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TRAFFICKING AND LABOUR EXPLOITATION IN DOMESTIC WORK AND THE AGRICULTURAL SECTOR IN ITALY

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Abstract

In Italy, as in many European countries, agriculture and domestic work are sectors characterised by high levels of irregular work without contract and with no respect of minimum pay, humane living conditions or access to basic services. Generalised informality however sometimes leads to cases of severe exploitation and outright human trafficking.

This report focuses on the conditions that can lead from irregular work to abuse and trafficking in agriculture and domestic work – we question the cultural and economic aspects that make such situations possible. We also review the relevant legislation punishing exploiters and protecting victims with a view of identifying existing gaps and make suggestions for improvement. Indeed while the Italian legal framework is particularly progressive as regards the assistance and protection of victims of trafficking and severe exploitation, related legal practices and implementation of policies on the ground suffer from several shortcomings. For instance, the implementation of Article 18 of Legislative Decree No. 286/1998, which provides victims of exploitation and trafficking with special protection and assistance as well as with a residence permit for humanitarian reasons, has been arbitrary and inconsistent throughout the country, especially in cases of labour exploitation. In addition, Italy has inadequately transposed into national law Directive 2011/36/EU on trafficking and lacks a comprehensive law on labour exploitation. In recent years anti-trafficking interventions have not been a priority and programmes for assistance of victims of trafficking and severe exploitation have been under-funded. There is no effective system of data collection on the victims participating in these programmes; the national plan against trafficking has been adopted only recently (February 2016) after a severe delay of more than one year with respect to the established deadline; there is a lack of structured campaigns against trafficking and serious exploitation.

This report stresses the need for an integrated and comprehensive approach to trafficking and labour exploitation in agriculture and domestic work and makes specific recommendations for each of the two sectors.

Keywords

Labour exploitation; trafficking; domestic work; agriculture; vulnerability

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Introduction

In Italy, as in many European countries, diverse labour sectors—especially those more exposed to abusive practices (FRA 2015) such as agriculture, domestic work, and construction—rely on the employment of a migrant workforce. As many studies highlight, migrant workers frequently experience various forms of exploitation, even severe abuse and trafficking (Amnesty International 2012, 2014; Pugliese 2012; Castelli 2014; Osservatorio Placido Rizzotto 2014; FRA 2015; Barbieri *et al.* 2015). Although this situation primarily affects migrant workers, it risks jeopardizing the rights of all workers and leading to a decline in labour rights.

Today the majority of exploited migrant workers are not undocumented foreign workers but migrants with a residence permit, refugees, asylum-seekers, and poor EU migrants (Jesuit Refugee Service 2014; Osservatorio Placido Rizzotto 2014; Lewis & Waite 2015; Palumbo & Sciarba 2015; Barbieri *et al.* 2015). Indeed, in recent years the composition of migration movement has changed: while the economic crisis has discouraged non-EU ‘economic’ migrants—who are the most involved in situations of irregularity—from moving towards European Union countries (OECD 2014; Sciarba 2015b), contemporary migrations involve chiefly refugees due to the increasing number of conflicts and wars, as well as EU migrants, in particular Romanians, who have been ‘forced’ to leave their country because of the gap between the rising cost of living and average wages (Palumbo & Sciarba 2015b; Sciarba 2015b). Moreover, current migratory movements are characterised by the growing presence of women. For instance, official data reveal that Italy receives a significant number of women, many of whom come from Romania and work in domestic work (Centro Studi e Ricerche Idos 2015).

In Italy, both domestic work and agriculture, which have been only marginally affected by the recession, are key sectors for employing migrant workers (Centro Studi e Ricerche Idos 2015; ISTAT 2015). According to official estimates of officially-registered workers, in 2014 77.1% of the total workforce in domestic work was migrant labour (INPS 2015; Centro Studi e Ricerche Idos 2015). The same data reveal that women comprise the majority of migrant domestic workers, especially in elderly care, with most of them coming from eastern European countries (Romania, Ukraine, Moldova, and Albania), Asia (Philippines, Sri Lanka, and India) and South America (Peru and Ecuador) (Centro Studi e Ricerche Idos 2015). With regards to agriculture, data show that in 2014 the number of migrant workers employed was 327,495, with a significant presence of Romanians (119,319). Men are predominant in this sector, although the number of women is high in many regions such as Emilia Romagna and Calabria (Centro Studi e Ricerche Idos 2015).

Despite the significance of these estimates, it is worth noting that accurate data are difficult to obtain due to widespread irregularity in these sectors. Indeed, studies demonstrate that both agriculture and domestic work are characterised by the highest rates of irregularity of employment and that thus a great portion of migrant workers remain invisible for statistical survey (CENSIS 2012; Castagnone *et al.* 2013; IREF 2014; Osservatorio Placido Rizzotto 2014; Centro Studi e Ricerche Idos 2014; Soletterre Irs 2015). For instance, ISTAT data highlight that irregularity in agriculture has risen over recent years, reaching levels higher than 25% in 2012 (Osservatorio Placido Rizzotto 2014).

In the face of international competition due to the liberalisation of agricultural markets, the employment of migrant workers at lower wages has allowed many Italian agricultural companies to compress labour costs and thus face the pressure on prices practised mainly by traders and large retailers (Osservatorio Placido Rizzotto 2014; Perrotta 2014).

As for domestic work, the growing tendency to resort to domestic workers—in particular migrant workers—in Italy has been driven by a combination of diverse factors. Firstly, the rise in the ageing population has spurred demand for assistance and care for elderly people. Secondly, the Italian welfare system is based on a ‘familialist’ model that lacks efficient public services and assigns families the

primary role in providing care to members who need assistance (Saraceno 2007; Scrinzi 2008). Thirdly, the increased participation of women in the labour market has undermined the informal care system that assigns the burden of care to women thus causing an increase in the outsourcing of domestic work. All this has resulted in what Ambrosini calls ‘invisible welfare’, where migrant domestic workers especially, as a vulnerable and cheap labour source, offset the welfare system’s inefficiencies (Ambrosini 2013; see also Nare 2013).

Italian migration policies have also significantly supported, not without contradictions, the (exploitable) employment of migrants in these sectors by adopting mechanisms which have facilitated their entry. For instance, with regard to domestic work, the admission system based on annual quotas and the regularisation procedures for irregular migrants have both provided migrant domestic workers with preferential treatment (Sarti 2010; Ambrosini 2013; Castagnone *et al.* 2013; Triandafyllidou & Marchetti 2015).

At the same time—given the labour market segmentation on the basis of gender, class, and nationality—women who have migrated to Italy through channels that are not connected to domestic work nonetheless have often found this to be the only work option available (Fullin and Vercelloni 2009; Vianello 2009; Castagnone *et al.* 2013; Scieurba 2015b). This also occurs in the case of EU migrants, in particular Romanians, who, as argued, today constitute a significant component of the labour force in domestic work. However, many Romanian women also work in agriculture, especially if they had been farm workers in their country of origin (Palumbo & Scieurba 2015a).

Due to the lack of a uniform identification system, there is no data on the total number per year of victims of trafficking or severe exploitation or both in Italy, and thus also of the number of victims of trafficking or severe exploitation or both in domestic work and agriculture. However, according to the data on the number of victims of trafficking and severe exploitation who benefit annually from assistance and protection programmes under Article 18 of Consolidated Immigration Act (Legislative Decree No. 286/98)¹:

- In 2013, there were 7 victims of domestic servitude and 71 victims of labour exploitation, of which 7 were cases of labour exploitation in the services to the person sector and 22 in agriculture.
- In 2014, there were 2 victims of domestic servitude and 35 victims of labour exploitation, of which 1 was a case of labour exploitation in the services to the person sector and 11 were in agriculture.

These figures, which are not high, do not seem to correspond to what studies reveal and respondents for this research reported to us: far from being occasional cases, migrant workers in both the agriculture and domestic work sectors frequently face exploitative working conditions which may range from the violation of contract provisions and/or mandatory rules on working conditions to severe abuse and trafficking in human beings (THB) (Amnesty International 2012, 2014; Barbieri *et al.* 2015; Palumbo forthcoming). Furthermore, women are often subjected to both labour and sexual abuse (Palumbo & Scieurba 2015). In the absence of reliable official data, cases of exploitation and abuse tend to remain invisible and hidden.

While in recent years there has been more attention focused on the issue of severe exploitation and trafficking in sectors other than sex work, policies aimed at addressing and preventing trafficking and labour exploitation and at protecting victims are still inadequate, and some sectors, such as domestic work, are still overlooked.

¹ The computerised system for the collection of information on trafficking in human beings (SIRIT), which gathers data on the number of victims who benefit annually from the programmes of assistance and protection under Article 13 of Law No. 228/2003 and under Article 18 of Legislative Decree No. 286/98, refers to both victims of trafficking and severe exploitation without making a distinction between cases of labour exploitation which do not include elements of trafficking and cases of trafficking. Moreover, these data do not refer to the number of convictions.

This study aims to critically assess current responses to trafficking and labour exploitation in Italy and propose alternative frameworks for developing more effective strategies with regard to prevention as well as to the protection of victims. More specifically, by focusing on domestic work and agriculture, the objectives of this study are: to examine the forms of severe exploitation and trafficking experienced by migrants in these two sectors; to analyse the factors that produce migrant workers' vulnerability to exploitation and which lead or facilitate people to take advantage of this condition of vulnerability; to examine the gaps in legislation and policies on trafficking and labour exploitation; and, to propose a set of measures for national and international policymakers aimed at developing efficacious means to prevent and combat trafficking and severe forms of exploitation as well as to protect victims.

The research relied on a literature review, case law review, and interviews with stakeholders and participant observation. The fieldwork was conducted in the period between February 2015 and January 2016 and focused on three regions covering severe exploitation and trafficking in domestic work and agriculture. More specifically, for domestic work, the fieldwork was carried out in Emilia Romagna (in particular, in Bologna and Cesena) and Tuscany (specifically, in Florence and Pisa), as these are two regions where there is a higher concentration of migrant domestic workers (INPS 2015). With regard to the agricultural sector, research was conducted in Sicily, in particular in Campobello di Mazara in the province of Trapani, which is characterised by seasonal agriculture, and in the area of Ragusa, which is characterised by intensive agriculture in greenhouses.

Interviews were conducted with 42 stakeholders, including migrant workers, judicial and law enforcement authorities, lawyers, policymakers, social workers, trade union staff, and experts. Moreover, the study relied on the discussions and conversations that the author had with several migrant workers employed in domestic work and agriculture.²

In terms of literature review, the study was based on the analysis of research reports, scholarly literature on agriculture and domestic work as well as trafficking for labour exploitation, with special attention on the Italian context. Furthermore, it drew on the examination of policy texts and legal documents.

1. Government Policies and Responses to Trafficking and Labour Exploitation

1.1. Regulation of Domestic Work

In 1958, Italy adopted a law dedicated entirely to domestic work: Law No. 339/1958 on the protection of domestic work (*'Per la tutela del rapporto di lavoro domestico'*). This law, which is still in force, establishes the rights and duties of workers and employers, and defines labour standards and conditions. It applies to workers who perform domestic work for at least four hours per day for the same employer. It regulates important issues such as job placement (Art. 2); hiring (Art. 3); trial period (Art. 5); weekly rest (Art. 7); working time and rest (Art. 8); holidays (Art. 10); marital leave (Art. 15); and seniority allowance (Art. 17).

Law No. 339/1958 is a fundamental instrument for the recognition and protection of the rights of domestic workers. Yet, it relies on the idea that domestic workers are different from other workers and therefore exempts them from enjoying a range of rights with respect to relevant issues like maternity (Sarti 2010; Basenghi 2010; interview 31, National Secretary, Trade Union-Filcams CGIL, February 2015).

In 1974, Italy was one of the first European countries to adopt a national collective agreement for domestic workers. The collective agreement has since been renewed several times, most recently in

² The names and references of migrants interviewed have been omitted in order to protect their privacy.

2013. It provides for a maximum working time of 40 hours per week for live-out domestic workers and of 54 hours per week for live-in domestic workers.³

It is worth noting that for the live-in domestic workers the boundaries between free time and working hours often are not clearly demarcated so that most work more than 54 hours per week (IREF 2014) as they are seen as being at the constant disposal of the employer. Furthermore, given the lack of a sufficient welfare system, very few households can afford the cost of a second domestic worker in order to have constant assistance for the entire week. Consequently, most live-in workers perform work that should be done by at least two people.

In order to try to guarantee adequate assistance (seven days a week) to dependent people, the 2013 collective agreement in force until 2016 provided households with the option of employing—with restricted costs—a second domestic worker to cover the rest days of the regular (full-time) domestic worker. But, as the interviewees for this study have highlighted, this provision is rarely used (interview with 31, National Secretary, Trade Union-Filcams CGIL, February 2015).

When a worker performs domestic work on an occasional basis, the voucher service system may be implemented. The ceiling of income from vouchers has been raised recently from €5,000 to €7,000 (after tax) annually for each worker. In the absence of efficacious controls, the voucher system is often used by the employers to declare fewer working hours than those effectively performed by the workers. From this perspective, far from addressing the black market, the voucher system instead risks fostering irregularity, and hence workers' vulnerability, in labour sectors including domestic work (Interview 31 National Secretary, Trade Union-Filcams CGIL, February 2015).

In recent years there has been an increase in initiatives on domestic work developed by diverse stakeholders in several fields (such as research, advocacy, awareness-raising, and training) aimed at promoting legality in this sector and empowering domestic workers (Soletterre, Irs 2015; Demarchi and Sarti 2010). Some regions, for example, have developed specific laws on domestic work (e.g. the Emilia Romagna Region). Moreover, in December 2012, Italy became the first EU country and the fourth ILO member-state to ratify ILO Convention No. 189 concerning decent work standards for domestic workers.

However, despite an advancement in recognising the rights of domestic workers, they are still less protected than other workers (interview 31, National Secretary, Trade Union-Filcams CGIL, February 2015). For instance, domestic workers can be dismissed without just cause with the only obligation to respect the limits of the notice provided by the national collective agreement (Act No. 604/1966 on Individual Dismissals does not apply in domestic work). Moreover, in terms of maternity protection, domestic workers are protected from being dismissed only during the period spanning the beginning of the pregnancy to the end of the maternity leave. Indeed, Legislative Decree No. 151/2001 on protection and support for maternity and paternity, rules out domestic work from the provision protecting workers from dismissal from the beginning of the pregnancy to the child's first year.

The juridical vulnerability that characterises the conditions of domestic workers has been aggravated by the fact that today the vast majority of domestic workers in Italy are migrants.

1.2 Regulation of the Agricultural Sector

In Italy, the structure of collective bargaining in agriculture, which involves trade unions and employers' associations (*'associazioni datoriali'*), is articulated on two levels: national and provincial.

The national collective agreement for agricultural workers and nursery gardeners is reviewed every four years, and defines the relations between the parties involved, the legal and economic conditions

³ Also, in cases of some specific categories of live-in domestic workers, the maximum working time may be 30 hours per week.

regarding work performance, as well as the role and competences of the collective bargaining at the provincial level. It is applied to individual-based businesses, corporate businesses, or associated businesses that conduct agricultural activities and to workers employed with permanent or fixed-term contracts.

The provincial agreements play a fundamental role in the structure of collective bargaining in agriculture. Indeed, they define contractual wages and can also deal with some issues specifically cited in the national collective agreements (Arts. 90-91), according to modalities and scope expressly defined. These issues can include: economic and occupational development of the territory; hiring; migrant workers; working hours; weekly rest; piece work; and workers' health safety. The provincial agreements are reviewed every four years.

The national collective agreement for agricultural workers and nursery gardeners distinguishes between agricultural workers with permanent employment contracts and agricultural workers with fixed-term employment contracts. These latter involve: workers hired for short-term work, such as seasonal work, or hired to replace other workers; workers hired to carry out several seasonal jobs and/or for several phases of production during a year; and workers hired for more than 180 days of work to be carried out in a single, continuous employment relationship.

As for working hours, according to the national collective agreement, workers are required to work 39 working hours per week, corresponding to 6.5 working hours a day. However, provincial agreements are allowed to modify the limit of working hours per week, within the limit of 85 hours per year and a maximum of 44 hours per week (Art. 34).

As in the case of domestic work, when agricultural workers work occasionally, the voucher scheme can be used. Even in this sector, the voucher system, in the absence of efficacious controls, risks, as argued above, fostering irregularity (interview 33, secretary Flai CGIL Vittoria, September 2015).

The agricultural sector is characterised by high irregularity. The absence of efficacious controls, due also to the widespread presence of many small and medium companies which are difficult to monitor, leaves room for the black and grey markets. In addition, the peculiar regulatory regime of this sector, which provides that employers declare the working days of workers at a later time,⁴ facilitates irregularity as many employers declare fewer working days than those effectively performed by workers.

As illustrated below, agricultural workers, especially migrant agricultural workers who today constitute an essential component of the labour force in this sector, are frequently subjected to labour rights and fundamental rights violations (Amnesty international 2012; Osservatorio Placido Rizzotto 2014; Barbieri et al 2015). The additional labour supply constituted by migrants has allowed companies to deal with market competition through a levelling-down of the rights of workers.

1.3 Migration Policies: the Quota System

Italian migration policies have played a crucial role, not without contradictions, in sustaining the increasing presence of migrant workers in fundamental sectors such as domestic work (Scrinzi 2008; Sarti 2010; Castagnone *et al.* 2013), and, at the same time, in fostering migrant workers' vulnerability to exploitation and abuse.

In 1998, Italy adopted the first comprehensive framework on migration: Legislative Decree No. 286/1998 (*Testo Unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla*

⁴ In particular, every three months the employers have to present to National Institute for Social Security (INPS) a form declaring the working days performed by workers (see <https://www.inps.it/portale/default.aspx?sID=0%3B11160%3B11190%3B6118%3B6119%3B6121%3B&lastMenu=6121&iMenu=1>).

condizione dello straniero, Consolidated Act on immigration and on the condition of the foreign person). As for the admission of non-EU migrant workers, Legislative Decree No. 286/1998, with subsequent amendments,⁵ provides a system of admission based on a ‘nominal hiring from abroad’ (Castagnone *et al.* 2013). According to this model, non-EU workers are only admitted into Italian territory in response to a specific request from a resident employer (an Italian national or a foreigner regularly resident). The number of migrant workers admitted is determined in annual governmental decrees, Flow Decree (*Decreto Flussi*), which establish quotas for diverse types of workers on the basis of existing labour market needs. Quotas are reserved for seasonal and non-seasonal employment. Also, special quotas are often granted to specific sectors or occupations. In particular, from 2005 to 2011, the Flow Decree focused special attention on domestic work, setting specific quotas (in 2005 and 2006) or providing a ceiling for the quota for domestic workers (in 2007, 2008 and 2011).

It is worth noting that the Italian quota system has proven inadequate and open to abuse (Santoro 2010; Salis 2012; Amnesty International 2012; Castagnone *et al.* 2013). This is mainly due to the fact that the administrative procedure for the implementation of the quota system is excessively complicated and long (Amnesty International 2012; Salis 2012). Moreover, especially in the case of the domestic work sector, employers often do not want to hire a person they have not met (Ambrosini 2013). All this has led many employers, in particular families who urgently need a domestic worker, to employ irregular migrants who are already in Italy and to try to regularise their status afterwards through government regularisation or ‘misuse’ of the annual quota system as an *ex post* regularisation tool (Salis 2012: 1). In recent years, however, this latter mechanism has been difficult to apply. Indeed, since 2012, in the framework of the economic crisis (along with cases of abuse of the quota system, the increase in refugee flows, the large number of family reunifications and the high number of unemployed workers, both migrant and natives) there have been no real quotas for new inflows. More specifically, there have been no real quotas for dependent employment that is not seasonal⁶ (not even for domestic workers) while for seasonal work there have been quotas only in the sectors of agriculture and tourism. Thus, there has been no possibility to migrate to Italy as domestic workers, and undocumented domestic workers already working in the country have had no opportunity to regularise their status through the quotas. This, together with the rigid linkage between a residence permit and the existence of an employment contract, risks pushing migrants further towards irregular channels and thus increasing their vulnerability to exploitation.

Given the extent of irregular migrant labour in the Italian labour market, the Government has frequently implemented regularisation procedures for undocumented migrant workers. In particular, since 2002 regularisation programmes have focused special attention on domestic work because of the significant presence of migrant workers, especially migrant women, in this sector. This preferential treatment for migrant domestic workers — which has left abusive employers unpunished — has played a crucial role in making migrant workers, especially migrant women, a fundamental (exploitable) resource for the Italian ‘familialist’ welfare system.

It is worth highlighting that in recent years, especially since 2007 when Romania joined the EU, there has been a noticeable rise in the number of EU migrants in sectors such as domestic work and agriculture and, as highlighted below, they are also exposed to a high risk of exploitation.

⁵ Legislative Decree No. 286/1998 has been amended several times, in particular by Law No. 189/2002 (the so-called Bossi Fini law), which, in addition to provisions aimed at strengthening the mechanism to control and repress irregular migration, introduced significant amendments regarding the regulation of labour migration. More specifically, the Bossi Fini law reinforced the link between admission and the existence of a job contract (Caputo 2010; Salis 2012).

⁶ For instance, in the 2016 Flow Decree, with regard to subordinate non-seasonal work, there are quotas for workers of Italian origin residing in Argentina, Uruguay, Venezuela and Brazil, for workers from non-EU countries who participated in the Universal Exposition of Milan in 2015 (EXPO) and for workers who have participated in special education and training programmes implemented by Italian institutions and associations in their countries of origin. In addition, there are quotas for those who want to convert a resident permit for seasonal work, for study, for training or for other reasons into a resident permit for subordinate work.

1.4 Policies on Trafficking and Labour Exploitation

Legal framework on trafficking and labour exploitation

In 2003, Law No. 228/2003, *Misure contro la Tratta di Persone* ('Measures against Trafficking in Human Beings') amended the Criminal Code (CC), in line with the 2000 United Nations *Trafficking Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, especially the provisions concerning the issues of 'slavery' (Article 600), 'Trafficking in persons' (Article 601) and 'Purchase and sale of slaves' (Article 602). In 2014, Directive 2011/36/EU on trafficking was transposed into national legislation through Legislative Decree No. 24/2014, *Prevenzione e repressione della tratta di esseri umani e protezione delle vittime* ('Prevention and Suppression of Trafficking in Human Beings and Protection of Victims'). The Decree further amended the provision of the CC on 'Placing or Holding a Persons in Conditions of Slavery and Servitude' (Article 600) and in particular that on 'Trafficking in persons' (Article 601), in order to adopt the definition of trafficking provided by the Directive.

More specifically, Article 600, as revised by Legislative Decree No. 24/2014, reads as follows:

'Whoever exerts on any other person powers and rights corresponding to ownership; places or holds any other person in conditions of continuing subjection, sexually exploiting him/her, imposing coerced labour or forcing said person into begging, the performance of activities deemed unlawful or exploiting him/her in any other way, or to consent to organ removal shall be punished by imprisonment from eight to twenty years.

Placement or maintenance in a position of slavery occurs when use is made of violence, threats, deceit, or abuse of power, or when anyone takes advantage of a situation of vulnerability, of physical or psychological inferiority and poverty, or when money is promised, payments are made or other kinds of benefits are promised to those who are responsible for the person in question.'⁷

Article 601 of the CC, as amended by Legislative Decree No. 24/2014, provides the following definition of trafficking:

'A term of imprisonment of from eight to twenty years shall be applied to whomever recruits, introduces into the territory of the state, transfers even outside said territory, transports, yields authority over a person to another person, offers lodging to one or more persons who are in the conditions specified in Article 600, or performs the said conducts against one or more persons by deceit, violence, threats, abuse of authority or taking advantage of a situation of vulnerability, or of a weaker physical or psychic condition or a condition of need, or by promising or giving money or of any other advantage to the person having control over that person, for the purpose of inducing or forcing him/her to perform work, sex or to beg or, in any case, to perform unlawful activities entailing his/her exploitation or removal of organs.'⁸

In addition to the above-mentioned provisions, it is important to mention Article 603-bis of the CC (introduced by Law Decree No. 138/2011 converted into Law No. 148/2011) which introduces the crime of 'unlawful gangmastering and labour exploitation' (*intermediazione illecita e sfruttamento del lavoro*). More specifically, this provision imposes sanctions on those who 'conduct organised brokering activities by recruiting workers or organising their working activity with a view to exploiting them, through the use of violence, threat or intimidation, or taking advantage of their vulnerable condition or state of need'. Significantly, it provides a series of indicators of exploitation addressing retribution, working hours, health and safety in the workplace and general working conditions (such as accommodation).

⁷ Translation provided by GRETA (2014).

⁸ Translation provided by GRETA (2014).

As argued in the last section of this report, despite being important, Art. 603-bis has proven inadequate in effectively tackling labour exploitation (Amnesty International 2012; OSCE 2013; GRETA 2014).

Art. 22 (paragraph 12) of Legislative Decree 286/98 provides that the employment of irregular migrant workers constitutes a crime punishable by imprisonment. In 2012, Legislative Decree No. 109/2012, which transposed into national law Directive 2009/52/EC concerning penalties for employers exploiting irregular third-country nationals, modified Art. 22 of Legislative Decree 286/98 by introducing some aggravating circumstances to the crime of employing irregular migrant workers. In particular, Article 22 (paragraph 12-bis) provides that the penalties should be higher when: a) the number of recruited irregular workers is more than three; b) one or more recruited persons are minors who are not yet of working age; c) workers are subjected to particularly exploitative working conditions as described in Article 603bis(3) of the CC. These conditions include, in addition to the above-mentioned circumstances a and b, the circumstance in which the worker is exposed to serious danger from the tasks performed and the working conditions.

As pointed out below, Art. 22 of Legislative Decree 286/98, as modified by Legislative Decree No. 109/2012, has proven inadequate in addressing labour abuses and in providing assistance to victims (Amnesty International 2014; Barbieri *et al.* 2015).

Assistance and protection for victims of trafficking and serious exploitation

Law No. 228/2003, ‘Measures Against Trafficking in Human Beings’, also provides for implementing a special programme of temporary assistance, the so-called ‘Article 13 Programme’. This is a three-month programme—which can be extended for another three months—providing immediate assistance and support to Italian, European Community, and foreign victims of slavery, servitude, and trafficking, thus ensuring adequate accommodation, social assistance, and health care services. Once the Article 13 programme is terminated, people can be assisted under the programme of assistance provided by Article 18 of the Consolidated Immigration Act (Legislative Decree No. 286/98). It is worth noting that Legislative Decree No. 24/2014 has formally unified, as has already happened in practice, the Article 13 and Article 18 projects in one single programme. However, the non-regulatory decree, which should define this programme, has not been issued yet.

Article 18 of Legislative Decree No. 286/98 introduced, at the very early stage of international actions against trafficking, progressive provisions regarding the protection of victims of serious exploitation and trafficking. More precisely, Article 18 provides victims of labour exploitation and trafficking with a long-term programme of assistance and social integration—its duration is 6 months and can be renewed for an additional year—as well as with a residence permit for humanitarian reasons. It applies to EU and non-EU citizens in situations of violence or severe exploitation or when their safety is considered endangered as a consequence of attempts to escape from a situation of exploitation ‘or as a consequence of statements made during preliminary investigations or in the course of court proceedings’ (Art. 18(1)).

The assistance and social integration programmes offer victims support and ‘empowerment strategies’ aimed at their social and labour inclusion. These include long-term accommodation, vocational and training courses, language classes, access to social services, legal advice, and psychological follow-up.

Article 18 provides two paths through which the residence permit for humanitarian reasons can be granted (see Art. 27 of Presidential Decree No. 349/99 regulating the implementation of the Consolidated Immigration Act). The first is the so-called ‘judicial path’, which requires victims to cooperate with law enforcement agencies and judicial authorities. In this case, the Chief of Police (*Questore*) issues the residence permit also on proposal or after approval of the Public Prosecutor. The second path is the so-called ‘social path’, which is not contingent on victims’ reports or participation

in the criminal proceedings. In this case, the request to the *Questore* for the issuing of a residence permit is made by NGOs, associations, or public social services.⁹ It should be highlighted that in both cases the issuance of a residence permit is conditional on the person's participation in the programme of assistance and social integration. However, it does not depend, even in the case of the judicial path, on the existence and outcome of criminal proceedings.

Challenging the dominant approach that sees protection of victims as an instrument of criminal law measures, Article 18 views the safeguarding of their rights as a priority, which cannot be subordinated to criminal actions (Associazione on The Road 2002). Significant, in this regard, is also that fact that the residence permit for humanitarian reasons under Article 18 has a six-month validity and can be renewed for one year or a longer period (for instance, the time necessary to complete criminal proceedings against perpetrators). Furthermore, it can be converted into a residence permit for work or study purposes, allowing persons to regularise their position in Italy.

Despite the progressive approach of Article 18, its application, as argued below, has often been inadequate and arbitrary around the country (GRETA 2014; OSCE 2013; Special Rapporteur on trafficking in persons 2014; Trucco 2014; Palumbo 2015; Braglia 2015).

In 2013, Law No. 119/2013 introduced in Legislative Decree No. 286/98 the Article 18-bis regarding the issuance of a residence permit for humanitarian reasons to migrants who have been victims of domestic violence. Domestic violence, according to this provision, includes acts, not occasional, of physical, sexual, psychological, or economic violence and which can occur not only within a family but also between persons linked by an affective relationship. For the residence permit's issuance, it is not required that the victim cooperates with law enforcement agencies and judicial authorities, nor that there is a criminal proceeding. The residence permit for humanitarian reasons under Article 18 is valid for one year and can be renewed as long as the humanitarian needs which have justified the issuing persist. It can also be converted into a permit for work purposes. Some scholars have argued that Article 18-bis is an important provision as it could be applied in the case of domestic work (Trucco 2014).

Finally, Art. 22 of Legislative Decree 286/98, as modified by Legislative Decree N. 109/2012, provides the option of granting a residence permit for humanitarian reasons to migrant workers who are victims of 'particularly exploitative working conditions', and who denounce their employers and collaborate with competent authorities in the criminal proceedings (Art. 22 (12-quarter)). The residence permit is issued by the *Questore* on a proposal or with the approval of a Public Prosecutor. Unlike Art. 18 of Legislative Decree N. 286/98, Article 22 does not establish any programmes supporting victims' social and labour inclusion, and does not provide for a 'social procedure' for granting the residence permit. This strongly compromises the effectiveness of this provision because the decision to cooperate is not an easy one for many victims, as it potentially exposes them to new, additional risks (Castelli 2014).

The residence permit provided for Article 22 has a duration of six months and is renewable for one year or for a longer period depending on the needs of the criminal proceedings.

2. Severe Exploitation and Trafficking in Domestic Work

This section offers a description of the specific features and trends of exploitation and trafficking in domestic work, relying also on the fieldwork conducted in two regions: Emilia Romagna (in particular, in Bologna and Cesena) and Tuscany (in particular, in Florence and Pisa). Emilia Romagna and Tuscany are two regions where there is a higher concentration of migrant domestic workers (INPS

⁹ NGOs and institutions involved in the assistance and protection of victims of trafficking should be listed in a register establishing specific requirements.

2015). Most domestic workers come from eastern European countries (Romania, Ukraine, Moldova, and Albania), Asia (Philippines, Sri Lanka, and India) and South America (Peru and Ecuador) (Centro Studi e Ricerche Idos 2015). Social stereotypes and prejudices often affect the preference among Italian employers for specific nationality (Anderson 2000, 2007; Cox 2006). Language skills, skin colour, and religion are all elements that influence the preference. For instance, as many respondents highlighted, there is still considerable reluctance, fostered by prejudice, to employ African women—such as, for instance, women from Nigeria—as domestic workers.

The section will also focus on the work carried out by local associations and institutions to prevent and tackle cases of exploitation and to protect the victims.

2.1 Recruitment Process

As emerged from the interviews conducted for this study, some migrant domestic workers move to Italy with the help of recruitment agencies (in source or destination countries), while others move to Italy independently and then find a job through various channels that include: word of mouth; parishes; recruitment agencies; social cooperatives; and local associations of the community of origin. There are also instances when domestic workers employed in other countries come to Italy with their employer.

As illustrated in diverse reports and confirmed by the interviews for this project, social cooperatives and recruitment agencies—ranging from legal to informal and illegal organisations—can play a fraudulent and/or abusive role by directing migrants into exploitative working contexts (Andrees 2008; OSCE 2010; FRA 2015).¹⁰ Moreover, migrants often find themselves indebted to such agencies due to the high fee they have to pay them for facilitating migration and helping with job placement. Such a situation of indebtedness exacerbates migrant workers' vulnerability as it limits their prospects of escaping contexts of exploitation.¹¹

Significant, in this regard, is a case reported by one of the interviewed stakeholders. This case involves an illegal agency managed by an Italian man with the help of some migrant men and women.¹² They recruit both migrant women who are already in Italy and women in their country of origin, especially from Romania, providing them jobs in domestic work (in particular in elderly care) in exploitative conditions. The agency often makes women understand (or tells them explicitly) that if they are willing to provide sexual services, they can have a better job. This agency also has some apartments where women can stay, with payment, when they are waiting to start work. The women are charged €10 per day. Usually women stay in this apartment for 15-20 days, thus most of them incur a debt with this agency. In addition, women are required to pay the agency a fee of €100 for finding them a job. This amount is often greater if it is a job with a contract. At times, when a woman is no longer able to withstand these working conditions, the agency offers the possibility of changing jobs, often requiring additional payment.

Another important case concerns a legal agency in Modena that 'employed' migrant domestic workers living in Italy and then placed them with local households. Many workers did not have residence permits; in the case of regular migrants, their contract was often for fewer working hours than effectively performed. The wages were very low and not paid consistently. Workers who contacted trade unions were threatened with being fired by the agency. Moreover, many irregular

¹⁰ Interview 24, coordinator of Project '*Oltre la Strada*', Municipality of Cesena, March 2015; Interview 31, national secretary Trade Union-Filcams CGIL, February 2015.

¹¹ Interview 1, Judge Tribunal of Rome and UN Special Rapporteur, March 2015; Interview 30, national secretary, Trade Union-Acli Colf, February 2015.

¹² As this case is currently under investigation it is better not to report the name of the city (and the Region) where the case is taking place.

migrant workers who complained about working conditions were also threatened with being reported to the police. Once a woman was deprived of her passport and physically attacked by the boss. The situation escalated when the agency refused to pass on payment to workers even if the families continued to pay wages. The lack of payment pushed workers in 2012-2013 to contact trade unions and the ‘*Oltre la Strada e Oltre lo Sfruttamento*’ project of Modena to ask for help and support (Interview 23, coordinator of Project ‘*Oltre la Strada*’, Municipality of Modena, March 2015).

2.2 Exploitative Working Conditions

As emerged from the interviews, migrant domestic workers frequently experience several forms of exploitation and maltreatment which may range from the violation of contract provisions and/or of mandatory rules on working conditions to severe abuse and trafficking in human beings. More specifically, migrant workers often have no contract, or have a contract in which the number of working hours is less than that effectively performed, and they work excessive hours, without a weekly day off and with low pay. According to a study on elderly care carried out by IREF in cooperation with Acli Colf, the wages of domestic workers have not increased in recent years and in the south of Italy, in particular, wages are very low: around €400-600 per month (IREF 2014). As many interviewees highlighted, there are also cases in which domestic workers are deprived of a salary as it is substituted or offset by payment in kind, i.e. room and board.¹³

In addition, domestic workers often are provided inadequate accommodation (such as sleeping on the floor or in the same room with the person to be assisted), are prevented from eating the same food that the families eat, and are subject to humiliating acts.¹⁴ In some instances, employers used forms of coercion such as verbal, psychological, or even physical abuse. Emblematic to mention is a case concerning a young Indonesian woman brought to Italy by a couple—a Libyan man and an Italian woman—in order to work as a domestic worker, more specifically to clean and take care of the house. The young woman was deprived of her passport and forced to work in highly exploitative conditions for around sixteen months. She worked every day from 5.30 a.m. to 1.00 a.m., without holidays, with a monthly salary of \$200, which was not consistently paid. The accommodation provided to her was of a very low standard. She was also the victim of verbal abuse and was also physically abused by her employer.¹⁵

Although actual confinement is not frequent, live-in domestic workers—who in practice work 24 hours per day and often have only a half a day of free time a week—suffer high levels of restriction on freedom of movement as they are viewed to be at the employer’s constant disposal. Furthermore, in the live-in situation, the boundaries in terms of tasks and between free time and working time often blur, and the worker’s privacy may be highly limited.¹⁶ As Raffaella Sarti, an expert on domestic work, argued in the interview for this research, cohabitation may ‘foster exasperation and also forms of mutual violence among employers and domestic workers’ (Interview 40, expert on Domestic work, March 2015).

The fact that domestic work is performed in the employer’s household, and thus in the private sphere, is another factor that differentiates this sector and fosters workers’ vulnerability (OSCE 2010; Mantouvalou 2012) as they are isolated (Parreñas 2008) and have limited or no access to information

¹³ Interview 30, national director, Trade Union-Acli Colf, February 2015; Interview 9, coordinator trafficking projects, Proxima Association, February 2015.

¹⁴ Interview 24, coordinator of project ‘*Oltre la Strada*’, Municipality of Cesena, March 2015; Interview 31, national secretary, Trade Union-Filcams CGIL, February 2015.

¹⁵ As the criminal proceeding has not yet started, it is better not to mention the name of the city (and the region) where the case took place. I obtained information about this case from the association which is assisting the victim.

¹⁶ Interview 14, social worker, DIM association October 2015; Interview 11, social worker, NGO-Papa Giovanni, March 2015. See also Vianello 2012.

and assistance measures (interview 31, national secretary, Trade Union-Filcams CGIL, February 2015; OSCE 2010).

In Italy, private households escape labour inspections: most cases of abuse and exploitation in domestic work remain, therefore, hidden from the public and authorities. In absence of control, the specific situation of power imbalance between employer and employee, which characterises this sector, ‘can produce an escalation of violence and coercion, up to situations of slavery-like conditions’ (Interview 2, Judge Tribunal of Rome and UN Special Rapporteur, March 2015).

As the national secretary of the Filcams CGIL, Giuliana Mesina, has pointed out, many domestic workers are thus ‘invisible workers, "segregated" in the employer’s house, even if it is not a forced segregation’ (interview 31, national secretary of the Filcams CGIL labor federation, February 2015). This situation of isolation and exploitation may have serious long-term consequences on their well-being (OSCE 2010). Many migrant domestic workers, for instance, have problems with alcoholism (Interview 30, national director, Trade Union-Acli Colf, February 2015).

Interviewed stakeholders highlighted that domestic workers are often also victims of sexual abuse by employers. Furthermore, as emerged from the study of case law, there are also cases in which combined marriage involves labour and sexual exploitation: the victim is ‘forced’ to marry and then forced to perform household work—in line with gendered roles and traditionalist practices—and simultaneously submit to her husband’s sexual requests. Important to mention, in this regard, is a case involving a 15-year-old girl from Kosovo and a Roma minor boy living in a Roma camp in Pisa, Italy. The girl’s parents, who were extremely impoverished, received a lump sum as dowry from the young man’s parents. The girl was illegally brought to Italy by the uncles of the young Roma boy. The girl claimed that she was forced to perform exhausting domestic chores and tasks for the family. Moreover, she was repeatedly forced to engage in sexual acts by her spouse and also subjected to sexual abuse by her father-in-law. She also claimed that she was segregated in the Roma camp and deprived of her passport. The members of the young man’s family were convicted for group sexual violence (Article 609-*octies* of the CC) as, according to the tradition, they ‘forced’ the girl to submit to a sexual act with her spouse. Yet, the Court rejected the allegations of trafficking and slavery arguing that the young girl knew she had to marry the young Roma boy and voluntarily chose to move to Italy to join her spouse. In addition, the Court held that the young woman was not placed in a condition of slavery (The Court of Appeal of Assizes No. 17/2014, 28-11-2014). In so arguing, the Court seems to neglect the principle of the irrelevance of the consent of a victim of trafficking as affirmed by the UN Protocol on Trafficking and by Directive 2011/36/EU. Although it is worth noting that the Court referred to the formulation of the provisions on slavery and trafficking (Articles 600 and 601) before the implementation into national law of Directive 2011/36/EU in 2014, it should also be noted that even Council Framework Decision 2002/629/JHA, replaced by Directive 2011/36/EU, affirmed the irrelevance of the consent of the victims. As for labour exploitation, the Court held that the young woman exaggerated regarding the severity of her domestic work activities, as she felt uncomfortable in an environment to which she did not belong. However, it did not provide clear and robust explanations of the reasons why the statements of the young girl regarding her domestic work were not credible.

Certainly, while domestic workers frequently experience several forms of exploitation, maltreatment and abuse, not all situations amount to trafficking. It is necessary to view each case on its own merits, examining the facts of the circumstances and factors at stake while paying particular attention to the victim’s position of vulnerability.¹⁷

¹⁷ Interview 2, Judge of the Tribunal of Rome and UN Special Rapporteur, March 2015; Interview 1, Prosecutor of District Anti-Mafia Directorates (DDA) of L’Aquila.

2.3 The Work of the Associations and Institutions

While labour exploitation in domestic work is still overlooked by national policies on severe exploitation and trafficking, this issue has been dealt with by diverse local associations for many years. With regard to Emilia Romagna and Tuscany, it is particularly important to mention the work carried out by Association Papa Giovanni based in Bologna, the municipality of Cesena through the project '*Oltre la Strada*', and the Association Donne in Movimento (DIM) based in Pisa. These organisations and institutions, which have dealt with several cases of exploitation and abuse in domestic work, aim at preventing and combating the phenomena of trafficking and severe exploitation as well as protecting the victims by implementing the programmes of assistance and protection under Article 13 of Law No. 228/2003 and under Article 18 of Legislative Decree No. 286/98.

The Municipality of Cesena, for instance, through the project '*Oltre la Strada*', has assisted and protected many domestic workers—to date, mainly from Romania—who have been victims of severe exploitation. As the coordinator of the project argued during the interview, 'the hidden nature of domestic work renders identifying and addressing these cases extremely difficult and we were able to identify some cases thanks to cooperation between the different institutions and organisations involved in domestic work and migration issues, for instance Caritas and the Service Support for care work ('*Punto di appoggio al lavoro di cura*') of the Municipality of Cesena. For example, domestic workers contact the Service Support for care work when they need a job and often, during the meetings, stories of exploitation emerge. Thus, the Support Service contacts us, the project '*Oltre la Strada*', to provide support and help for these workers. This local network among institutions and organisations is an extremely important resource to catch cases of exploitation in the domestic work sector and it works well' (interview 24, coordinator of project '*Oltre la Strada*', Municipality of Cesena, March 2015).

Unfortunately, as the coordinator of project '*Oltre la Strada*' stressed in the interview, this local network system is a sort of exception in the national context, as institutions dealing with migrant workers often work autonomously and not all are aware of the forms of exploitation occurring in the domestic work sector. Indeed, frequently a migrant seeks support from an institution in finding a job and this institution helps that person without asking or trying to understand whether he/she has experienced exploitation in his/her previous working experience. 'This is a big limitation because most of the time people do not contact institutions while they are experiencing exploitation or because they are exploited, but if they need work or help with contractual or bureaucratic issues. Institutions which aim at providing migrants with food, a job, or general first assistance, should also try to understand if migrants have experienced abuse and, if so, should contact the relevant organisations/institutions. This is how we and the Support Service for Care Work operate' (interview 24, coordinator of project '*Oltre la Strada*', Municipality of Cesena, March 2015).

Developed to meet supply and demand in the domestic work sector, the Support Service for Care Work of the Municipality of Cesena provides information, help, and support to both households and domestic workers. More specifically, this service provides households with a list of domestic workers they can contact. It also offers them information regarding contract issues as well as the rights, responsibilities, and duties of both employers and workers. With regard to domestic workers, the service supports workers in writing their curricula and provides them with training activities aimed at consolidating their skills and improving their knowledge of their rights and responsibilities. Moreover, it conducts monitoring activities, in order to ensure help and support to both families and workers.

A few years ago the Support Service also promoted and organised training activities on care work for families. These seminars also focused on the issue of demand, in particular on how to turn to domestic workers as well as on their rights and duties. Nevertheless, as a social worker of the Support Service pointed out during the interview, although these initiatives were highly publicized, only 9 or 10 people participated. 'This is mainly due to the fact that people are interested in this issue only when they need to employ a domestic worker. Thus, it is complicated to address the demand in a preventive

way' (Interview 25, social worker of the Support Service for Care Work, Municipality of Cesena, March 2015).

Services like the Support Service for Care Work of the Municipality of Cesena are also seen in other cities and regions of the country. Indeed, in recent years, regions and municipalities have implemented diverse measures aimed at supporting employers and improving the working conditions of domestic workers, especially domestic workers caring for elderly and dependent people (Pasquinelli & Rusmini 2013). These measures include: cash for care schemes, training activities, and service desks aimed at coordinating supply and demand by providing information, help, and support to both employers and domestic workers. Some municipalities, such as the Municipality of Cesena, and regions have also introduced, often in cooperation with the service desks, registers of domestic workers in order to provide information to households and to limit informality in the job recruitment process (Rusmini 2012). Unlike the Support Service of Cesena, some systems require domestic workers to have some qualifications to enrol on the registers.

With the exception of some service desks operating in connection with employment centres (*'centri per l'impiego'*) (such as the service *'L'Assistente in Famiglia'* based in Rimini) or accredited private employment agencies, most service desks, including the Support Service of Cesena, do not address the selection of domestic workers and contract issues. This can strongly impact the efficacy of such interventions. Some services, such as project *'Pronto Badante'* of the Tuscany Region, provide households with vouchers on the condition that they and the domestic worker would have to register with the National Institute of Social Security (INPS) and be monitored throughout the period of the voucher. However, the director in charge of managing the operation centre of the project reported that many families contacted them because they wanted the €300 voucher and when they understood that they would have to regularise domestic workers, they preferred not to utilise this service (Interview 28, director the Operation Centre of the project *Pronto Badanti*, May 2015).

All these initiatives addressing the demand-side in domestic work are important support instruments for households that need help in recruiting domestic workers as well as for protecting the rights of these workers. However, the lack of structured economic support to households for dealing with care issues inevitably undermines the efficacy of these actions.

3. Severe Exploitation and Trafficking in Agriculture

This section examines the forms of exploitation experienced by migrant workers in agriculture, focusing on two areas of Sicily investigated for this project: Campobello di Mazara in the province of Trapani, in the western part of the island, and Ragusa, in the east. In these areas different forms of cultivation are performed: the Ragusa region is characterised by an intensive agriculture in greenhouses, especially dedicated to the cultivation of the tomato which requires a labour force for almost the whole year, while the area of Campobello di Mazara is characterised by a seasonal agriculture dedicated to the cultivation of olives and which needs labour during a fixed period of the year. Also, the composition of the migrant labour force is different in the two areas: in Campobello, there are mainly people from sub-Saharan countries, many of whom are workers with a residence permit but also asylum seekers and refugees, while in Ragusa there are Tunisians and increasingly Romanians, many of whom are women. In both these areas, migrant workers are subjected to exploitation and abuse. Particular attention in this section is also dedicated to work carried out by local organisations and institutions to prevent and address exploitation and to provide victims with help and support.

3.1 Labour Exploitation in the Agricultural Sector in Campobello di Mazara

3.1.1 Working conditions and accommodation

The olive oil and table olives sector of Campobello di Mazara, whose products are part of two Protected Designation Origin (PDO)¹⁸ marks,¹⁹ relies, especially in recent years, on the employment of hundreds of seasonal migrant workers.

The Campobello area is characterised by the widespread presence of small and medium-sized farms which are difficult to control. Until few years ago, migrants picking olives in the fields were chiefly Tunisians. These have been gradually replaced by migrants mainly from Senegal and Sudan who are paid less. More specifically, every year, in autumn, in particular from September to November, hundreds of migrants—all male—work in the agriculture sector of Campobello di Mazara picking olives. They are seasonal workers moving from one area of Italy to another to follow the demand for labour. Most, for example, before going to Campobello, work in the Alcamo (Sicily) picking grapes. And many, after working on the Campobello farms, go to the eastern parts of Sicily—in particular near Catania—to pick oranges or (especially those who do not live in Sicily) to the other regions in the north of Italy to perform diverse jobs, such as working as pitchmen. Although there are undocumented third-country nationals, many of the migrants working in the agricultural sector of Campobello have a residence permit for work or for family reasons. Many are also refugees or asylum seekers.

As migrant workers and operators and lawyers interviewed for this research explained, the phenomenon of illegal gang-mastering (*'caporalato'*) does not seem to be present in the area. Migrant farm workers usually find a job through word of mouth, and most work for years for the same employer and thus know where to turn.

Most migrant farm workers in Campobello di Mazara are paid piecework: in other words, they are paid depending on the number of crates of olives they are able to fill in a day. The weight of a full crate is around 20 kg and each box is worth about €3.00-3.50. The pay is around €30-45 a day as typically migrant workers are able to fill 10-15 boxes a day. The capacity to fill the boxes depends, beyond the skills of the farm worker, on the quality of the olive plant: if the plant is young with a good pruning it is easier to pick olives, otherwise it is more difficult.

As it emerged from the interviews for this study, since 2015 working conditions have improved in many companies: many migrant workers have been paid €50 per day for working 8 hours and not longer 10-12 hours. Also, many workers have been legally employed. This has been due mainly to an increase in controls by labour inspectors.²⁰

However, the signing of a contract does not prevent forms of exploitation. Frequently contracts provide a number of working hours which is less than that effectively performed by the worker. Also, even if the workers are legally employed, the employers pay them piecework. Sometimes it can also happen that workers, although they have a contract, prefer to be paid piecework to maximise gains and, by showing they work a lot filling many boxes, ensure that the employer will call them again the following year (Lo Cascio and Rinaldi 2015).

¹⁸ The PDO is a European Union product certification granted to agricultural products and foodstuffs produced, processed, and prepared in a given geographical area through recognised expertise.

¹⁹ The two PDO marks are *'Valle del Belice'* and *'Nocellara del Belice'*. The PDO *'Valle del Belice'* concerns extra virgin olive oils obtained from the olives in the territories of the municipalities of Campobello di Mazara, Castelvetrano, Partanna, Santa Ninfa, Salaparuta, and Poggioreale. The PDO *'Nocellara del Belice'* concerns the green and black table olives produced in the territories of the municipalities of Campobello di Mazara, Castelvetrano and Partanna.

²⁰ In October 2015, four out of ten firms were sanctioned for not having regularly-employed seasonal workers. The sanctions totalled € 45,000.

As for accommodation, until 2013, most of the migrants coming to work in the agriculture sector in Campobello stayed in a camp under terrible, unsafe and inhumane conditions. This camp—a space marked by the pain and sufferings caused by a strong earthquake in 1968²¹—is an outdoor area, in a peripheral zone of Campobello, with no electricity, toilets, or space for cooking and, for a long time, also without water. In this camp, a real ghetto, many migrants slept in tents, others built their shelters with scraps of asbestos abandoned in the fields; they also sometimes used asbestos to cook. In inclement weather, it was impossible to find a safe shelter because, as some migrant farmworkers said ‘when it rained, it also rained from the ground’, as there was no cement covering.

Public transportation does not reach this area, thus every day migrants went to the town’s main square to meet their employers either on foot or by bike, despite the dangerous roads. At the end of the work day, migrant workers were brought by their employers to the main square of the town and from there, they travelled back to the countryside: some went to the camp, others to abandoned farmhouses.

In this situation of isolation, invisibility, and segregation, migrant workers have been systematically subjected to human rights violations.

3.1.2 The work of local associations and organisations

Until 2013, no local institutions—neither the local administration nor the church or local institutions—paid attention to the forms of exploitation suffered by migrant workers and the conditions in which they lived (Interview 18, member of the Libertaria Collective, November 2015).

Like all the areas around Trapani, Campobello di Mazara is an area under Mafia control, in particular under the control of the Mafia boss Matteo Messina Denaro. The olive oil and table olives sector, which is a great resource for the region of the province of Trapani, has always been at the centre of Mafia interests. Diverse investigations²² have indeed demonstrated how various companies are linked to the Mafia. Moreover, in July 2012, the municipal administration was dissolved because of Mafia infiltration. The inquiry involved the town mayor as well as some agricultural producers active in the olive market. The town’s administration was entrusted to a special commission, which remained in charge until 2014.

In 2013, a group of young activists from the Libertaria collective²³ visited the camp where migrant farmers lived and denounced the inhumane accommodation conditions as well as the exploitative conditions faced by migrant workers. With the help of the Libera association from Castelvetro and a local priest, they provided food and clothes to the migrants in the camp. With support from the trade union COBAS and an association of lawyers from Palermo, they also created a one-day-a-week legal help desk service directed at migrant workers and based in the collective’s office.

In October 2013, Ousmane Dialle, a 21-year-old worker from Senegal, lost his life due to an explosion of a gas oven in an abandoned farmhouse near the ghetto. As one of the members of the Libertaria collective noted, ‘this tragic event should have provoked an emotive reaction among locals, especially if one considers that many families in Campobello have some land and thus employ some migrants during the season of the olives. Yet, it did not cause any strong reactions, nor did any of the institutions react, because nobody took responsibility over the death of this young man [...]. To bring the corpse of the young man to Senegal, we organised a fundraising campaign among all the Senegalese communities in Sicily...and finally the body of this young man was brought to his family in Senegal’ (Interview 18, member of the Libertaria Collective, November 2015).

²¹ The camp was originally created in 1968 by the locals who evacuated the town because of the strong earthquake that year which damaged a vast area of western Sicily. From the mid-2000s, the camp was inhabited by migrant farm workers.

²² In particular, it is worth mentioning the inquiries ‘Golem’ of 2009; ‘Golem II’ of 2010; and ‘Eden’ of 2014 (see also Angelo 2015).

²³ The collective no longer exists since 2014.

After this tragedy, the Croce Rossa Italiana, aided by some locals, organised a medical surgical device for migrant workers. Moreover, the special Commission administrating the town—under pressure from the Libertaria collective, Libera associations and Croce Rossa Italiana—opened a fountain in the camp allowing migrant workers to have access to water, a right denied to them until that moment.

In 2014, thanks to the struggle led by local associations and organisations, two important results were achieved: the camp was cleared of asbestos and, at the same time, the Libera association and Croce Rossa, with the help of the Libertaria collective, obtained authorisation from the Prefecture (local governmental agency) of Trapani to allow migrant farm workers to find accommodation in an olive oil mill seized from the Mafia. This intervention, as one of the interviewers said, was a significant legal and cultural action in a territory under the influence of the Mafia (Interview 17, member of the Libertaria Collective, November 2015). Many locals opposed such intervention as they saw it as being imposed by the special commission administrating the town. This action was also supported by the mayor elected in November 2014. In the face of protests by locals who did not want the municipality to spend money renovating the olive oil mill to host migrant workers, the mayor claimed that none of the (local) unemployed people registered with the job seeker's list (*'lista di collocamento'*) wanted to work as farm workers and thus he was authorised to use economic resources for the olive oil mill hosting migrant farm workers. This decision provoked strong reactions among locals, but people gradually began to accept it. Yet, seasonal migrant farm workers are still considered necessary but unwelcome guests.

3.1.3 The camp, racist prejudices, and the ambiguities of humanitarian interventions

Since 2014, seasonal migrant farm workers living at the camp have found accommodation in the olive oil mill which, during the cultivation season, has been run so far by the Libera association and Croce Rossa Italiana. In 2015, there were some 700 migrants, mostly from Senegal and Sudan, but also some from Maghreb. As one of the members of the Libertaria collective noted: 'this year [i.e. 2015] all 700 migrant workers staying in the olive oil mill worked. Each morning, after the employers came to pick them up and bring them to the fields of olives, the olive oil mill remained empty. In previous years it had not been not like this. Probably this change has been due to the fact that this year there has been a good season for olives' (Interview 17, member of the Libertaria Collective, November 2015).

Migrant workers hosted in the olive oil mill do not sleep inside of the building, but in tents set up in front of it. They have access to light and water as well as to showers and toilet facilities. This is an important improvement compared to the conditions in which they lived before. Yet migrants still sleep in an outdoor area, suffering the cold and bad weather and in precarious conditions of security. Moreover, there is no hot water in the building: as one of the migrant workers in the camp emphasised: 'in September the temperature is still warm and the absence of hot water can be manageable. But, in November and December it is really hard to be without hot water' (Interview with a migrant worker, November 2015). Some of the Sudanese workers, who have an oven, warm the water and sell it for 10 cents to the other migrants staying in the olive oil mill. As one the members of Libertaria stated during the interview, 'this situation is not acceptable. It is not acceptable that these workers, who contribute to the economy of this region do not have a roof under which to sleep and hot water. It is necessary to solve this situation, it is necessary to solve the issue of housing for these workers...the local administration could do more' (Interview 17, member of the Libertaria Collective, November 2015).

In Campobello, as in many towns in the south of Italy abandoned by most of their inhabitants to move to the north, there are many empty houses. The Collective Libertaria has tried to identify some houses that could be rented to migrant workers. But there are several obstacles. First, some of migrants do not have the money for rent and, at the same time, many of those who do have some money—money which often comes from exploitation—are not willing to spend it on rent. Indeed, they prefer to

live for two months in very uncomfortable conditions, earning and saving money and sending remittances to their families in their country of origin. However, the real problem is that many locals do not want to rent their houses to migrants as they are seen as dangerous and untrustworthy. As one of the members of *Libertaria* claimed, ‘while locals rent the houses to migrants from Maghreb who live in Campobello for many years and are integrated in the local community, there are strong prejudices towards seasonal migrants. Local people are afraid that migrants will destroy their house and in general they do not feel comfortable with leaving their house to them’ (Interview 17, member of the *Libertaria* Collective, November 2015).

In this context, there have been some incidents of racist intolerance; two, in particular, were particularly serious. The first occurred during the first days after the camp in the olive oil mill opened, when some people in a car began loitering in the area in front of the building and harassing migrant workers; three days later, they threw a bottle of muriatic acid into the camp. Luckily nobody was injured. Another incident involved a young migrant man who, while he was in the town, was the target of an intimidating gesture from a local man who deliberately broke a bottle of beer next to him.

Migrant workers are needed for the olive harvest, and thus for the local economy, but, as the incidents cited above show, most locals would rather the migrants stay away from the cities, invisible and isolated in a distant zone in which nobody can see them. According to most locals, they ‘only have hands for work and nothing else’ (interview 17, member of the *Libertaria* Collective, November 2015) and for this reason it is not a problem that they live segregated in a ghetto.

Seasonal migrant workers are, therefore, simultaneously needed as labour force and rejected as bothersome and dangerous. Emblematic of this view is the fact that—as one member of the *Libertaria* collective highlighted during the interview—many employers who brought migrant workers to the fields to pick olives in the morning, then complained saying ‘so many black people! There is something wrong...’ when they saw these migrant workers in the town square in the evening (Interview 18, member of the *Libertaria* Collective, November 2015).

So, while the opening the olive oil mill to host migrant workers, on the one hand, has improved their housing conditions, on the other hand, it risks supporting the above-mentioned dynamics of segregation of migrants and, at the same time, of becoming a basin of recruitment of exploitable labour force. There is thus the risk of a sort of interaction between humanitarian interventions, dynamics of segregation, and exploitation. This paradoxical interaction is present in different areas of Italy where humanitarian actions have been implemented to address the issue of accommodation of migrant workers in agriculture (Perrotta & Sacchetto 2012; Perrotta 2014; see also Dines & Rigo 2015).

Rather than being limited to actions which, under a humanitarian banner, are aimed at ‘saving’ workers by offering them a better place to stay, it is necessary to implement measures that render migrant workers less vulnerable and dependent on (abusive) exploiters. In this sense, in addition to repressive measures, it is fundamental, for instance, to develop structured policies addressing the issue of housing for migrant workers as well as the issue of transport.

As one of the members of the former *Libertaria* collective said, ‘we fear what will happen next year. Most of us who stayed at the olive oil mill in recent years have left Campobello or are tired of supporting policies based exclusively on an assistentialist approach. Without our help or that of *Libera*, local institutions do not know how to manage the presence of seasonal migrant workers [...]. What is necessary now is to develop actions that allow these workers to be recognised as subjects of rights who contribute to the economy of our area and not people that only need to be assisted’ (interview 17, member of the *Libertaria* Collective, November 2015).

3.2 Labour Exploitation in the Agricultural Sector in Ragusa

3.2.1 Labour exploitation and sexual blackmail

According to official data in 2014, some 12,000 migrant workers were employed in the agricultural sector in the area of Ragusa, in particular in the so-called ‘transformed area’²⁴ that includes the territory around of the towns of Vittoria, Santa Croce di Camerina, Comiso, and Acate. However, accurate data are difficult to obtain due to the prevalence of undeclared work in the agricultural sector, in particular in Ragusa which—as in the region of Campobello di Mazara—is characterised by small and medium-sized businesses that are difficult to monitor.

The growth of the migrant labour force in agriculture in Ragusa began in the second half of the 1980s when there was a development in the sector which led to growth in the number of companies and cultivated land (Interview 33, secretary Flai CGIL Vittoria, September 2015). Until the early 2000s, migrant workers were mainly from Tunisia. These workers—probably because they were highly unionised and because they established themselves as good and reliable workers from the start—quickly obtained pay and working conditions similar to those of Italian workers. This means that they faced the same problems faced by Italian workers: low wages and lack of contracts. As Peppe Scifo from the trade union FLAI CGIL argued during the interview, ‘the fact that Italian and Tunisian workers were subjected to the same (exploitative) working conditions avoided the risk of any of social dumping between local workers and Tunisian workers’ (Interview 33, secretary Flai CGIL Vittoria, September 2015).

However, since 2007, when Romania joined the European Union, the number of Romanian workers in agriculture in Ragusa (as in many parts of Italy) has increased, exceeding that of Tunisian migrants. For instance, in 2015 official data revealed that there were 2,008 Romanian workers while the number of Tunisians was 1,931.²⁵ There are many reasons for this. First, Romanian workers are paid lower wages than Tunisian workers who are more skilled in this sector, have been in the area longer and developing solid relationships with local people, and are more unionised. At the same time, Romanians rarely view Italy as a country in which they want to build their future: Italy is seen as a temporary place in which to work in order to remit money back home and as such many tolerate even abusive working conditions. Lastly, the irregular employment of EU migrants is less risky for employers as they do not risk being charged with the offences of facilitation and exploitation of irregular migration (see also Palumbo & Sciarba 2015).

The arrival of this Romanian labour force has led to the presence of female farm workers in the greenhouses of Ragusa. This is a new element for the sector. Indeed, as Peppe Scifo has highlighted, ‘while historically women have worked in some segments of the supply chain, such as in the activities of cultivation of vegetables or of flowers and plants in a nursery, now since Romanians have started working in agriculture, women work as labourers in the greenhouses, performing a job which has always been attributed to men’ (Interview 33, secretary Flai CGIL Vittoria, September 2015). According to official data, Romanian women constitute around 45-48% of the total of Romanian workers. In particular, in 2013, Romanian female farm workers in Vittoria numbered 1,845 out of a total of 4,349 Romanian farm workers.²⁶ Yet, given the amount of widespread undeclared work, it is plausible to suppose a higher proportion of Romanian female workers.

²⁴ This name derives from the fact that this area has been transformed through the implementation of thousands of greenhouses from seasonal agriculture to permanent and intensive cultivation, leading to the need for a (migrant) labour force during the whole year.

²⁵ Data provided from Flai CGIL.

²⁶ Data provided from Flai CGIL.

Some of Romanian women have moved to Italy alone and send remittances home. Others have migrated with their families and have decided to work in the agricultural sector, rather than in domestic work (which is the other alternative sector in a context marked by high labour market segmentation on the basis of gender, nationality and class) to stay with their kids. As one of the migrant women said, ‘I work here [on the farm] for my daughter, and she lives with me. If I worked [as a domestic worker] in a family, I could not bring her with me. In the house of an old person you cannot bring children’.²⁷

Working in the greenhouses in Ragusa, as one of the social workers from the Proxima cooperative has stated, ‘is hard and dangerous, and women and men work under the same exploitative conditions, performing the same tasks’ (Interview 10, social worker, Proxima Association, January 2016). More specifically, most of the migrant farm workers, in particular Romanian workers, have either no contracts at all, or contracts in which the number of working hours is lower than effectively performed. They work excessive hours (up to 10–11 hours a day) often for six days and a half day on Sunday, in very high temperatures in the summer and for a pay of 15–25 euro per day. Moreover, most of them do not use a mask or gloves, even though they inhale and are in continuous contact with toxic pesticides. As Peppe Scifo stated in the interview, ‘there is a very low culture of security at work, especially with respect to toxic substances. This is a serious problem because while the damage caused by an accident is quite visible, that caused by the use of chemical substances emerges often only in the long-term. This can be seen with regard to the Tunisian community, as many Tunisian farm workers of the first generation who have been in the area for a long time have developed cancer in the lungs or in the blood’ (Interview 33, secretary Flai CGIL Vittoria, September 2015).

Many Romanian farm workers live, often with their families, on the farms in crumbling buildings, isolated deep within the countryside. The fact that the working space coincides with the space where workers live often leads, as in the case of live-in domestic work, to a reduction of the space and time of privacy of the workers as they are seen as being at the constant disposal of their employer.

Romanian farm workers²⁸ thus find themselves in a situation of isolation, segregation, and dependency on the employer. In such a context, in which anything can remain hidden, labour exploitation is often accompanied by sexual blackmail towards female migrant workers by their employers. These cases often involve women who live on the farms with their children, who are used as a means of blackmailing. Emblematic in this regard is the story of one of the women helped and supported by the Proxima Association who used to work and live on a small farm in the area of Vittoria with her young daughter and son. The school is far from the farm, thus every day the employer drove her children to school by car; in exchange for this favour, he asked the woman to have sex with him. She accepted, as Ausilia Cosentini from Proxima Association said, in order to safeguard her children and not lose her job and housing. It was only when she realised that her children’s safety was threatened that she decided to escape. As Cosentini said: ‘this woman had an enormous capacity to endure suffering. She told me, ‘I am obliged because I have my children [...]’. When he started to refuse to take her children to school, she began to refuse to have sex with him, and so he stopped giving drinking water to her and her children’.²⁹

A significant datum to help to understand the extent of cases of sexual blackmail of female migrant workers by their employers is the rise in the number of abortions in the Ragusa area. Nurses at the Hospital Vittoria stated during an interview carried out by Letizia Palumbo and Alessandra Scirba in

²⁷ This interview was carried out by Letizia Palumbo and Alessandra Scirba on the 29th of March 2014 in Vittoria, Ragusa (see also Palumbo & Scirba 2015).

²⁸ Unlike Romanians, most Tunisian migrant workers live in the cities. Indeed, as Peppe Scifo argued during the interview, Tunisian migration has been from the beginning an urban phenomenon (Interview 33, secretary Flai CGIL Vittoria, September 2015).

²⁹ This interview was carried out by Letizia Palumbo and Alessandra Scirba on the March 29, 2014, in Vittoria, Ragusa (see also Palumbo & Scirba 2015).

2014, that every week about eight women had abortions and usually about five or six were Romanians (Palumbo & Sciarba 2015: 96). Also, according to official data, in 2014 20.7% of the total abortions in the province of Ragusa were carried out on Romanian women, 2.87% on Tunisian and Albanian women, respectively, 2% on Polish women, and 1% on Moroccan women (Proxima Cooperativa Sociale 2016: 27). Although certainly not all cases of abortion can be attributed to cases of sexual abuse, the high number of abortions among Romanian women is an important fact that needs to be considered in order to address the harsh working and living conditions faced by most female farm workers in Ragusa.

3.2.2 The work of local associations and organisations

Although knowledge of the exploitation in the greenhouses is widespread, only a few people and institutions have decided to tackle this situation and act against it. Extremely important in this regard is the courageous work by the trade union Flai CGIL and the Proxima Association, which implements programmes of assistance, protection, and integration for victims of labour exploitation and/or trafficking under Art. 13 of Act No. 228/2003 and Art. 18 of Legislative Decree No. 286/98. In particular, since 2012, Flai CGIL and the Proxima Association have developed a bus transport called *Solidal Transfert* to provide migrant farm workers with transport from the countryside to the towns, preventing them from paying for transportation local people who take advantage of them, charging exorbitant fees (i.e. 20 euro for a few kilometres). At the same time, through this service Flai CGIL and Proxima seek to build a relationship of trust with migrants, especially with women, and to support them in escaping abuse and exploitation. Thanks to the *Solidal Transfert*, Proxima has met many migrants, in particular women, subjected to severe abuse and exploitation.

In the coming months, Proxima will develop a school bus service aimed at children living in the countryside. Some municipalities have already implemented a school bus service, although it is often disorganised and inadequate. As a consequence, many children are not able to attend school at all or regularly. Moreover, as Ausilia Cosentini from Proxima noted during the interview, ‘there are no clear data on the number of minors living on the farms and it is plausible to suppose that there are many children who live in the countryside in a situation of isolation and do not have access to any services. Therefore, our aim is not only to provide identified children with an adequate service to get to school but also to identify the children living in the countryside and provide them the opportunity of going to school’ (Interview 9, coordinator of trafficking projects, Proxima Association, January 2016).

As for the high number of abortions in the Ragusa area, in June 2015, the Proxima Association signed an agreement with the local health unit (*‘azienda sanitaria locale’* (ASP)) for a social worker from Proxima to provide his/her skills and help in the clinics of Vittoria and Acate for two days a week. The aim of this service is to offer help and support to women who decide to terminate their pregnancy and at the same time to build relationships of trust with these women in order to bring to light cases of exploitation and abuse. Moreover, thanks to this agreement, a campaign has been developed intending to inform women, in particular female farm workers in the greenhouses, about services for gynaecological issues.

Also significant is the work carried out by Caritas of Ragusa. Since 2014, in the area of Acate where there are most of the greenhouses, Caritas has implemented a project called *‘Presidium’* that consists of a help desk aimed at providing migrant workers with health assistance, legal, and administrative assistance, and information about the rights of migrants in Italy. The help desk is active one day a week and is staffed by doctors, lawyers, and trade unions, in particular Flai CGIL. Under the same project, twice a week, social workers from Caritas go to the greenhouses to inform workers about this service and to offer them support.

It is worth underlining that the important work conducted by these institutions, in particular that by Proxima, has been overlooked for many years by most local political institutions. As the former local councillor for social policies in the town of Vittoria stated, politicians have no interest in addressing

issues concerning migrants, 'because they do not vote, while local people, who exploit them, are citizens who vote'.³⁰

At the local level, the Proxima Association has always been supported by the Municipality of Ragusa (Interview 9, coordinator of trafficking projects, Proxima Association, February 2015). Yet, it is only recently that they have received the support of other local institutions. Indeed, for many years, the Proxima Association has tried to organise a meeting with the Prefect of Ragusa, and it was only in October 2014 that a meeting was set up involving various organisations and institutions active against the forms exploitation experienced by migrant workers. This meeting was organised after the publication in a national newspaper of a sensationalist article on the cases of sexual blackmail in the greenhouses,³¹ an article that relied on the research by Scieurba and Palumbo and drew over a million online views in one week.

The meeting in the Prefecture led to the creation of a working group with the involvement of trade unions, trade associations, NGOs, institutions, and Alessandra Scieurba and Letizia Palumbo as researchers. Through various different initiatives, this group aims to address the structural conditions that lead to the development of a system of black market economy, labour exploitation, and sexual blackmail. One of the actions, for example, is the drafting of a Protocol for certification of quality for firms that respect the rights and dignity of workers.

Unfortunately, however, many organisations (such as L'Altro Diritto, Flai CGIL and the Proxima Association) involved in the working group, complain that in recent months the group's work has not been adequately supported by the Prefecture. Indeed, the last time the working group was convened by the Prefecture was in Autumn 2015. Moreover, these organisations have denounced the fact that in the last draft of the Protocol for certification of quality, the issue of labour exploitation has not been addressed and instead attention has focused mainly on the phenomenon of illegal gang-mastering ('*caporalato*'). This approach, as the organisations emphasise, has turned out to be inadequate not only because in many areas of Italy, such as Ragusa, cases of illegal gang-mastering do not seem to occur, but also because this phenomenon is just one aspect of a system of labour exploitation. In this light, the exclusive focus on illegal gang-mastering risks diverting attention away from the root causes of serious labour exploitation in agriculture and, thus, also from the development of efficacious measures to combat and prevent it.

4. Discussion of the Results

4.1 Factors contributing to vulnerability

Migrant workers' vulnerability to abuse and exploitation is fostered by the interplay of diverse factors.

Certainly, the first factor concerns the reasons which lead people to migrate: the increasing number of contemporary conflicts and wars; unemployment and poverty back home; and, the need to send money home for the family's survival. For instance, with regard to the Romanian workers, they have been 'forced' following the collapse of the socialist regime to leave their country due to the rise in unemployment and parallel rise in the cost of living (Scieurba 2015a). Paradoxically, the rise in cost of living has also been boosted by the new economic standards produced by migrant remittances (Popescu & Juverdeanu 2008). In this context, those who decide to migrate to increase the family's income are principally women who have become the main breadwinners, throwing into question

³⁰ This interview was carried out by Letizia Palumbo and Alessandra Scieurba on the March 29, 2014, in Vittoria, Ragusa (see also Palumbo & Scieurba 2015: 97).

³¹ A Mangano, 'Violentate nel silenzio dei campi a Ragusa. Il nuovo orrore delle schiave rumene', *L'Espresso*, 14 Ottobre 2014, retrieved 10 Novembre 2014, <http://espresso.repubblica.it/inchieste/2014/09/15/news/violentate-nel-silenzio-dei-campi-a-ragusa-il-nuovo-orrore-delle-schiave-rumene-1.180119>.

traditional gendered roles (Bezzi 2014). This process has resulted from a complex interaction between gender and familial dynamics and labour market forces and mechanisms (Sciurba 2015a; Palumbo & Sciurba 2015a). The need to send money home leads many Romanians to accept to work under exploitative conditions.

Migration policies are another factor with an important role in rendering migrant workers particularly vulnerable to situations of exploitation. On the one hand, Italian migration policies significantly supported the employment of migrants in certain labour market sectors such as, for example, domestic work through the development of special annual quotas; on the other, the quota system has proven inadequate, especially because its procedure is excessively complicated and long (Santoro 2012; Amnesty International 2012; Salis 2012). Moreover, as highlighted above, since 2012 there have been no real quotas for subordinate non-seasonal workers (including domestic workers), and with regard to subordinate seasonal workers, there have been quotas only in agriculture and the tourist industry—quotas highly reduced in recent years also to avoid the risk of eventual abuse. All these elements, together with the rigid linkage between a residence permit and the existence of a contract of employment, risk pushing migrants further towards irregular channels, thus fostering their vulnerability to exploitation.

As illustrated above, even EU migrants, despite their possibility to move freely across the EU, are highly exposed to maltreatment and abuse. One of the main factors fostering their vulnerability is that residency, which is necessary to entitle people to social rights, is tied to a person's income. At the same time, the fact that EU migrants do not need a residence permit linked to an employment contract means they are more likely to be involved in a context of informality and irregularity. Furthermore, the illegal employment of EU migrants is less perilous for employers as they do not risk being charged with the offences of facilitation and exploitation of irregular migration. This is also true in the case of refugees and asylum seekers,³² who, indeed, also join the ranks of exploitable labour force in Italy and work in many labour sectors such as agriculture (Palumbo and Sciurba 2015a; Barbieri et al 2015).

The abovementioned factors that give rise to migrant workers' vulnerability may be aggravated by gendered power relations and dynamics which have increased the risk of consolidating the segregation of migrant women in market niches often marked (Piper 2007; Scrinzi 2008) by both sexual and labour abuse (Interview 24, coordinator of project '*Oltre la strada*', Municipality of Cesena, March 2015; Interview 31, national secretary, Trade Union-Filcams CGIL, February 2015).

Migrant women's condition of vulnerability is also compounded by family responsibilities and obligations, in particular, as highlighted below, the need to sustain family members in their country of origin. Moreover, as the case of female migrant workers in the greenhouses reveal, often when women migrate with their children, these can be used as means of blackmail by abusive employers (Palumbo and Sciurba 2015a).

The situation of isolation in which many migrant workers find themselves, as both cases of exploitation in domestic work and in agriculture illustrate, is another element that exacerbates vulnerability: isolated in the countryside or in the employer's household, workers have limited or no access to information and assistance. Furthermore, in the case of migrant workers in agriculture in Ragusa, they frequently need to ask their employers for help in reaching urban areas and this 'strengthens a situation of dependency that the employer can use to his advantage, often through threats' (Interview 9, coordinator of trafficking projects, Proxima Association, February 2015).

In a context in which the labour market is strongly segmented on the basis of gender, nationality, and class, the lack of real and better working alternatives, and thus the fear of losing a job (and often also a place to sleep), leads many migrant workers to 'accept' working under exploitative conditions.

³² People in possession of an Asylum Seekers Residence Permit are allowed to work only six months after the issuing of the permit.

Moreover, the absence of a working alternative often pushes those migrants who have been able to free themselves from exploitation to go back to work in abusive conditions. As the coordinator of trafficking projects from the Proxima Association pointed out, ‘the lack of concrete and quick alternatives to offer victims is a big problem, affecting the effectiveness of Proxima interventions. The victims want an immediate alternative and most of them are unwilling to wait because they need money and they need money to send back home. Often the first thing that people tell us is “please find me a job”. Once a woman told us “I need a job...If I don’t send money home, I don’t have the right to speak with my daughter”. Through the funding provided by Art.18, Proxima offers victims the possibility of doing a (paid) internship in businesses. However, it is hard to find honest businesses available to host interns’ (Interview 9, coordinator of trafficking projects, Proxima Association, February 2015).

This situation of ‘subjugation and subjection’ (Interview 9, coordinator of trafficking projects, Proxima Association, February 2015) suffered by many migrant workers in both domestic work and the agricultural sector fits the definition of the position of vulnerability provided by Directive 2011/36 in which the person ‘has no real or acceptable alternative but to submit to the abuse involve’ (Art. 2(2)) and in which, thus, *de facto* the freedom of choice is denied (Palumbo & Sciarba 2015a). The Directive identifies the ‘abuse of a position of vulnerability’ as one of the ‘means’ of trafficking and affirms that the consent of the victim is irrelevant. However while many cases of labour exploitation, such as those experienced by Romanian women in the agricultural sector, can be viewed as trafficking, not all cases of labour abuse based on the abuse of a position of vulnerability can be defined as such. Indeed, as argued below, it is necessary to look at each on a case by case basis.

4.2 Factors affecting households’ decision to turn to cheap and exploitable domestic workers

Interviews carried out for this study revealed that diverse factors—economic, policy, legal, social, and cultural—affect households’ decision to turn to cheap and exploitable workers for domestic work in Italy.

The economic motivation, meaning lacking or wanting to save money, is undoubtedly one of the main factors. In Italy, the average value of pensions as well as of household incomes is quite low,³³ and in the absence of sufficient welfare state services people cannot afford to pay more than a certain amount.³⁴ This situation has been exacerbated by the current economic recession. As Senator Guerra points out during the interview: ‘The number of families in which members are able to provide care is in decline, while the need for assistance and care increases. As ISTAT stated, the family networks are increasingly narrow and long. At the same time, the cost of legally employing a (live-in) domestic worker [around €1100] is impossible for many families today. Therefore, a cheap labour force has become more desirable’ (Interview 20, Senator, March 2015).

While in recent years services (such as help desks, municipality registers etc.) addressing demand and supply in domestic work have increased, economic resources are still highly insufficient. For instance, state funding for non-self-sufficient persons has been subjected to deep cuts in the last few years. In 2016, the current government increased these state funds from €250 million to €400 million (Interview 20, Senator, March 2015), but Italy still lacks a structured plan for non-self-sufficient people. As interviewees point out, domestic work is not an issue of political priority in Italy, especially now that the country is affected by the economic crisis and unemployment has become the critical issue that needs to be addressed.

³³ In 2014, 42.5% of Italians received a pension less than €1,000, with 12.1% of this group receiving pensions less than €500 (INPS 2014). As for family incomes, official data reveal that in 2012, half of Italian families had an income around €2,000 per month (Banca D’Italia 2014).

³⁴ Interview 20, Senator, March 2015; Interview 31, national secretary trade union-Filcams CGIL, February 2015.

The Italian welfare system is based on a ‘familialist’ model, which lacks efficient public services and delegates to families the main role for providing care to family members who need assistance (Saraceno 2007; see also Triandafyllidou & Marchetti 2015). According to this model, domestic work, as Guerra noted, is thus ‘viewed as a private issue, even by the Left. There is the idea that once you put families in conditions of economic independency, ensuring them a job, the rest goes without saying. But this is not true because to have a job is not enough. Families need the support of the state in dealing with domestic work issues’. According to Guerra, there is a ‘collective hypocrisy’: there is no structured plan for non-self-sufficient people, but at the same time, there is a sort of tolerance for the ‘people’s do-it-yourself answer’, which frequently involves forms of illegality and exploitation of migrant workers (Interview 20, Senator, March 2015). This has thus resulted in a model in which migrant domestic workers, as a vulnerable and cheap labour force, cover the deficiencies of the welfare system (Ambrosini 2013).

In Italy, as in other countries, domestic work, in particular care work, has not only been persistently undervalued as a political and public issue but also as ‘work’ (Balbo 2001; Lutz 2008; Sarti 2010; Sciurba 2015). Highlighting the gendered character and low social status of domestic work, the national secretary of the Filcams CGIL, Giuliana Mesina, argues: ‘In Italy the burden of care in a family is still mainly on women’s shoulders [...] Also, the productive assets of domestic work are considered poor when in reality they consist of relational goods which are not reproducible by a machine and which have involved a solid heritage whose value is immeasurable. In Italy, the value of a job is viewed on the basis of the remuneration’ (Interview 31, national secretary, trade Union-Filcams CGIL, February 2015).

The perception of domestic work as not ‘real work’ is certainly another issue affecting the behaviours of households. Indeed, households often do not perceive themselves as employers and do not pay attention to the domestic worker’s rights. As highlighted by one interviewee of this study, in Italy there is a ‘widespread tendency not to respect the rules on working conditions. This is part of an extensive malpractice in which being a migrant becomes an element added to a situation which is already critical’, especially in the context of domestic work where the boundaries between employment and family relations constantly blur (Interview 40, expert on domestic work, March 2015). This is influenced by the gendered character of such work as well as by its non-profit-making nature (Ungerson 2003; Anderson 2007; Lutz 2008).

The relationships between employers and domestic workers, therefore, is often characterised by a specific power imbalance (OSCE 2012; Interview 2, Judge Tribunal of Rome and UN Special Rapporteur, March 2015). This tends to intensify in the live-in situation where such a relationship is marked by high levels of intimacy and proximity and where, as a result, the boundaries between employment and family relations as well as those between free time and working time often blur. In this context, the family-like environment obscures the work relationship and there is a sort of normalisation of some forms of exploitation that are not perceived as a violation of rights. This may occur through paternalist practices: ‘under the category “you’re like one of the family”, as Sarti stressed during the interview, there is often the risk also of justifying the non-respect of rules’ (Interview 40, expert on domestic work, March 2015). Such a tendency to normalise is also reflected, as argued below, at the juridical level, if one considers the very few cases involving exploitation in domestic work which have been brought before the courts.

Prevailing social norms also constitute a key factor as they play a significant role in shaping people’s behaviour as employers of domestic work (Anderson and O’Connell Davidson 2003; ICAT 2014). As Anderson and O’Connell Davidson point out, ‘their understanding of these norms is largely determined through peer behaviour and what they can get away with’ (2003: 42). Indeed, as one of the respondents highlighted, people often justify their actions by saying ‘our friends or neighbours did the same’. This is a ‘sort of “self-justification” and the reason for this is that the families do not view themselves as strong employers as they do not make an income from domestic work’ (Interview 24, Coordinator of Project ‘*Oltre la strada*’, March 2015).

At the same time, as our respondents highlighted, there is a widespread belief that since migrant workers come from conditions of poverty, they ought to be ‘grateful’ for the job opportunities given to them and make do with what they have, including working under difficult conditions (Interview 31, national secretary, trade union Filcams CGIL, February 2015). It is as if the migrant’s situation of need and willingness to work is turned into the employer’s right to exploit. As Sarti stressed in the interview conducted for this study, this is ‘a kind of distorted cultural relativism which offers some justification: in their countries they suffer so much, thus here they are far better off’ (Interview 40, expert on Domestic work, March 2015). In other words, this justification is a sort of ‘neutralisation technique’ (Sykes & Matza 1957) used by people to exempt themselves from responsibility.

People also know that exploitative employers of domestic workers have rarely been effectively punished. This sense of impunity has been strengthened by policies and laws that have tried to protect (abusive) employers of domestic workers. For instance, when Directive 2009/52/EC was implemented through Legislative Decree No. 109/2012,³⁵ the government decided that the requirement that the number of recruited workers has to be more than three, because otherwise many Italian families that employ migrant domestic workers would have been punished. As Senator Maria Cecilia Guerra, who was interviewed for this research, points out: ‘if we had embraced Directive 2009/52 in an extreme way, there would have been the risk of sending many Italian families to prison whom, however, the State had not helped face the issue of caring for non-self-sufficient people. I am not happy about this choice but it was obligatory. Yet, I know that this choice makes it very difficult to address cases of exploitation and trafficking’ (Interview 20, Senator, March 2015).

With regard to the irregular employment of many migrant workers in domestic work, many interviewees outlined that workers often opt not to sign a contract for financial reasons. Sarti defines these situations ‘consensual forms of disrespect for the rules’ (Interview 40, Expert on domestic work, March 2015) based on ‘double reciprocal convenience’ for both employers and workers (Castagnone *et al.* 2013: 20; Pasquinelli & Rusmini 2013). For example, many migrant workers opt for irregular work because they cannot redeem contributions in case of return to their countries of origin as Italy has not made bilateral agreements with many non-EU countries (Interview 22, Head of immigration area Italia Lavoro, May 2015).

4.3 The Chain of Exploitation in the Agricultural Sector

Recent studies have attentively examined the supply chains (*‘filiera’*) in the agricultural sector revealing complex systems sometimes characterised by illegal and Mafia activities and in which the diverse actors involved—such as large retailers, traders, processing industries and producers—tend, at different levels, to contain the costs of production and increase profit margins, leading to a compression of the rights of workers up to situations in which people are reduced to slavery-like conditions (Mangano 2015 and DaSud, Terra and Terrelibere, 2015). The workers, especially migrant workers, are indeed the weakest links of this system in which there is no distribution of the wealth produced.

Many producers, especially small and medium-sized producers who are highly numerous in the Italian territory, claim that, given the increasing pressure on the prices of agricultural products practised by traders and large retailers, they are not able to pay workers the salary stipulated by national and provincial contracts. The compression of labour costs allows them to stay in the market (Interview 33, secretary Flai CGIL Vittoria, September 2015; see also Perrotta 2014).

As emerged from the interviews conducted for this study, agricultural producers, in particular small producers, are often in a weak position to negotiate in the supply chains. Referring to the supply chains in the agriculture sector in Ragusa, and more specifically to the dynamics of the fruit and

³⁵ See Section 1.

vegetable market in Vittoria, Peppe Scifo argues that ‘the bargaining power of local producers is highly limited and they sell the products at the price and conditions imposed by traders’ (Interview 33, secretary Flai CGIL Vittoria, September 2015). The traders, in turn, sell the products to general markets, logistic platforms (*‘piattaforme logistiche’*), or large retailers. The relationship between the producer and the trader is usually mediated by an agent (*‘commissionario’*), who takes from the producer around 10% of the proceeds. All these stages are often affected by forms of abuse. Indeed, ‘there is not a clear and transparent mechanism of decision of the prices [...]. Often, for instance, although it is not legally allowed, the agent acts also as trader and this clearly affects the mechanism of decision of the prices at the expense of the producer’ (Interview 33, secretary Flai CGIL Vittoria, September 2015). In addition to this, another factor influencing the producer’s bargaining power is that he/she produces a fresh product which has to be sold the same day in which it arrives in the market of Vittoria. Therefore, the producer frequently accepts the price imposed in order not to risk losing the product (Interview 33, secretary Flai CGIL Vittoria, September 2015).

Similar dynamics occur, although it is a different context, in the area of Trapani. In particular, as respondents highlighted, agricultural producers in this area sell their products according to the prices and conditions imposed by traders, who are mainly from Campania and Lazio (Interview 18, member of Libertaria collective, November 2015).

While producers, in particular small producers, are often subjected to the pressures on the prices operated by traders and large retailers, this, however, certainly cannot justify them in violating the rights of workers up to serious forms of exploitation and abuse: ‘the fact that producers feel “strangled” by the strong actors of the supply chains cannot become an alibi for underpayment and exploitative working conditions’ (Interview 32, National Secretary Flai CGIL, January 2016).

At the same time, it should be outlined – as studies have indicated and as our respondents also stressed – that, despite the existence of organisations of producers³⁶ (OP) developed to increase the power bargaining of small producers, many small producers have not been able to organise themselves effectively to tackle the competition caused by the liberalisation of the markets of agricultural products (DaSud, Terra and Terrelibere, 2015). Focusing on the conditions in Ragusa, Scifo argued that ‘local producers have not been able to renew themselves and get together to try to face the challenges of the market and to catch its opportunities [...]. For instance, the majority of them have not been able to internationalise their products [...].³⁷ Producers should organise themselves in order to create alternative supply chains through a process of aggregation of the supply and a focus on the quality of the product. Yet, unfortunately, most local producers in Ragusa are still far from this process and this is mainly due to a distrustful attitude and the lack of a business-like approach’ (Interview 33, secretary Flai CGIL Vittoria, September 2015).

A distrustful attitude also leads many producers not to apply for a national or international certification of quality (such as SA 8000³⁸ or Global GAP³⁹) or participate in the growing number of initiatives that provide legal and or economic incentives for companies that respect fair working conditions.⁴⁰ These projects have few participants and, as it emerged from the interviews, this is due to

³⁶ It is also worth noting that the organisations of producers (OP) created to increase the power bargaining of small producers are often affected by dynamics of abuse and some have been involved in fraud (DaSud, Terra and Terrelibere, 2015).

³⁷ See also <http://www.italiafruit.net/DettaglioNews/33798/la-categoria-del-mese/guido-grasso-dorilli-ecco-perche-il-pomodoro-italiano-allestero-si-perde>

³⁸ SA8000 is an international certification standard that fosters organisations to implement, maintain and apply socially acceptable standards and practices in the workplace.

³⁹ See http://www.globalgap.org/uk_en/

⁴⁰ For instance, the Region of Apulia with Law No. 28/2006 and the creation of some indicators (to compare the product’s quantity and the number of workers employed) allows access to regional and EU funding for local companies that have legally hired a number of workers proportionate to the crops produced.

a variety of reasons. First, some producers do not want to be ‘burdened’ by additional bureaucracy. In addition, many are suspicious as they see these instruments as a further form of control. Lastly, related to this last point, many ‘prefer to stay in illegality because it is more convenient and thus they decide to forego the added value that a certification, for example, can offer because they view staying in illegality a greater advantage’ (Interview 32, National Secretary Flai CGIL, January 2016). This reveals that unfortunately the violation of working rules and exploitation are, in some contexts, so ‘normalised’ as to be hardly challenged through incentives or certification.

On the other hand, it is worth saying that Italy lacks structured policies aimed at developing a process of renovation and progress of the agricultural sector. Although the agricultural sector has been supported through both fiscal incentives and European and national funding (for instance the funding provided by the Rural Development Plan (Piano di Sviluppo Rurale – PSR)), this has not been accompanied by policies promoting a new model of production capable of allowing companies to compete effectively on the international market. Moreover, funding is allocated according to criteria that do not consider the well-being and rights of the workers (Interview 31, National Secretary Flai CGIL, January 2016).

While agriculture is a sector that is economically supported (even if not sustained by structured policies), controls towards companies are not, however, effectively implemented and incentivised. As many interviews highlight, labour inspections are infrequent mainly due to the lack of economic resources. But this is not the only issue. Indeed, as Mangano stresses, ‘in Italy there is a big problem in speaking about companies, controlling them and addressing their responsibilities in exploitation. There is a lot of attention on the ‘effect’ of an abusive system, i.e. about tent cities, low wages etc., there are millions of photo exhibitions about the shantytowns (*‘baraccopoli’*) but we do not focus on the responsibilities of companies and all the other actors involved in the supply chains. For instance, in Italy, unlike in many European countries, the issue of corporate social responsibility is not addressed at all’ (Interview 42, expert on labour exploitation, January 2016).

The difficulties in addressing the issue of control towards companies—and thus also in developing efficacious policies against labour exploitation—emerge clearly if one considers an instrument recently developed by the government to address labour exploitation: the network of a quality agricultural work (*‘rete del lavoro agricolo di qualità’*) established by Art. 6 of Law Decree No. 91/2014, converted with changes by Law No. 116/2014. This network aimed at developing a list of agricultural companies that respect fair working conditions. These companies obtain a certification of quality. Although it could be an important instrument to incentivise transparency and accountability in the agricultural sector, such a network presents some limits. In particular, this network was launched in September 2015, when the media was rife with sensationalist reports about illegal gang-mastering. Yet, as Mininni argued during the interview, it was launched without having many instruments apart from those provided by Law Decree No. 91/2014. These instruments ‘serve only to control companies with regard to regularity of work (*‘regolarità del lavoro’*) and they do not tackle exploitation, illegal gang-mastering, and black market work. Moreover, according to this law, once a company is part of the network, it is subjected to fewer controls. This is clearly a contradiction: the fact that the companies participating in the network are subjected to fewer controls may, in a certain way, facilitate them to bypass and violate the law, also because workers subjected to exploitation hardly find the strength or have the possibility to report the abuse because they are often subject to blackmail and they do not want to lose a job (Interview 32, National Secretary Flai CGIL, January 2016). Having a certification of quality does not preclude that the companies can violate the rights of workers and subject them to serious exploitative working conditions: significant to mention is a recent case concerning some Italian and migrant farm workers who were recruited by illegal gang-masters and worked under exploitative conditions for a firm based in Bari which has a certification of quality⁴¹.

⁴¹ See <http://bari.repubblica.it/cronaca/2016/04/12/news/brindisi-137422686/?ref=HREC1-12>

By highlighting the limits of this network, trade unions, such as Flai CIGL, have therefore asked the government: to add, among the requirements for the participation in the network, that companies respect national and provincial contracts and social laws; to address the issue of transport and the problem of recruitment by developing, at the provincial level, special lists of workers (*'liste di prenotazione'*) established in the employment centres; and, to also conduct inspection activities, by rationalising them, in companies registered as part of the network. According to Mininni, it is unlikely that this last point will be taken into account by the government. This is because 'according to the neo-liberalist ideology dominant both at the European and national levels, anything related to the control of companies is considered as something that can present an obstacle to them staying in the market and progressing. This government is permeated by this ideology. This can be seen in the Jobs Acts and other provisions. The reduction of the rights of workers—they say—is considered proportional to the recovery from the crisis. But, today it is clear that this is not true and that recovery depends on other diverse factors [...] Given that the government follows this economic ideology, it is not surprising that it does not support interventions which entail limits and controls towards companies' (Interview 32, National Secretary Flai CGIL, January 2016).

On the one hand, controls towards companies are not supported; on the other—as argued below—legal instruments addressing contemporary forms of labour exploitation have proven inadequate. In this scenario, it is not surprising that labour exploitation in agriculture, as in other sectors, tends to be normalised.

4.4 Challenges in Implementing Provisions on Trafficking and Labour Exploitation and in Legal Proceedings

In Italy the number of criminal proceedings related to Article 600 ('Placing or holding a person in conditions of slavery or servitude') and Article 601 (Trafficking in human beings) is small (Greta 2014; ASGI 2015) and most concern cases of sexual exploitation. This derives from a range of challenges and difficulties.

First of all, as many interviewees for this research highlight, in addition to the fear of losing a job—and, in the case of an irregular migrant, of being expelled—another factor preventing migrant workers from reporting abuse to the police is the fear of retaliation by employers. Moreover, migrant workers, for example in the case of domestic work, frequently 'find a job through the help of intermediaries who are often part of a well organised network and often the workers prefer not to report abusive employers to the police due to being afraid of a network of known people which allowed them to have a job' (Interview 1, Prosecutor, DDA of L'Aquila, March 2015).

At the same time, in domestic work as well as in agriculture, it is often difficult to prove the existence of an employment relationship because to the lack of documents regarding employment relations, working hours, pay, and so on. Furthermore, especially in domestic work and in small businesses in agriculture, it is also extremely difficult to obtain oral evidence.

In addition to these factors obstructing the identification of cases of labour exploitation in particular, it is worth pointing out that law enforcement authorities encounter diverse challenges in implementing Italian legal provisions on the offences of trafficking (Art. 601 of the CC) and slavery (Art. 600 of the CC). First of all, as indicated in interviews with a judge as well as several prosecutors and lawyers, in addition to the high penalties associated with this crime, the way the offence of trafficking (Art. 601) was formulated in the criminal code before the implementation in 2014 of Directive 2011/36/EU was so inadequate as to make the provision difficult to apply.⁴² Indeed, there was not a clear distinction of the acts, means, and scopes of trafficking, and it was almost impossible

⁴² Interview 1, Prosecutor, DDA of L'Aquila, March 2015; Interview 2, Judge Tribunal of Rome and UN Special Rapporteur, March 2015.

to prove all the elements of the crime (see also ASGI 2015).⁴³ Accordingly, the offence of slavery (Art. 600 of the CC) has been used in preference to that of trafficking. As the judge and UN Special Rapporteur Maria Grazia Giammarinaro, pointed out when interviewed for this study ‘now we have to wait to see the effects of the implementation of EU Directive 2011/36 and thus of the adoption of the international definition of trafficking into national legislation. But, it is worth saying that the new provision on trafficking inserts into a consolidated juridical situation in which there is the habit of applying Article 600’ (Interview 2, Judge Tribunal of Rome and UN Special Rapporteur, March 2015).

However, even Article 600 of the CC has not been applied frequently thus far, especially in cases of labour exploitation. This is mainly due, on the one hand, to the severity of the penalties associated to the offence of slavery, and on the other—as a recent sentence of the Supreme Court of Cassation demonstrates (Cass.pen.sez VI, 11-04-2014, No. 24057)—to the vague formulation of ‘the situation of continuous subjection’ as envisaged by the provision. Accordingly, most prosecutors have preferred to charge the accused person with other offences such as ‘private violence’, ‘kidnapping’, ‘extortion’ and ‘abuse in family’ which ensure that they win the criminal trial and thus get a successful conviction. In general, it may be argued that the offences of trafficking or slavery have been generally charged in presence of damning elements (Interview 5, lawyer, ASGI, February 2015).

Another issue in the application of the legal provision concerns the difficulty by competent authorities—including judges, prosecutors, lawyers, and police—in understanding and perceiving the severity of the crime committed in cases of labour exploitation. According to Giammarinaro, this difficulty derives from the fact that ‘[t]hese cases regard in particular migrants and there is a dominant ideology which normalises the exploitation of migrants. As a consequence, some forms of exploitation are not viewed as a violation of fundamental human rights such as, for example, the right to health and the right to physical integrity (as to work in inhumane conditions is a terrible and traumatic experience which leaves indelible marks on a person's health and psyche) (Interview 2, Tribunal of Rome and UN Special Rapporteur on THB, March 2015).

Moreover, as the study of case law outlined (see for instance *M. and Others v. Italy and Bulgaria*, No. 40020/03, ECtHR 2012), when cases involve minorities, such as Roma people, prejudices may often inform competent authorities’ decisions so that exploitation is not only normalised but is also viewed as ‘natural’ for these groups (see also Boicu 2013).

Another problem stems from the fact that trafficking is a relatively new offence, involving complex situations and among competent authorities there is often a difficulty in acting or a fear of failure in the absence of a robust case law to build upon and of systematic activity of training and dissemination (GRETA 2014).⁴⁴ An example of the lack of robust training activities is the fact that case law from international or European courts, such as the landmark cases *Siliadin vs France* (App. 73316/01, ECtHR, 26 July 2005) and *Rantsev vs. Cyprus and Russia* (App. 25965/04, ECtHR, 7 January 2010), which may be fundamental to interpreting Italian legislation on trafficking and slavery, is usually neglected by judicial authorities.

Difficulties in the application of the legal provisions also concern the different conceptions of trafficking among competent authorities, including judges, prosecutors, lawyers, and police. According to most authorities, trafficking entails a transnational movement and consists of a single chain in which the recruitment of a person from his/her country of origin and his/her exploitation in the country of destination are under the control of the same criminal group or people. However, as studies and experts have pointed out, today—especially in cases of labour exploitation—the trafficking process is mainly composed of different segments (Castelli 2014; Interview 2, Tribunal of

⁴³ Interview 5, lawyer, ASGI, February 2015; Interview 6, lawyer, ASGI-Arcobaleno, March 2015.

⁴⁴ Interview 1, Prosecutor, DDA of L’Aquila, March 2015; Interview 2, Judge Tribunal of Rome and UN Special Rapporteur, March 2015.

Rome and UN Special Rapporteur, March 2015). Often the first phase of this process is that of migration, regular or irregular, which is frequently facilitated by a passeur (facilitator), who asks migrants for some money for his/her 'service'. Although in this case people migrate autonomously, forms of abuse can occur because they frequently pay exorbitant sums of money for their travel. Thus, it can happen that once arrived in Italy, some people have no more money and, although they would like to go to another country, are forced to stay in Italy because they cannot afford to travel anywhere else. Subsequently, they end up involved in abusive working contexts. In other cases, to afford travel costs, people go into debt and there is an agreement under the table between the facilitator and intermediaries in Italy to insert these people into situations of serious exploitation. There can also be cases in which people migrate autonomously and then end up in a situation of trafficking, as they have been severely exploited by employers who take advantage of people's position of vulnerability.

Highlighting the new features of trafficking phenomenon, Giammarinaro points out that: 'when we speak about trafficking the focus should not be on transfer but on exploitation. The essence of trafficking is the purpose of exploiting people, which means taking advantage of unpaid or underpaid labour or services of another person, performed in inhuman, degrading and unsafe conditions' (Interview 2, Tribunal of Rome and UN Special Rapporteur, March 2015).

Yet, not all forms of exploitation amount to trafficking. Exploitation is a continuum spanning relatively less serious forms of exploitation to slavery or trafficking (Anderson & O'Connell-Davidson 2006; Skrivankova 2010) and depends on the penalty range. Therefore, in order to qualify a case as trafficking, judicial authorities have to evaluate each case on its own merits and look at all the factors and parameters at stake, especially the situation of vulnerability of the person. Thus, competent authorities have to 'verify why a person does not leave that situation of exploitation, evaluating if there are elements that eliminate the acceptability of an alternative choice, the existence of this alternative' (Interview 1, DDA of L'Aquila). Such a task is complicated in a context, such as today, marked by a strong increase in poverty and precariousness and thus where most of the workers experience exploitative conditions, which rely on the abuse of a position of vulnerability.

Given the complex features of trafficking, scholars and practitioners have different views on how to interpret the trafficking definition contained in the new Article 601 of the CC which has adopted the broad definition provided by EU Directive 2011/36. For instance, some point out that Article 601 should be linked to the provision on slavery (Article 600) and thus should be applied only when the victim's self-determination is so limited that he/she finds him/herself in a state of subjection as in the case of Article 600 (Interview 5, Lawyer, ASGI, February 2015). Indeed, according to this perspective, only referring to the condition of subjection envisaged in the provision on slavery it is possible to justify the severe penalties imposed in cases of trafficking—entailing from eight to twenty years of imprisonment. The condition of subjection in cases of trafficking should not be necessarily continuous as in the case of slavery and consists of the impossibility of a person to make a choice other than submitting to the abuse (Interview 5, Lawyer, ASGI, February 2015).

Yet, this interpretation of the provision may risk further reinforcing the link between the offence of trafficking and that of slavery, which has limited the range of application of the provision of trafficking given the difficulty to prove the existence of the condition of continuous subjection (Interview 41, expert on trafficking, June 2015; Vallini 2014).

In order to avoid this risk and to make the provision of trafficking capable of tackling most of the contemporary cases of labour exploitation relying on the abuse of a position of vulnerability, Emilio Santoro, an expert on the matter of labour exploitation who was interviewed for this research, suggests reading Article 601 as envisaging two criminal conducts. More specifically, the provision would apply: 1) to whoever recruits, introduces into the territory of the state, transfers even outside said territory, transports persons who are in the conditions specified in Article 600; 2) to whoever performs the above-mentioned acts against one or more persons, by deceit, violence, threats, abuse of authority, or taking advantage of a situation of vulnerability, or of a weaker physical or psychic condition or a

condition of need, or by promising or giving money or of any other advantage to the person having control over that person, for the purpose of exploitation. While the first conduct is linked to the existence of a condition of slavery as envisaged in Article 600, the latter focuses on exploitation (Interview 41, expert on trafficking, June 2015).

However, one of the main obstacles may be the severity of the penalties imposed in trafficking cases. For this reason, Santoro, by stressing that EU Directive 2011/36 provides a minimum penalty of five years of imprisonment, argues that Article 601 should be amended to provide for a penalty of five to twenty years of imprisonment instead of eight to twenty years. Another obstacle may be the interpretation of indeterminate notions such as a position of vulnerability.

In addition to the difficulties in the implementation of the provisions on trafficking and slavery, problems also exist in the application of Article 603-bis of the CC regarding the offence of ‘unlawful gang-mastering and labour exploitation’. As one of the interviewees argued, ‘this norm is applied very rarely because it is written in a convoluted way [...] it aims to tackle the illegal intermediation (*‘caporalato’*) rather than labour exploitation’ (Interview 1, DDA of L’Aquila, March 2015). Indeed, it addresses primarily abusive intermediaries and not abusive employers (OSCE 2013; GRETA 2014; Barbieri *et al.* 2015). At the same time, it identifies the role of abusive intermediaries in a way that is often difficult to apply in practice, especially in domestic work (Interview 1, DDA of L’Aquila, March 2015).

Finally, with regard to the provision concerning penalties for employers employing irregular migrant workers (in particular Article 22 of Legislative Decree No. 286/1998, as modified by Legislative Decree No.109/2012 transposing Directive 2009/52/EC into national law), it has proven to be ineffective in addressing labour exploitation because it provides a very restrictive definition of ‘particular working exploitation’, which does not conform to that offered by the Directive. Also, it appears ineffective nowadays as most cases of labour exploitation involve migrants who are not irregular but are asylum seekers, refugees, and poor EU citizens (in particular Romanians) (Barbieri *et al.* 2015).

4.5 Gaps in Policies and Law Against Trafficking and Labour Exploitation

Issues	Gaps in Policies addressing Trafficking
Implementation of EU Directives	Inadequate implementation of Directive 2011/36 through Legislative Decree 2014 No. 24.
Government’s attention to the issue	Scarce attention to the topic of trafficking, especially to trafficking in labour exploitation.
Access to justice and Protection of victims	Inadequate application of Art. 18 of Legislative Decree No. 286/1998. In particular non-application of the so-called ‘social path’ especially in cases of labour exploitation. State funds for Article 13 and Article 18 programmes for victims of trafficking and severe exploitation have been provided in a discontinuous way. Lack of adequate compensation for victims.
Prevention	Lack of structured campaigns against trafficking and serious exploitation. Absence of effective mechanisms to inform migrant workers about their rights.
Monitoring and workplace inspections	Lack of an adequate system of data collection on the victims participating in Article 13 and Article 18 programmes. Lack of effective monitoring and inspection activities.

Gaps in policies on trafficking

In March 2014, the Italian government adopted Legislative Decree No. 24 to transpose EU Directive 2011/36 on trafficking into national legislation. Legislative Decree 2014 No. 24 presents several limitations (GRETA 2014; ASGI 2015). Considering the innovative and progressive aspects of Directive 2011/36/EU, the transposition of its provisions into Italian legislation could be an important opportunity to improve and strengthen the Italian anti-trafficking framework. The Decree limits itself to modifying provisions on trafficking in the Penal Code, the Penal Procedure Code, Law No. 228/2003, and Legislative Decree No. 286/1998, without developing an integrated, comprehensive approach to trafficking as provided for in Directive 2011/36/EU (ASGI 2015). Indeed, it downplays gender dimensions and dismisses the need for a gender approach in addressing trafficking (Palumbo 2015). Its sole reference to a gender perspective consists of a brief reference to gender violence in its Article 1. Moreover, the Decree has not adopted some important provisions of the Directive, including those on the irrelevance of the consent of the victims (Art. 2(4)); non-prosecution of, or non-application of penalties to the victim (Art. 8); and adequate and unconditional assistance (Art. 11). Furthermore, by identifying in Article 1 specific categories of vulnerable persons, the Decree appears to overlook the systemic character of contemporary forms of exploitation and the fact that different factors—such as economic, legal, social, gendered, and racial dynamics—simultaneously interact to render diverse people vulnerable to trafficking and exploitation. This inadequate approach is reflected in the choice of non-adopting the definition of position of vulnerability provided by the Directive. Additionally, the Decree does not provide an increase in the funding for anti-trafficking interventions and it has established a very exiguous sum for the compensation of victims: i.e. €1,500.00 per victim. Lastly, according to the Decree, the Department of Equal Opportunity has also to fulfil the role of Special Rapporteur but, as one of the interviewees for this study has highlighted, ‘the Special Rapporteur should be an independent authority [...] How can the Department of Equal Opportunity which is in charge of managing social protection programmes, evaluate them at the same time?’ (Interview 12, President of Association on the Road, March 2015).

The inadequate implementation of Directive 2011/36/EU into national legislation is not surprising if one considers that in recent years anti-trafficking interventions have not been effectively supported by the government. As one of the interviewees has argued, for many years anti-trafficking interventions have been sustained, in terms of economic and human resources, by the Department of Equal Opportunities. Yet, recently there has been a change in the approach: ‘anti-trafficking interventions are not adequately supported, the inter-ministerial commission on trafficking has been suppressed, and the office at the Department of Equal Opportunities which deals with trafficking issues has very limited resources’ (Interview 6, lawyer, ASGI-Arcobaleno, March 2015). Moreover, Article 13 and Article 18 programmes for victims of trafficking and severe exploitation have been under-funded, there is not an effective system of data collection on the victims participating in these programmes and the national plan against trafficking has been adopted only recently (February 2016) after a severe delay of more than one year with respect to the established deadline. All this risks weakening the national system against trafficking, and in particular innovative instruments such as Article 18 of Legislative Decree No. 286/1998.

As for the assistance and protection of victims of trafficking and severe exploitation, as many interviewees have outlined, the implementation of Article 18 of Legislative Decree No. 286/1998 has been arbitrary, and inadequate throughout the country, especially in cases of labour exploitation (see also GRETA 2014; OSCE 2014; Cardi 2014; ASGI 2015). For example, the so-called social path is rarely applied, as it is quite uncommon for victims to obtain a residence permit without reporting and cooperating with law enforcement authorities. Such a problem, as one of the interviewees has stressed, ‘is not effectively faced by the institutions and associations which assist the victims. This is mainly due, on the one hand, to the fact that these institutions/associations want to preserve good relations with the police, and on the other, to the fact they are not supported by lawyers’ (Interview 6, lawyer, ASGI-Arcobaleno, March 2015).

Furthermore, in the case of the judicial path, police often refuse to release the residence permit if people do not provide relevant information, linking the release of the residence permit to the outcome of the criminal proceedings (see also ASGI 2015). But the application of Article 18 is not linked to the existence and outcome of proceedings: the innovative aspect of this provision is to consider the protection of victims as a priority which cannot be subordinated to criminal actions. Indeed, the Home Office has clarified that in order to issue the Article 18 residence permit for humanitarian reasons, the police should verify if the person is in a situation of violence or severe exploitation, and if there is a situation of danger for the person and/or his/her family (ASGI 2015).

Interviewees for this study also denounced a ‘regression in the way police interpret Article 18 and its requirements’ (Interview 6, lawyer, ASGI-Arcobaleno, March 2015); for instance, danger is often considered not to be current or effectively proven. Furthermore, the issuance of the residence permit for humanitarian reasons often takes a long time (Interview 24, coordinator of project ‘*Oltre la Strada*’, Municipality of Cesena, March 2015). Such a waiting period risks becoming an ‘empty’ and frustrating time for migrants, increasing their vulnerability. At the same time, there are often problems in the renewal of the residence permit. More specifically, some police headquarters interpret the requirements to renew the residence permit in a strict way, arguing, for instance, that after 18 months the residence permit cannot be renewed unless it is converted into a permit for labour or study. This interpretation, as one of the interviewees has pointed out, ‘is not legitimate because it does not correspond to the rationality of the provision and also it is not in line with Art.11 of Directive 2011/36’ (Interview 6, lawyer, ASGI-Arcobaleno, March 2015) providing that ‘Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during, and for an appropriate period of time after the conclusion of criminal proceedings in order to enable them to exercise the rights set out in Framework Decision 2001/220/JHA, and in this Directive’ (Art.11(1)).

As for compensation, victims of crime, if they act as a civil party in the criminal proceedings, can ask for compensation for damage suffered from the perpetrators. In the case of victims of trafficking, a problem that often occurs is that perpetrators have no assets and thus no compensation can be obtained from them (GRETA 2014). Legislative Decree No. 24/2014, by amending Article 12 of law No. 228/2003, has established that the ‘fund for anti-trafficking measures’ is also aimed at financing the compensation of victims. However, as argued below, this fund is extremely exiguous (€1,500.00 per victim). Italy thus has not only inadequately transposed Article 17 of Directive 2011/36/EU (‘Compensation to victims’) into national law, but it has also inadequately implemented Directive 2004/80/EU on compensating victims of crime (Cardi 2014).

It is worth noting that over recent years more attention has been dedicated to the issues of severe exploitation and trafficking in sectors others than the sex industry. However, there is a lack of structured campaigns against trafficking and serious exploitation as well as of systematic training activities for competent authorities on the complexities of today’s trafficking and labour exploitation. Moreover, some sectors, such as domestic work, are still overlooked. As an interviewee points out, probably this is also due to the fact that ‘exploitation in domestic work is a complex and delicate social phenomenon, which also entails the economic difficulties of many Italian families, and so probably there is not the will to address it’ (Interview 6, lawyer, ASGI-Arcobaleno, March 2015).

Gaps in policies specifically addressing labour exploitation

Issues	Gaps in policies specifically addressing labour exploitation
Implementation of EU Directives	Inadequate implementation of Directive 2009/52/EC through Legislative Decree No. 109/2012.
Government's attention to this issue	Focus on countering irregular migration and illegal gang-mastering rather than on labour exploitation. Lack of a comprehensive law on labour exploitation.
Access to justice and Protection of victims	The focus on both irregular migration and illegal gang-mastering has resulted in a lack of effective protection measures for migrant victims of labour abuse. Lack of a programme of assistance and protection in the case of migrant workers subjected to particularly exploitative working conditions according to Art. 22 of Legislative Decree No. 286/1998. Lack of efficacious mechanisms through which workers can recover their wages or any differential wages in cases in which they have, or have been, returned.
Prevention	Lack of structured campaigns against labour exploitation. Absence of effective mechanisms to inform migrant workers about their rights.
Monitoring and workplace inspections	Lack of effective monitoring and inspection activities. Lack efficacious mechanisms to monitor the data of the National Institute of Social Security (INPS).

As for policies specifically addressing labour exploitation, it should be outlined, as mentioned below, that Italy has inadequately transposed into national law Directive 2009/52/EC. First of all, it is important to say that the main aim of Legislative Decree No. 109/2012, which has implemented Directive 2009/52/EC, as well as of the Directive, is to combat irregular immigration, not to combat exploitation and protect the rights of victims. Moreover, the Decree has provided a very restrictive definition of 'particularly exploitative working conditions', which does not conform to that offered by the Directive. The lack of an adequate definition of exploitation significantly affects the efficacy of Art. 22 in addressing the severe forms of labour exploitation occurring in many labour market sectors and in protecting the victims. Additionally, it is also important to mention that Italy has inadequately transposed Art. 8 of the Directive which provides that the contractor of which the employer is a direct subcontractor may be liable to pay financial sanctions in addition to, or in place of, the employer. With regard to the recovery of outstanding remuneration, Legislative Decree No. 109/2012 has not provided mechanisms to systematically and objectively inform migrant workers about their rights as provided by Art. 6 of the Directive. Moreover, Italian legislation has not established efficacious mechanisms through which workers can recover their wages or any differential wages in cases in which they have, or have been, returned.

As one of the interviewees highlights, 'the way Italy has implemented Directive 2009/52/EC has clearly demonstrated that it does not want to effectively address the issue of labour exploitation' (Interview 5, lawyer, ASGI, February 2015). This is due to the fact that 'labour exploitation of migrant workers is congenial to the Italian economic system. At the same time, the existence of a class which is juridically and socially subaltern offers the possibility of raising the living standards of other people' (Interview 5, lawyer, ASGI, February 2015).

The focus on irregular migration has resulted in the relative impunity of exploitative employers and in the lack of effective protection measures for migrants who have been victims of labour abuse. Moreover, this approach has turned out to be even more inadequate if one considers that currently

most of the exploited migrant workers are not irregular but are asylum seekers, refugees, poor EU citizens, and migrants with a residence permit (Barbieri *et al.* 2015; Palumbo & Sciarba 2015).

On the other hand, Italian policies have dedicated special attention to the issue illegal gang-masters—in this regard, it is important to mention that a bill on illegal gang mastering is currently being discussed in the Senate Committee. Such a focus risks diverting attention from the factors creating the conditions for exploitation as well as from structural factors which render migrants vulnerable. As a respondent highlights, ‘the rhetoric of gang-masters is like the rhetoric of smugglers (*scafisti*): it drives attention away from the root causes of trafficking and serious exploitation. The phenomenon of gang-masters needs to be re-dimensioned’ (Interview 5, lawyer, ASGI, February 2015).

Illegal gang-mastering is just one link in a long chain of labour exploitation. Therefore, as Mininni points out ‘gang-mastering is often a crime which reveals that there is a chain of exploitation. Consequently, policies should be able to look at the phenomenon from a broader perspective otherwise they will address the problem in a fragmented way, risking not being efficacious’ (Interview 32, national secretary Flai CGIL, January 2016). In this sense, according to Mininni, the recent bill on illegal gang-mastering can be an important instrument as ‘it aims to address not only illegal gang-mastering but also the companies which use the work done by the gang masters’ (Interview 32, national secretary Flai CGIL, January 2016).

By criticising the exclusive focus on illegal gang-mastering and, consequently, the bill on illegal gang-mastering, some of the respondents of this study have pointed out that in Italy there is a sort of fear to pronounce the words ‘labour exploitation’ and to admit that the problem concerns, before illegal gang-masters, the employers who exploit migrant workers. In this sense, Santoro, during the interview for this study, highlighted that Italy lacks a provision that directly punishes abusive employers. ‘The provisions of the Criminal Code available today to address severe labour exploitation are Articles 600 (slavery) and 601 (trafficking), which have rarely been applied, especially in labour exploitation, mainly because of the high penalties associated with these offences. There is also Article 603-bis (‘unlawful gang-mastering and labour exploitation’) which however is difficult to apply not only due to its inadequate formulation, but also because in some contexts, such as Ragusa, the phenomenon of illegal gang-mastering is not presented. If we really want to tackle the issue of exploitation we need provisions that directly address labour exploitation’ (Interview 41, expert on trafficking, June 2015).

At the same time, another problem to be taken into account is that illegal gang-masters frequently provide services which are necessary for the farms and for the same workers and which are often inadequately provided by local institutions (Perrotta 2015, Botte 2016). These include, for example, recruitment, transportation, and organisation of housing. From this perspective, Perrotta, by highlighting the need to look at the issue of illegal gang-mastering in its complexity, claimed that in order to face the issue of exploitation and illegal gang-mastering it is necessary to implement various interventions, not only those that are repressive. These interventions, on the one hand, should seek to render workers less dependent on illegal gang-masters and employers, for instance, by developing efficacious policies on housing and access to transport for migrant workers; on the other, they should aim to provide agricultural companies with necessary services with regard to issues such as recruitment, preventing them from turning to illegal gang-masters (Perrotta 2015).

Lastly, by stressing the need for policies aimed at supporting small agricultural producers and alternative supply chains, some scholars have underlined that instruments such as the network of quality agricultural work promoted by the government does not address the supply chains in agriculture in all its complexity, therefore risking penalising companies, especially small companies, that have more difficulties in respecting the standards required (Perrotta 2015).

Labour inspections

The domestic work sector escapes labour inspections. More specifically, labour inspectors can intervene in domestic work only if there is a request for intervention from the domestic worker or the association assisting the person. As Turchi, commander of the Carabinieri for the Protection of Labour,⁴⁵ highlighted during the interview: ‘addressing abuse and exploitation in domestic work is extremely difficult because what happens in the households remains hidden from authorities’ (Interview 8, Head of the Carabinieri Command for the Protection of Labour, January 2016).

As for labour inspections in the agricultural sector, especially in Sicily, there is a difficult and worrying situation. Indeed, since 2012, the Sicily Region has not paid salaries to Carabinieri for the Protection of Labour. As a consequence ‘the countryside has been abandoned in recent years since there were no funds for missions for both Carabinieri for the Protection of Labour and civil inspectors. Last summer [2015], given that some funds were allocated, labour inspections were carried out in the agricultural sector and we found many cases of black market labour’ (Interview 8, Head of the Carabinieri Command for the Protection of Labour, January 2016). As Turchi has pointed out ‘the situation in Sicily is particularly problematic. We have filled the gaps by paying the salaries to Carabinieri based in Sicily. However, as from this year, the Carabinieri Command for the Protection of Labour is administrated by the Ministry of Economy and Finance and we can no longer advance money. Hence, the Sicily Region has to pay the Carabinieri for the Protection of Labour. Meanwhile, in order to limit the costs for Carabinieri Labour Inspectors in Sicily, the General Headquarters of Carabinieri has reduced the staff of the Command for the Protection of Labour based in Palermo, even though this decision could risk further leaving abusive employers unpunished’ (interview 8, Head of the Carabinieri Command for the Protection of Labour, January 2016).

Lastly, it is important to mention that through Legislative Decree 149/2015, a new National Inspectorate of Labour has recently been established involving inspectors of the Ministry of Labour, the National Social Security Institution (INPS), and the National Institute for Insurance against Accidents at Work (INAIL). Its aim is to simplify and rationalise inspection activities. Given the diverse training and purposes of inspection actions, the main problem with this reform will be to homogenize the training and activities of the different inspectors (Interview 8, Head of the Carabinieri Command for the Protection of Labour, January 2016).

5. Concluding Remarks and Recommendations

In order to efficaciously tackle cases of labour exploitation and trafficking in sectors such as domestic work and agriculture, it is necessary to develop measures based on an integrated and comprehensive approach, as promoted by Directive 2011/36/EU (Giammarinaro 2012). This approach should rely on the idea that trafficking and labour exploitation in labour sectors are complex and evolving phenomena in which diverse issues are at stake—such as migration policies, labour measures, welfare inadequacies, gender and racial discrimination, poverty and violence—and, accordingly, interventions cannot be developed solely through the instruments of criminal law or be limited to assisting victims, but require the implementation of concerted measures of different natures aimed at tackling the root causes of such phenomena. At the same time, attention should be dedicated to the issue of the position of vulnerability of victims, that is, as Directive 2011/36/EU points out, the situation in which the person has no real or acceptable alternative other than submitting to the abuse involved. In such situations—in which the freedom of choice is basically denied—the consent of the victims, as stated by Directive 2011/36/EU, is irrelevant.

⁴⁵ The Carabinieri Command for the Protection of Labour, which operates under the Ministry of Labour, is tasked with the fight against illegal employment, severe labour exploitation, and trafficking in all sectors, including domestic work.

Adopting a comprehensive approach therefore entails tackling the structural factors that contribute to migrant workers' vulnerability. This, on the one hand, includes long-term aims as it means first of all facing the deep economic disparities among people and among countries. On the other, it also requires the development and implementation of diverse actions aimed at addressing how national policies, laws, and cultural and social norms and attitudes produce and foster migrants' vulnerability to exploitation and lead people to take advantage of this condition of vulnerability. Unsurprisingly, it is on these latter initiatives that most policies and interventions on trafficking and labour exploitation in Italy—but also in many other countries—mainly focus (or aim to focus).

In Italy, labour exploitation is a structural issue of diverse labour sectors and thus functional to the market economy of this country, sometimes also to criminal economies. Workers, especially migrant workers, working in sectors such as domestic work and agriculture, experience diverse forms of exploitation and maltreatment—ranging from violation of the fundamental protection provided by the contract to severe abuse and trafficking.

While it is true that the lack of sufficient welfare services finds households alone in dealing with the problem of caring for dependent persons, and while it is true that producers, in particular small producers, are often subjected to price pressures practised by traders and large retailers, this, however, can certainly not justify them in violating the rights of workers up to serious forms of exploitation and abuse.

By focusing on domestic work and agriculture, this paper has highlighted the diverse factors leading and facilitating employers to resort to a cheap and exploitable labour force in these sectors.

In the case of domestic work, this study argues that while economic motivation is certainly one of the main factors influencing the demand for cheap and exploitable workers, other elements, such as political, legal, social, and cultural factors, also play a crucial role. As for agriculture, the paper points out how many supply chains in this sector rely on a system of exploitation which involves diverse actors, with diverse responsibility, who tend to contain the costs of production and increase profit margins, leading to a compression of the rights of workers until situations in which people are reduced to slavery-like conditions. Even in this case, in addition to economic reasons, there are diverse factors—political, legal, cultural, and social—that interact, leading or facilitating or both people to remain in illegality and exploit workers.

The fact that workers, especially in domestic work but also—as stressed above—in agriculture, often find themselves in a situation of isolation and segregation, renders the identification of cases of exploitation extremely difficult. Moreover, the fear of losing a job and, in the case of an irregular migrant of being expelled, together with the fear of suffering retaliation from employers restrains migrant workers from reporting abuse to the police.

At the same time, there is a difficulty among competent authorities in understanding the seriousness of the crimes committed in cases of labour exploitation—especially in domestic work as it is performed within a family household—as there is a tendency to normalise some forms of exploitation, especially when they involve migrants, and not to perceive these as a violation of fundamental rights. All this is coupled with the difficulty in proving all the elements of the crimes and by the vague formulation of certain notions in Article 600 and Article 601 of the CC, which are subject to different interpretations.

Despite the progressive approach of the Italian legal framework with regard to the assistance and protection of victims of trafficking and severe exploitation, this study highlights that legal and political responses to trafficking and severe labour abuse have proven inadequate in preventing and addressing these phenomena and in protecting the rights of the victims.

Based on these considerations, the paper makes the following recommendations concerning legal and political responses:

With regard to the agricultural sector,

1. To facilitate a process of renovation and progress of this sector:
 - Developing structured policies on agriculture which focus on the quality of the products, the well-being and the rights of workers, and the protection of the environment, aimed at allowing companies, in particular small companies, to compete in the international market. In this sense, such policies should especially support the creation of alternative supply chains through a process of aggregation of the supply and a focus on the quality of the product.
 - Linking EU funding for the agricultural sector to the respect shown by companies for the rules on workers' rights.
2. To promote transparency in supply chains:
 - Providing that companies have to make the list of their suppliers known (see on this DaSud, Terra and Terrelibere (2015)).
 - Promoting certifications of quality for companies that respect fair working conditions, taking into account the entire supply chain and developing, at the same time, effective mechanisms for evaluating the criteria to obtain such certifications.
 - Incentivising, as some regions have already done, the development, at the regional level, of some indicators (*'indici di congruità'*) to compare the product's quantity and the number of workers employed.
 - Providing that the products have a label that allows consumers to know about the origin of the products as well as information about the supply chain (see on this DaSud, Terra and Terrelibere (2015)).
 - Developing solid campaigns of information about the system of supply chains and the issue of corporate social responsibility.
3. To empower agricultural workers:
 - Disentangling the agricultural sector from the quota system and developing a special programme which allows migrant agricultural workers to enter Italy as jobseekers.
 - Providing that employers, with the help of institutions, ensure adequate housing and transport for migrant workers.
 - Implementing efficacious policies on the issue of placement and recruitment by developing special lists (*'liste di prenotazione'*) of agricultural workers which employers have to use to employ a labour force.
 - Establishing that placement and recruitment agencies explicitly address in their contracts issues such as transport and workers' required availability, and that workers obtain a reward for these two items.
 - Developing efficacious mechanisms through which workers can recover their wages or any differential wages, especially in the case of expelled workers, by promoting specific agreements with countries of origin.
 - Promoting bilateral agreements with non-EU countries of origin in order to allow workers to redeem contributions in case of return to their countries.
 - Supporting and promoting the role of trade unions in monitoring the implementation of labour standards and supporting workers in claiming their rights and seeking redress.

With regard to domestic work,

1. To empower domestic workers:

- Disentangling the domestic work sector from the quota system and developing a special programme that allows migrant domestic workers to enter Italy as jobseekers.
- Achieving a full recognition of the rights of domestic workers, for instance with regard to the issues of maternity and health and safety in the workplace.
- Promoting bilateral agreements with non-EU countries of origin in order to allow workers to redeem contributions in case of return to their countries.
- Develop efficacious mechanisms through which workers can recover their wages or any differential wages, especially in the case of expelled workers, by promoting specific agreement with countries of origin.
- Supporting and promoting the role of trade unions in monitoring the implementation of labour standards and supporting domestic workers in claiming their rights and seeking redress.

2. To improve services for dependent persons and their relatives:

- Providing effective and coordinated services to households, for instance, by developing a structured plan for non-self-sufficient persons, effectively addressing the issue of health and social integration, and guaranteeing that each person is supported by various services which cooperate to meet their needs.
- Enhancing progressive economic subsidies to bear the cost of domestic work as well as fiscal incentives.
- Promoting the development of technologies for dependent people in homes.

With regard to policies on labour exploitation and trafficking in labour sectors,

1. To enhance legal and political instruments:

- Ensuring the full transposition of Directive 2009/52/EC by modifying, for instance, Art. 22(12bis) of Legislative Decree No. 286/1998 matching the provisions of the Directive.
- Introducing into national law important provisions provided by Directive 2011/36/EU, including the definition of position of vulnerability; the irrelevance of the consent of the victims; non-prosecution of, or non-application of penalties to, the victim; and adequate and unconditional assistance. Moreover, it is necessary to provide efficacious forms of compensation for damages to victims.
- Securing and increasing funding for victim assistance and protection programmes.
- Enhancing the system of data collection on victims participating in the programmes of assistance and protection provided by Article 18 Legislative Decree No. 286/1998, and Article 13 of Law No. 119/2013 as well as data on convictions.
- Establishing an independent National Rapporteur to ensure data analysis, monitoring, and assessment of anti-trafficking measures.

2. To enhance measures of prevention:

- Providing systematic information to both employers and workers about their rights and duties.
- Developing national campaigns and awareness-raising activities at all levels aimed at addressing the social acceptability of abusive practices in domestic work and agricultural sectors.
- Implementing mechanisms to control, through the banks, payments by employers and establishing an effective database to monitor the voucher system.

- Enhancing measures aimed at monitoring working activities in households, for example ensuring that the municipality service desks coordinating supply and demand in domestic work can implement effective activities of monitoring.
 - Controlling the activities of recruitment agencies, for example, by developing—as some municipalities have done—a register of recruitment agencies which meet certain requirements.
3. To improve protection of victims:
- Ensuring a correct and full application of Article 18 of Legislative Decree No. 286/1998, especially with reference to the so-called social path.
 - Providing systematic training to trade unions, parishes, NGOs, labour inspectors, lawyers, law enforcement agencies and judicial authorities on new features of labour exploitation and trafficking in sectors such as domestic work and agricultural sectors and on applicable provisions.
 - Enhancing rights information and access to justice and remedies through qualified legal counselling to victims and fostering their access to free legal assistance.

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Annexes

List of interviews

Sector	Position	Organisation	Date of Interview	No of interview
Judicial	Prosecutor	District Anti-Mafia Directorates (DDA) of L'Aquila	20-03-2015	JUS1
Judicial	Judge - UN Special rapporteur on THB	Tribunal of Rome	27-03-2015	JUS2
Judicial	Prosecutor	District Anti-Mafia Directorates (DDA) of Florence	23-04-2015	JUS3
Judicial	Prosecutor	Tribunal of Florence	21-04-2015	JUS4
Legal	Lawyer	ASGI	26-02-2015	LAW5
Legal	Lawyer - Coordinator of the area on THB	ASGI- Arcobaleno	16-03-2015	LAW6
Legal	Lawyer	Associazione donne in Movimento (DIM)	22-04-2015	LAW7
Law Enforcement	Head of the Carabinieri Command for the Protection of Labour	Ministry of Labour and Social Affairs	15-01-2016	LAWen8
NGO	Coordinator of THB projects	Proxima Association Ragusa	18-02-2015 26-01-2016	NGO9
NGO	Social worker	Proxima Association Ragusa	26-01-2016	NGO10
NGO	Coordinator of THB projects	Papa Giovanni, Bologna	02-03-2015	NGO11
NGO	President of the association	Association on the Road	13-03-2015	NGO12
NGO	Coordinator of THB projects	Gruppo Abele Onlus Torino	06-07-2015	NGO13
NGO	President of the association	Associazione donne in Movimento (DIM) Pisa	16-10-2015	NGO14
NGO	Coordinator of THB projects	Penelope Association Messina	09-07-2015	NGO 15
NGO	Social Worker	Caritas Ragusa	21-09-2015	NGO 16
Informally constituted groups	Activist	Libertaria collective Campobello di Mazara	30-11-2015	GRP17
Informally constituted groups	Activist	Libertaria collective Campobello di Mazara	9-11-2015	GRP18
Government	Coordinator of the secretariat on THB	Department of Equal Opportunities (DEO)	02-03-2015	GVT19
Government	Senator Democratic Party	Senate	30-03-2015	GVT20
Government	Prefect	Prefecture of Trapani	21-01-2016	GVT 21
Government	Head of	Italia Lavoro	13-05-2015	GVT22

	immigration area			
Government	Coordinator of Project 'Oltre la strada'	Municipality of Modena	03-03-2015	GVT23
Government	Coordinator of Project 'Oltre la strada'	Municipality of Cesena	04-03-2015	GVT24
Government	Social worker of the Support Service for care work	Municipality of Cesena	04-03-2015	GVT25
Government	Consultant on the Project 'Oltre la Strada'	Emilia Romagna Region	12-02-2015	GVT26
Government	Contact person for Project 'CONTRATTO'	Tuscany Region	14-05-2015	GVT27
Government	Director of the Operation Centre of the project Pronto Badanti	Tuscany Region	18-05-2015	GVT28
Government	Head of the legislative office	Ministry of Labour and Social Affairs	15-01-2016	GVT29
Trade Unions	National director	Acli Colf	25-02-2015	TU30
Trade Unions	National Secretary	FILCAMS-CGIL	26-02-2015	TU31
Trade Unions	National Secretary	Flai CGIL	29-01-2016	TU32
Trade Unions	Secretary	Flai CGIL Vittoria	21-09-2015	TU33
Domestic work	Worker		18-01-2016	WO34
Domestic work	Worker		18-01-2016	WO35
Agriculture	Worker		21-09-2015	WO36
Agriculture	Worker		26-01-2016	WO37
Agriculture	Worker		30-11-2015	WO38
Agriculture	Worker		21-01-2016	WO39
Expert	Professor	University of Urbino	06-03-2015	EXP40
Expert	Professor	University of Florence	25/06/2015	EXP41
Expert	Freelance journalist		15/01/2016	EXP42

