso, 2001).
- The "legal agreement" is concluded by conferring goods at the disposal of the family clan to guarantee all the "services" made available by the sponsor. Local policemen have sometimes acted as "guarantors" of the regular execution of the operations (Olivero, 2002).

Corruption and connivance on the part of the embassies and consulates of several European and African countries have been demonstrated (Monzini, 2002). A temporary transit visa (usually valid for 3 to 15 days) is obtained through "brokers". These are usually Nigerian citizens who enjoy particular "connections" with the authorities and are skilled in the art of corruption. Their services cost anything from 1000 to 3000 dollars (Olivero, 2002).

Criminal groups take care of the journey of the girls and their reception, settlement and commencement of work in Italy at exorbitant prices. As already mentioned, the "ransom" price may rise to 40,000 to 50,000 euros. Addition of interest and the payment of "disciplinary fines" push the debt even higher and prolong the forced prostitution period, since the debt is obviously repaid out of a girl's earnings and these are usually of the order of 10-15 euros per customer (Aghatise, 2002).

Women may be repeatedly sold or conveyed to accomplices during their journey (Gruppo Abele, Provincia di Torino, 2001). They are sometimes accompanied by a man with a young child to give the impression of a family and allay suspicion (Cracovia, 2002).

On their arrival in the host country, the girls are either handled by the criminal organisation or more frequently entrusted to a Maman, and their passports are taken away. They are subsequently driven to prostitution by blackmail, deceit or violence.

Disobedience is severely punished and may result in homicide¹⁶ (Commissione per le politiche di integrazione degli immigrati, 2001).

The Maman keeps in touch with the international criminal groups and handles to 5/6 to 10/15 girls in her charge. Every month she takes her percentage of their earnings, plus the portions due to local pimps and the criminal groups in Nigeria.

Victims are housed under the direct control of a Maman in flats rented at high prices. They often travel daily to their beats by train or bus (e.g. from Turin to Aosta, Novara, Biella, Milan, Bergamo, Brescia and Genoa; from Parma to Bologna and Florence). If they work in the city where they reside, they are taken to work by friends or Nigerian taxi-drivers ("black taxis") and sometimes Italian taxi-drivers (Da Pra Pocchiesa & Grosso, 2001).

Criminal organisations exploit their contacts with a victim's relatives as an opportunity for blackmail. Girls are, in fact, often threatened with reprisals against their families in Nigeria if they fail to earn money, escape or get in touch the police or the judiciary.

Recent investigations have also revealed the existence of a sort of "network" of Mamans operating in the same area. In cases where a victim fails to provide the income demanded by her exploiter, therefore, or when her presence is the cause of conflicts in her lodgings she is conveyed to another Maman for further exploitation elsewhere (Cracovia, 2002).

¹⁶ "As an illustration of the risks run by victims of trafficking for sexual purposes, account must be taken of the increase in the murders of foreign women, particularly Albanians and Nigerians, in Italy from 6.8% of the total number of homicides in 1992 to 23.1% at 6 November 1999", *Relazione sul traffico di esseri umani del 5 dicembre 2000*, drafted by the Commissione parlamentare d'inchiesta sul fenomeno della mafia (2000), page 30.

3. The victims

Most Nigerian victims of trafficking for sexual exploitation come from the south of the country (Benin City or Lagos) and belong to the Bini, Edo, Igbo, and Yoruba tribes¹⁷ (Olivero, 2002).



They are usually from 17 to 30 years old. The average has fallen in recent years and most are now aged 18 to 25 (Gruppo Abele, Provincia di Torino, 2001). The number of minors involved appears to be increasing (Aghatise, 2002). This, however, cannot be established with any degree of certainty, since these women usually have no documents and are in any event reluctant to state their age, especially if they are in fact under 18 (IOM, 2001). According to Eurispes, from 250 to 500 of the 1,800-2,500 minors driven to prostitution in 1998 were Nigerian (Eurispes, 2001b).

Education levels are usually average to low. Numbers of women come from rural areas (Aghatise, 2002; Massari, 2003). Many are married and often separated from or abandoned by their husbands (Aghatise, 2002).

A victim's chances of making the acquaintance of persons outside the Nigerian community are very small, especially if she only knows her own language. By contrast, these women remain closely linked to their families, though this is essentially an economic link in that, whereas the Mamans or the girls themselves send part of their earnings home every month, their families are usually unaware that they are being exploited or that they are sex workers. In addition, the girls send over merchandise of every kind. This both suggests that they are well off in Europe and deceives other young girls into thinking that they can earn good money and reach a high lifestyle (Olivero, 2002).

¹⁷ According to some estimates, about 80% of the victims in Italy are Edos (Aghatise, 2002).

4. The access routes

Until 1991, nearly all Nigerian victims came into Italy through Rome airport straight from Lagos with a 3 to 15-day transit visa. Linate and Malpensa airports (Milan) are more recent points of entry.

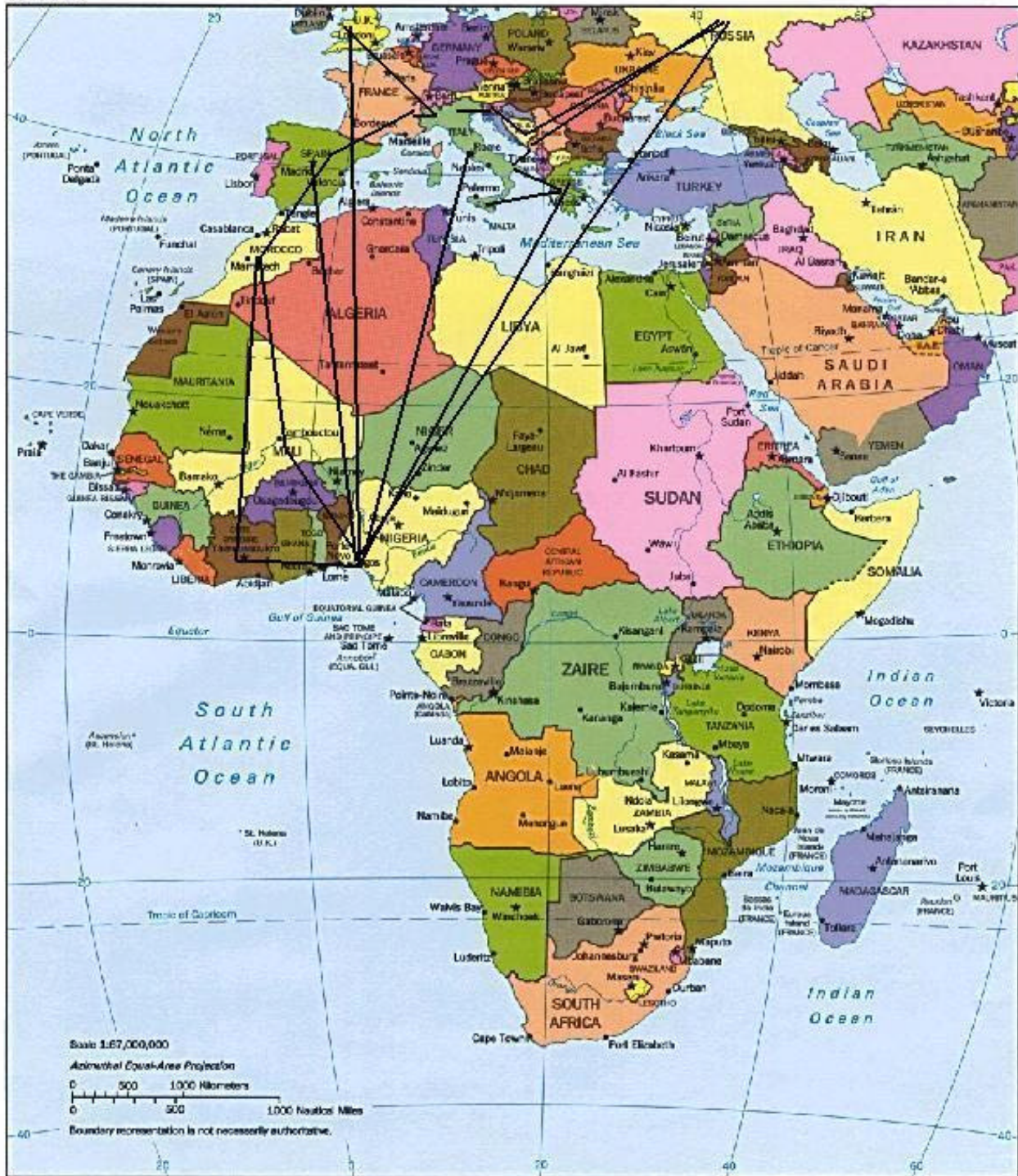
The establishment of stricter checking, however, has led to the elaboration of more complicated routes. Today women have to undertake longer and more tortuous journeys during which they pass through one or several African countries.

One point of entry into Italy is across the French border. This is particularly used by clandestine immigrants from north and sub-Saharan Africa who cross the Strait of Gibraltar. It is often employed by traffickers to bring in young Nigerian women (Commissione parlamentare d'inchiesta sul fenomeno della mafia, 2000; IOM, 2001) in buses or commercial vehicles that are sometimes altered to conceal illegal immigrants.

Other routes involve a flight to Paris, London and Frankfurt airports, followed by a train journey to Italy. It has recently been shown that some women arrive at Moscow airport and then proceed through the Balkans to reach Italy by sea (landing in Puglia, for example) or by train across the Slovene border (IOM, 2001). Others are being ferried over from Greece (Cracovia, 2002). Prague, too, is likely to become an initial point of entry when the European Union is extended to include the Czech Republic (Cracovia, 2002).

The main routes used for the trafficking of women from Nigeria to Italy for sexual exploitation

Africa



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*Processed by UNICRI.

Chapter III – The local situation: Turin and its Province



Turin hosts Italy's fourth largest foreign population¹⁸. The approximately 1,500 Nigerians currently resident in the city with a regular permit to stay (mostly for work) account for 3% of its non-EU inhabitants (Cracovia, 2002; Morsaniga, 2002).

The number of irregular and clandestine foreigners in Turin is thought to be around 7,500. Most of them are off-payroll workers in the building industry, trade, restaurants and domestic service. Others are engaged in drug peddling, prostitution and other illegal activities (CLES, 2002).

The total number of immigrant prostitutes in the Turin metropolitan area has been estimated at about 1,600 by TAMPEP (Transnational AIDS Prevention among Migrant Prostitutes in Europe Project). Most work on the streets, especially along the main highways running into and out of the city. On average, Africans charge less than their European counterparts. Nigerians rarely take more than 10-15 euros per customer (Aghatise, 2002; CLES, 2002).

Turin's "forced prostitution" market is primarily controlled by Nigerian and Albanian criminals, who employ moral and physical violence to keep their victims under control (Polizia di Stato, 2000; CLES, 2002). The exact number of Nigerian victims in Turin and Italy in general is unknown. A recent study (Olivero, 2002) indicates that, in the Province of Turin alone, more than 600 Nigerian women work on the streets of the Piedmont Region as a whole, and in neighbouring Regions that can be reached by train.

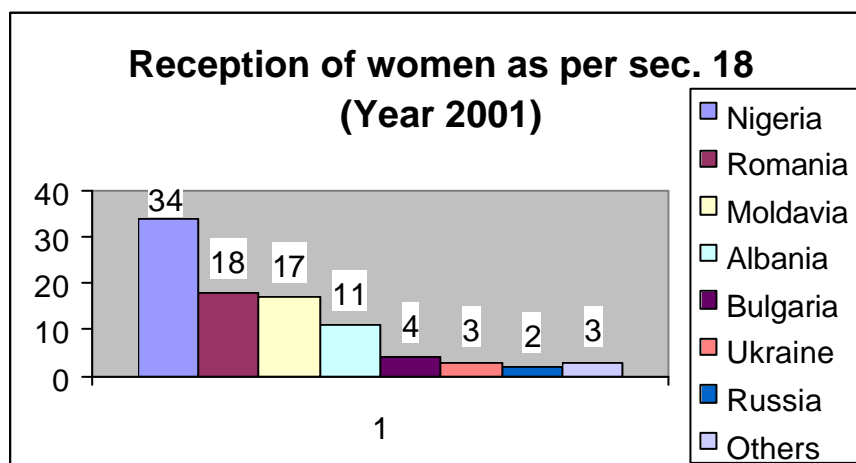
¹⁸ According to the Osservatorio interistituzionale sugli stranieri, 40,746 foreigners were officially resident in Turin on 20 October 2001.

Hundreds of women have given up prostitution and have been assisted by local volunteer and other services since the early 1990s. The files of the Ufficio Pastorale Migranti di Torino show that 471 women had set out along the path towards freedom from forced prostitution in January 200 (Servizio Migranti, 2000). Nigerians form one of the strongest components in Turin and are involved in almost half the total number of projects within the compass of sect. 18 of the Comprehensive "Immigration" Enactment (Prina, 2002).

Even before this section came into operation, several religious and lay associations were assisting trafficking victims. Caritas and Gruppo Abele, for example, have been engaged in this sector for more than ten years, since their structures are appropriate for the reception of persons in various states of social distress, such as the homeless and young unmarried mothers (Aghatise, 2002).

TAMPEP has been active since 1993. Its aims are research and intervention directed to prostitutes on the subject of health and the provision of information concerning sexually transmissible diseases. One of TAMPEP's fundamental activities is that of the Street Unit operating in Turin and its Province, which approaches streetwalkers and hands out publications dealing with prevention and the legal rights of immigrant women. The Unit equally serves as the doorway to more in-depth meetings at TAMPEP's headquarters, which are also attended by cultural intermediaries. Since 2002, TAMPEP has been managing two dwellings made available by the Municipality of Turin for women who have given up prostitution (Da Pra Pocchiesa & Tavassi, 2002).

In 1997, the Municipality of Turin set up the Ufficio Stranieri e Nomadi to handle problems connected with immigration and assist irregular immigrants. It is now called Settore Stranieri, Nomadi e Adulti in Difficoltà and forms part of the Divisione Servizi Socio-Assistenziali. During 2001, it received 34 Nigerian women (38% of the total) in accordance with the provisions of sect. 18.



*Source: Osservatorio interistituzionale sugli stranieri, Report 2001, p. 144.

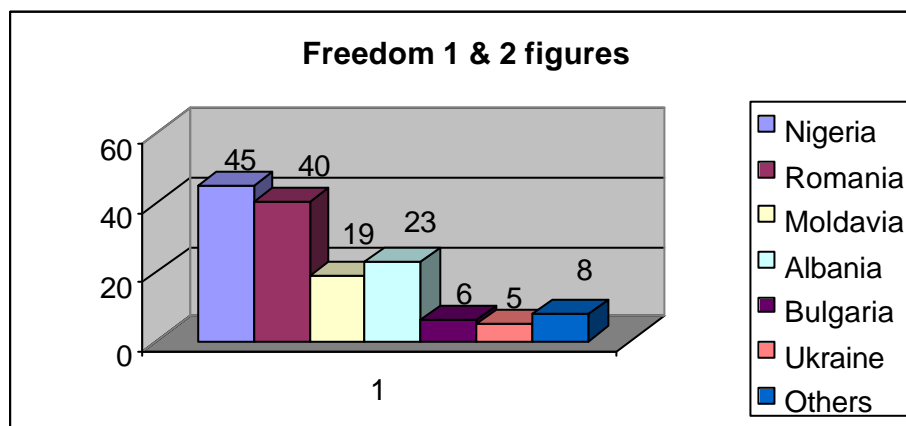
The Ufficio coordinates a social protection project called "Freedom". This project involves 11 associations and NGOs and provides programmes for reception in sheltered

communities and structures, vocational training courses and Italian lessons. Particular attention is devoted to accompaniment and insertion in the labour market, including the provisions of work grants (Osservatorio interistituzionale sugli stranieri in Provincia di Torino, 2002). Between May 2000 and April 2002, 146 women (including 45 Nigerians) had been placed in the Freedom network's communities (Osservatorio interistituzionale sugli stranieri in Provincia di Torino, 2002).

Ufficio Stranieri di Torino. Freedom 1 (May 2000 – April 2001) and Freedom 2 (May 2001 – April 2002) figures

Nazionalità	Freedom 2		Freedom 1		Total
	Adults	Minors	Adults	Minors	
Nigeria	23	2	18	2	45
Romania	13	7	14	6	40
Moldavia	7	–	11	1	19
Albania	5	2	11	5	23
Bulgaria	2	–	2	2	6
Ukraine	2	–	3	–	5
Russia	–	–	2	–	2
Czech Rep.	1	–	–	–	1
Macedonia	1	–	–	–	1
China	1	–	–	–	1
Morocco	–	1	1	–	2
Senegal	–	–	–	1	1

*Source: Ufficio Stranieri-Città di Torino



*Source: Ufficio Stranieri-Città di Torino. Processed by UNICRI.

In 2000, the Province of Turin promoted the “Antares” Project to assist foreign women determined to give up prostitution by taking them in charge and through the construction of individually tailored envisaged pathways for their integration in the society within the meaning of sect. 18 of the Comprehensive Immigration Enactment. This project is implemented by Tampep.

The Piedmontese "Numero Verde" (green helpline)

The Equal Opportunities Department has selected the Province of Turin as the reference, coordination and junction body for the activation of the Numero Verde call centre to which all calls made in Piedmont are routed from the national exchange. The Turin call centre is operated by Gruppo Abele.

The Ufficio Stranieri is also involved in the Numero Verde along with three associations operating under agreements with the Province of Turin: the Servizio Migranti of Caritas (for accompaniment and insertion in the labour market), TAMPEP (for the service of cultural intermediaries), and the Associazione Studi Giuridici (for legal assistance in the issue of permits to stay as prescribed by sect. 18).

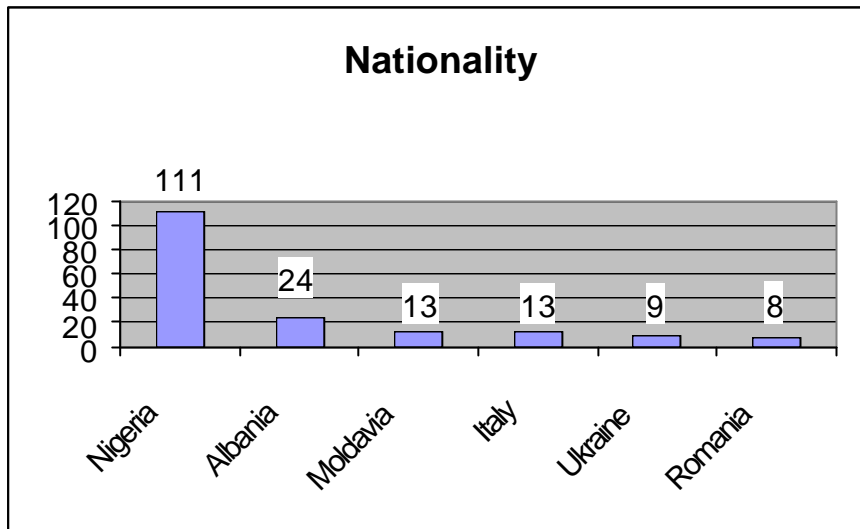
The Turin helpline came into operation on 26 July 2000. It functions from 3 p.m. to 3 a.m. and consists of three units: telephone exchange, accompaniments and coordination activities.

The exchange operator supplies information concerning Italian legislation and how to access health facilities and local reference points. His task also includes "hooking" the caller, i.e. attempting to establish a contact that could become continuous. In some case, he will fix a date for an interview for the purpose of assessing the situation and possibly taking charge of the victim. A cultural intermediary may also be present during the interview to cope with language difficulties.

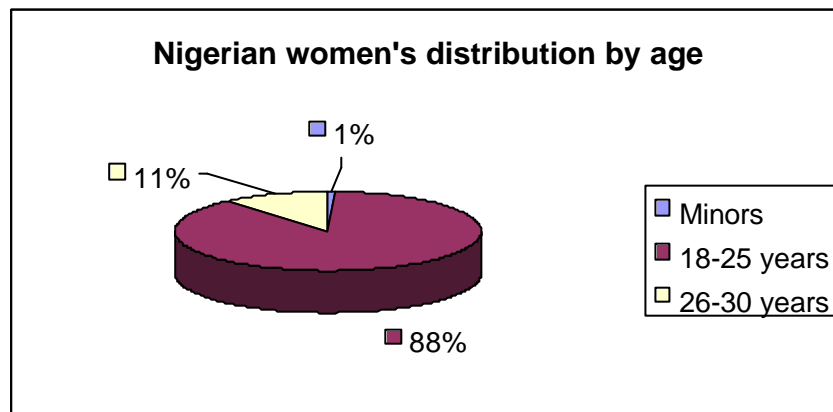
In special cases requiring immediate accompaniment and emergencies necessitating prompt admission to a sheltered place (Gruppo Abele's "escape" community) the Turin call centre has ensured that it is reachable around the clock.

During its first ten months (26 July 2000 to 26 May 2001, the Piedmont call centre ranked third in Italy in terms of the number of calls received (Gruppo Abele, Provincia di Torino, 2001).

Most of the girls who call are foreigners and more than half the calls come from Nigerian women. In the first ten months, of the 219 persons contacted or "hooked", 111 were Nigerians (including 1 minor), 95 were aged 18-25 and 15 were aged 26-30 (Gruppo Abele, Provincia di Torino, 2001).



*Source: Gruppo Abele, Progetto Numero Verde, Postazione di Torino. Processed by UNICRI.



*Source: Gruppo Abele, Progetto Numero Verde, Postazione di Torino. Processed by UNICRI.

The customer is often an important resource in the "hooking" stage. Since he is emotionally involved, he insists that the girl should be helped. When the girls call on their own, on the other hand, 44% of them do not agree to come for an interview (CLES, 2002).

Many calls, however, are not followed up: 66% of the women for whom an interview is arranged do not come. The Turin call centre also has a mobile phone number that can be reached during the hours when the helpline is not in operation. In suitable cases, this number is given to a girl at the time of her first call.

All the women who came in for an interview have been followed: 25 have been placed in communities and 5 in families. Others were living with their boyfriends (Gruppo Abele, Provincia di Torino, 2001).

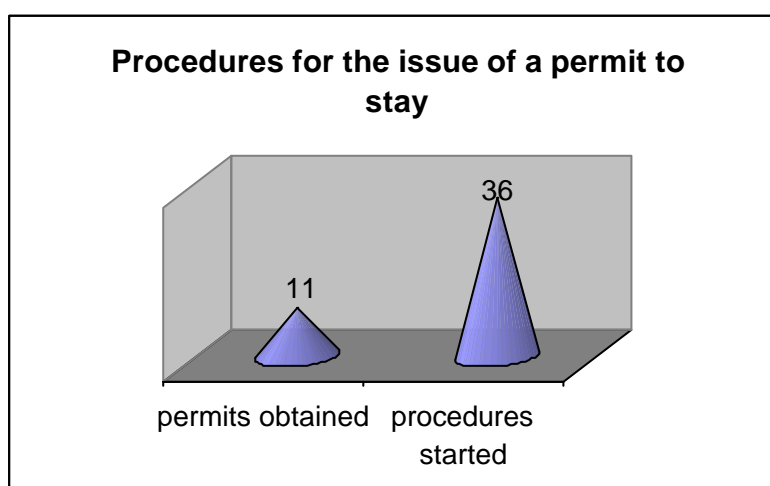
Accompaniment on the part of the police constitutes the main form of access (42%) to the social protection programme, whereas the input from other bodies or projects is only 19% (Prina, 2002).

Data collected by the Osservatorio sull'applicazione dell'articolo 18 show that 80% of protection projects begin with placement in a community, often for a considerable time. Each of the ten Turin communities hosts from 6 to 10 women wishing to give up prostitution and is constantly manned by operators and volunteers (CLES, 2002).

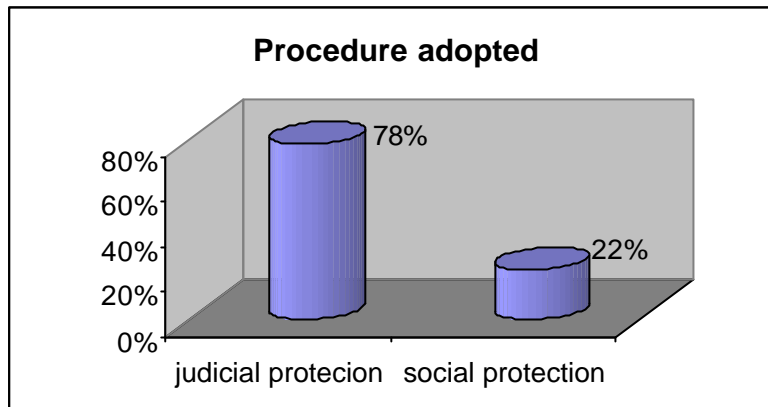
To offset the shortage of places in the communities established by agreement with the Ufficio Stranieri, Gruppo Abele has opened the escape and prompt reception community mentioned earlier. Known as the *Comunità Gabriela* and wholly self-funded, this provides 6/7 places for women in difficulty (with their children, if necessary) and is used to help them in the initial stage of their abandonment of prostitution (Da Pra Pocchiesa & Tavassi, 2002).

Voluntary repatriations are arranged in collaboration with the Ufficio Stranieri and the Organizzazione Internazionale delle Migrazioni. They are few, however, because to return home is viewed as a personal failure. It may also prove dangerous. Many women, in fact, are very afraid of the judgement of their fellow-citizens and the social stigmatisation associated with prostitution.

Thirty-six procedures to obtain a permit to stay (78% judicial, 22% social protection) were started during the first ten months of the Piedmontese Numero Verde (26 July 2000 to 26 May 2001), and 11 were granted. The process takes a long time owing to the difficulty of obtaining the documents required and the procedures required for the issue of a passport. Furthermore, the cost of a passport from the Nigerian Embassy is extremely high (nearly ITL 640,000 in 2001), to which must be added that of the journey to Rome to collect it.



*Source: Gruppo Abele, 2001. Processed by UNICRI.



*Source: Gruppo Abele, 2001. Processed by UNICRI.

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