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## EU-GLOBACT HANDBOOK

# EUROCRIMES

EDITED BY
Heybatollah Najandimanesh
Anna Oriolo

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# EU-GLOBACT HANDBOOK

# EUROCRIMES

## A Q&A COMPENDIUM AND STRUCTURAL FRAMEWORKS ON OFFENCES UNDER ARTICLE 83 TFEU

This JICL Special Issue constitutes one of the scientific products the Jean Monnet Module (2023-2026) *Transnational Crime and EU Law: Towards Global Action against Cross-Border Threats to Common Security, Rule of Law, and Human Rights* (EU-GLOBACT) – (Coordinator: Prof. Dr. Anna Oriolo).

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# OVERVIEW

The Journal of International Criminal Law (*JICL)* is a scientific, online, peer-reviewed journal, first edited in 2020 by Prof. Dr. Heybatollah Najandimanesh, mainly focusing on international criminal law issues.

Since 2023 JICL has been co-managed by Prof. Dr. Anna Oriolo as General Editor and published semiannually in collaboration with the International and European Criminal Law Observatory (IECLO) staff.

JICL Boards are powered by academics, scholars and higher education experts from a variety of colleges, universities, and institutions from all over the world, active in the fields of criminal law and criminal justice at the international, regional, and national level.

The aims of the JICL, *inter alia*, are as follow:

- to promote international peace and justice through scientific research and publications;
- to foster study of international criminal law in a spirit of partnership and cooperation with the researchers from different countries;
- to encourage multi-perspectives of international criminal law; and
- to support young researchers to study and disseminate international criminal law.

Due to the serious interdependence among political sciences, philosophy, criminal law, criminology, ethics and human rights, the scopes of JICL are focused on international criminal law but not limited to it. In particular, the Journal welcomes high-quality submissions of manuscripts, essays, editorial comments, current developments, and book reviews by scholars and practitioners from around the world addressing both traditional and emerging themes, topics such as

- the substantive and procedural aspects of international criminal law;
- the jurisprudence of international criminal courts/tribunals;
- mutual effects of public international law, international relations, and international criminal law;
- relevant case-law from national criminal jurisdictions;
- criminal law and international human rights;
- European Union or EU criminal law (which includes financial violations and transnational crimes);
- domestic policy that affects international criminal law and international criminal justice;
- new technologies and international criminal justice;
- different country-specific approaches toward international criminal law and international criminal justice;
- historical accounts that address the international, regional, and national levels; and
- holistic research that makes use of political science, sociology, criminology, philosophy of law, ethics, and other disciplines that can inform the knowledge basis for scholarly dialogue.

The dynamic evolution of international criminal law, as an area that intersects various branches and levels of law and other disciplines, requires careful examination and interpretation. The need to scrutinize the origins, nature, and purpose of international criminal law is also evident in the light of its interdisciplinary characteristics. International criminal law norms and practices are shaped by various factors that further challenge any claims about the law's distinctiveness. The crime vocabulary too may reflect interdisciplinary synergies that draw on domains that often have been separated from law, according to legal doctrine. Talk about "ecocide" is just one example of such a trend that necessitates a rigorous analysis of law *per se* as well as open-minded assessment informed by other sources, *e.g.*, political science, philosophy, and ethics. Yet other emerging developments concern international criminal justice, especially through innovative contributions to enforcement strategies and restorative justice.

The tensions that arise from a description of preferences and priorities made it appropriate to create, improve and disseminate the JICL as a platform for research and dialogue across different cultures, in particular, as a consequence of the United Nations push for universal imperatives, *e.g.*, the fight against impunity for crimes of global concern (core international crimes, transboundary crimes, and transnational organized crimes).

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# Human Trafficking and Sexual Exploitation of Women and Minors

*by Orsola Ilenia Conte*[*]



KEY FINDINGS: A vigorous and stringent international, European, and national regulatory response; Human trafficking is a growing transnational crime; Italy and anti-trafficking mechanisms; Smuggling of migrants and trafficking in persons; Frequently blurred boundaries; The prevalent form of trafficking is the sexual exploitation of women and minors; The use of digital technologies has transformed the landscape of human trafficking.

## I. What Are the Identifying Elements of The Crime of Trafficking in Human Beings?

Trafficking in human beings is a complex transnational crime, defined by most as a modern form of "slavery." It is a criminal activity aimed at the capture, abduction, or recruitment, as well as the transportation, transfer, harboring, or receipt of one or more persons, using illicit means and for the purpose of exploiting them. More precisely, Art. 3 of the Palermo Protocol (Protocol supplementing the United Nations Convention against Transnational Organized Crime, 2000) provides the following legal definition of trafficking:

[*] Member of the Secretariat of the International & European Criminal Law Observatory (IECLO), University of Salerno, Italy.



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**REFERENCES**

**Trafficking in Persons Protocol supplementing the UNTOC (2000), Art. 3 para. a**
"the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs."

In practice, traffickers impose their will on the victims, exploiting their helplessness and employing means of pressure (deception, threats, violence) against vulnerable individuals who find themselves in difficult life situations. This position of vulnerability implies that the victim has no real or acceptable alternative but to submit to the abuse. Trafficking can occur both across national borders and within the same country and constitutes, in addition to being a serious violation of human rights, a genuine global public safety issue. Historically, the prohibition of slavery is numbered among the oldest in customary international law (jus cogens). Indeed, a Declaration concerning the abolition of the slave trade dates back to 1815, followed by numerous international treaties and conventions on the matter. Among these, the following are noteworthy: the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; the aforementioned 2000 Palermo Protocol; and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000).

At the European level, the cornerstone is the **Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw, 2005)**. Within the European Union context, the regulatory framework has been recently strengthened by **Directive (EU) 2024/1712**, which amended the historic Directive 2011/36/EU, and by **Directive (EU) 2024/1385** on combating violence against women and domestic violence. These latest provisions have introduced stricter criminalization at the European level, extending protections for victims and explicitly including forced marriages and illegal adoptions among the forms of exploitation.

**In Italian domestic law**, the relevant regulatory profiles are found in **Art. 600 (Reduction to or maintenance in slavery or servitude) and Art. 601 (Trafficking in persons) of the Criminal Code**, which were deeply reformed to align with international obligations. The Italian legal system is characterized by the so-called "integration model" between criminal prosecution and social protection, regulated by **Art. 18 of the Consolidated Law on Immigration (Legislative Decree 286/1998)**. This provision grants a special residence permit for social protection reasons to victims fleeing criminal networks, regardless of their cooperation in the criminal proceedings. Strategic coordination is entrusted to the "National Action Plan against trafficking and serious exploitation of human beings".

From a social and cultural context perspective, this form of transnational crime finds fertile ground in realities characterized by poverty, sharp social inequalities, fragile local institutions, inefficient judicial systems, high rates of corruption, and the uncontrolled proliferation of civil wars. Women and minors are undoubtedly the most vulnerable subjects due to the predominance of patriarchal values, the commodification of the female body, and their sexuality. Furthermore, the purposes of trafficking and exploitation differ

significantly based on gender: men are mainly employed in the construction, agricultural (*caporalato*), and industrial sectors, while women and female minors are predominantly destined for sexual exploitation and forced domestic work.
Trafficking in human beings is a serious crime against the person and consists of three constituent elements:

1. **The conduct**: the recruitment, transportation, transfer, harboring, or receipt of persons.
2. **The instrument**: the use of force, coercion, abduction, fraud, deception, or the abuse of a position of vulnerability.
3. **The purpose**: exploitation (sexual exploitation, forced labor, slavery, organ removal, or forced illegal economies).

All of this translates into an aberrant violation of human rights, as it involves reducing a person to a mere commodity, deprived of their freedom and dignity. Victims are forced to live in conditions of slavery with no possibility of choice or escape, subjected to continuous physical and psychological violence. In many cases, traffickers enjoy impunity due to the transnational nature and fluid structure of criminal networks, which complicates the identification of the abusers and the gathering of evidence.

**REFERENCES**

**Universal Declaration of Human Rights,1948 , Art. 4**
"No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms".

## II. How Do the Different Forms of Trafficking Manifest?

The primary purpose of trafficking is the economic and personal exploitation of the victim, which can take various forms:

• **Trafficking for sexual exploitation**: predominantly involves women, adolescents, and young girls who are forced into prostitution or subjected to abuse in physical or virtual circuits under the control of traffickers.
• **Trafficking for forced labor**: victims are compelled to work under inhumane conditions, under threat, often without remuneration or to settle artificial debts (debt bondage), especially in agriculture, construction, domestic work, and the hospitality sector.
• **Trafficking for forced begging**: minors or highly vulnerable individuals (persons with disabilities, the elderly) are forced to beg in public areas; the earnings are entirely confiscated by criminal networks, depriving them of their freedom and means of survival.
• **Trafficking for illegal adoptions**: consists of illicitly obtaining infants or children for adoption, bypassing national and international legal procedures, often tearing them from their families of origin through deception, coercion, or financial transactions.
• **Trafficking for forced marriages**: young women or minors are convinced or forced to leave their homes with promises of work or a better future, only to be sold for marriage purposes, facing isolation, abuse, and chronic domestic and sexual exploitation.

• **Trafficking for organ removal**: victims are deceived, threatened, or forced to undergo organ harvesting in clandestine and life-threatening environments. The organs are then illegally sold on the global black market for transplants.

• **Trafficking for forced criminal activities**: victims are obliged to commit offenses (thefts, pickpocketing, drug trafficking, or cultivation of illegal crops) under the direction and for the exclusive profit of criminal organizations.

Although these various forms target different illicit markets, they present a common matrix: the methods of coercive and psychological control used by traffickers to subjugate victims. Traffickers do not only rely on physical confinement; they use psychological manipulation, threats of retaliation against family members in the countries of origin, substance addiction, and the exploitation of travel debts. Due to economic precariousness, lack of knowledge of the local language and laws of the transit or destination country, and fear of deportation by immigration authorities, it is extremely difficult for victims to seek help, defend themselves, or report the exploitation.

Since trafficking is a hidden phenomenon that develops predominantly in the shadows, estimating the precise number of victims is complex. Data is aggregated through reports from law enforcement agencies, NGOs, and international institutions that monitor the progress of investigations and the protections provided.

• **The Transformation of Cyber-trafficking**: Today, human trafficking has undergone a profound digital transformation, evolving into so-called cyber-trafficking. Digital technologies act as a powerful multiplier and facilitator of crime at every stage of the criminal business model. Traffickers utilize social media and job advertisement platforms to target vulnerable individuals (e-hunting). Furthermore, sexual exploitation has partially moved online through live streaming on encrypted platforms and monetization via cryptocurrencies (such as Bitcoin), which guarantee the anonymity of financial flows and complicate asset tracing by law enforcement.

**FOCUS**

**United Nations Office on Drugs and Crime – Global Report on Trafficking in Persons, 2024**

The **Global Report on Trafficking in Persons** published by the United Nations Office on Drugs and Crime highlights that impunity for trafficking offenses remains high globally. At the same time, it records an alarming growth in trafficking cases linked to the misuse of digital platforms and an increase in the involvement of minors within cyber-trafficking networks.

## III. What International Instruments Have Been Adopted to Suppress Trafficking in Persons?

International law has developed multiple regulatory instruments to combat human trafficking, with the shared objective of providing a solid legal basis for transnational repression and the protection of victims.

- **Universal and Conventional Level**: The global pillar is the **Palermo Protocol** supplementing the United Nations Convention against Transnational Organized Crime (UN, 2000). The Protocol establishes the **irrelevance of the victim's consent** whenever force, coercion, or deception has been used. It imposes legislative and operational obligations on signatory States, urging them to also address the structural factors (poverty, underdevelopment) that feed vulnerability. For the protection of minors, this framework is integrated by the **Convention on the Rights of the Child (New York, 1989)** – which rejects all forms of economic and sexual exploitation under the principle of the best interest of the child – and the **International Labour Organization (ILO) Convention No. 182 (1999)** on the worst forms of child labor. Trafficking is thus configured as a violation of human rights guaranteed by customary norms (jus cogens) and by fundamental treaties such as the UN Covenant on Civil and Political Rights, the ECHR, the American Convention, and the African Charter on Human and Peoples' Rights.

- **European and Domestic Law Profiles**: At the European regional level, the **Council of Europe Convention on Action against Trafficking (Warsaw, 2005)** and **Directive 2011/36/EU** (updated by Directive EU 2024/1712) bind Member States to high standards of incrimination and assistance. The Italian legal system responds to these obligations through **Art. 600 and Art. 601 of the Criminal Code**, which severely punish reduction to slavery and trafficking, supported by **Art. 18 of Legislative Decree 286/1998 (Consolidated Law on Immigration)**. The latter is a vanguard model that grants a residence permit for social protection reasons regardless of whether the victim cooperates in the criminal proceedings. Strategic coordination is managed through the "National Action Plan against trafficking and serious exploitation of human beings".
- **The Operational Countermeasures**: International enforcement can no longer ignore the digital dimension. Criminal networks leverage end-to-end encryption and hosting services in non-cooperative jurisdictions to manage sexual exploitation and launder proceeds. Conversely, international judicial cooperation (through agencies like Eurojust and Europol) utilizes advanced technological tools: secure cyber-cooperation platforms, the exchange of digital forensic data, and the use of Artificial Intelligence for predictive monitoring of opaque financial flows based on cryptocurrencies.

**CASE STUDY**

**European Court of Human Rights, S.M v. Croatia, 2020**

From a legal perspective, in international and European practice, there is no autonomous definition of sexual exploitation of women and minors, which has traditionally been subsumed within the scope of human trafficking. The landmark judgment **S.M. v. Croatia (Grand Chamber of the ECtHR, June 25, 2020)** marked a turning point, proposing a disarticulation of the notion of sexual exploitation for the purpose of prostitution from that of trafficking in human beings. The Court brought both offenses – even when the exploitation is not linked to a trafficking transaction – within the scope of application of **Art. 4 of the ECHR** (prohibition of slavery and forced labor), delineating an important development in the interpretative evolution of the norm.

## IV. How Does Trafficking in Human Beings Differ from the Smuggling of Migrants?

Trafficking in human beings and the smuggling of migrants constitute two distinctly different criminal offenses, although they are characterized by frequent operational points of contact.

- **Nature of the Crime and Consent**: Trafficking is a **crime against the person**. It is composed of three elements (conduct, coercive/deceptive means, and the purpose of exploitation) and disregards the consent of the victim, which is coerced or vitiated. Conversely, smuggling is a **crime against the State** and public order (corresponding in Italy to the offense of "facilitating illegal immigration" under Art. 12 of the Consolidated Law on Immigration). It is based on a contractual and voluntary agreement between the migrant and the smuggler to illegally cross a border in exchange for a fee, without any purpose of subsequent exploitation.
- **Transnationality and Borders**: Smuggling is by its very nature an inherently **transnational crime**, as it strictly requires the crossing of an international border. Trafficking, on the other hand, pursuant to the Palermo Protocol, can also be configured as a **domestic offense** (internal trafficking), developing entirely within the borders of a single State without the victim ever crossing a frontier.
- **The Intersections Between the Two Phenomena**: Digital technologies act as a catalyst and a point of intersection between the two crimes. Through so-called "tech-facilitated smuggling", smugglers use social media and digital payment systems (or digitized informal networks like *Hawala*) to plan migratory journeys. However, the line of demarcation is fluid: an individual who voluntarily resorts to smuggling can transform into a victim of trafficking during the journey or upon arrival. This occurs when criminals, abusing the migrant's irregular status and vulnerability, seize their digital documents or mobile devices, alter the terms of the original agreement, and subject them to blackmail, violence, or reduction to slavery for sexual or labor exploitation.

**REFERENCES**

**Trafficking and Smuggling**

| **Trafficking in persons** | **Smuggling of migrants** |
| --- | --- |
| Protocol to Prevent, Suppress and punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Art. 3 (a). | Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, Art. 3 (a). |
| "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs" | "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident" |

## V. What Council of Europe Standards Monitor Trafficking and Sexual Exploitation?

At the regional continent level, the action of the Council of Europe is distinctly oriented toward the protection of human rights and a victim-centered approach.

- **The Warsaw Convention (2005)**: Compared to the 2000 UN Protocol, the **Convention on Action against Trafficking in Human Beings** shifts the focus from mere law enforcement to the protection of fundamental rights. The Convention dictates that victims must not be treated as irregular migrants, introducing the legal obligation of the "**recovery and reflection period**" (at least 30 days), during which they cannot be deported and receive material and psychological assistance to break free from the traffickers' influence. The effectiveness of the Convention is monitored by **GRETA** (Group of Experts on Action against Trafficking in Human Beings), an independent body that periodically evaluates the implementation by Member States and issues binding recommendations.
- **The Lanzarote Convention (2007)**: Specifically focused on the protection of children against sexual exploitation and sexual abuse, this Convention requires States to criminalize severe conducts such as child prostitution, child pornography, child corruption, and **grooming** (the online enticement of children for sexual purposes).
- **Profiles of Domestic Law**: Italy ratified the Lanzarote Convention through **Law No. 172/2012**, introducing profound reforms to the Criminal Code: penalties for sexual offenses against minors were increased, and new autonomous offenses were introduced, including Art. 609-*undecies* of the Criminal Code (Child grooming). On the procedural side, the reform introduced safeguards to avoid secondary victimization, such as protected hearings for the minor in specialized facilities with the support of psychological experts.
- **The Technological Evolution**: The Council of Europe addresses the link between technology and exploitation by integrating these provisions with the **Budapest Convention on Cybercrime**. GRETA's monitoring highlights how traffickers currently use encryption and the Dark Web to evade controls. The most recent guidelines require States to strengthen digital forensic capabilities and financial investigations based on **blockchain forensics** to intercept the proceeds of human trafficking.

**CASE STUDY**

**European Court of Human Rights, Rantsev v. Cyprus and Russia, 2010**

In the judicial landmark case Rantsev v. Cyprus and Russia (2010), the European Court of Human Rights (ECtHR) ruled that trafficking in human beings, by its very nature and purpose of exploitation, falls directly within the scope of application of Art. 4 of the ECHR (Prohibition of slavery and forced labor). The Court emphasized that trafficking involves the exercise of powers akin to the right of ownership, treating human beings as commodities to be bought and sold, restricting their freedom of movement, and exploiting them through violence and threats, predominantly (but not exclusively) within the sex industry.

## VI. How Does the European Union Combat Trafficking and Sexual Exploitation?

The European Union addresses trafficking through an integrated criminal justice and security system, based on the principle of harmonizing the legislation of its Member States.

- **The Legal Basis (Art. 83 TFEU)**: The Treaty on the Functioning of the European Union explicitly lists trafficking in human beings and the sexual exploitation of women and minors among the "**Eurocrimes**" (Art. 83, para. 1, TFEU). This grants the European Parliament and the Council the competence to adopt directives establishing minimum rules concerning the definition of criminal offenses and sanctions, given the inherently transnational nature of these conducts.
- **Directive 2011/36/EU**: This represents the cornerstone act on the matter. It formally defines the **position of vulnerability** as a situation in which the person has no real or acceptable choice but to submit to the abuse, establishing the absolute **irrelevance of consent** to the exploitation whenever coercive or deceptive means are present. It imposes strict obligations for early identification, assistance, and support, decoupling protection from the requirement of a formal complaint.
- **Profiles of Domestic Law**: The Italian legal system transposed this framework through **Legislative Decree No. 24/2014**, redefining the boundaries of the offenses under Art. 600 and Art. 601 of the Criminal Code and extending them to the buying and selling of slaves and forced labor exploitation. Here, the aforementioned **Art. 18 of the Consolidated Law on Immigration** finds perfect application, guaranteeing food, housing, and social integration pathways for foreign victims.
- **The Role of Technology in Enforcement**: To strike at the illicit economy generated on the web, the EU promotes operational cooperation through **Europol and Eurojust**. Domestic police forces (such as the S.C.O. and the Postal Police in Italy) utilize big data analytics and centralized financial tracking systems to block digital payment channels and identify cross-border criminal networks operating through foreign servers.

**FOCUS**

**Europol's Joint Supervisory Board**

A critical profile in the fight against trafficking lies in the management and processing of personal data by investigative authorities. Europol's Joint Supervisory Body and the European Data Protection Supervisor (EDPS) have highlighted the need for rigorous harmonization in the exchange of sensitive victim data between police, the judiciary, and NGOs. Incorrect management or the unjustified repetition of digital and physical interrogations risks triggering secondary victimization, re-traumatizing the victim during the criminal proceedings (Cf. Recital 20, Directive 2011/36/EU).

**Directive (EU) 36, 2011, Recital 20**

"Victims of trafficking in human beings who have already suffered the abuse and degrading treatment usually connected with trafficking, such as sexual exploitation, sexual abuse, rape, slavery-like practices or the removal of organs, should be protected from secondary victimization and further trauma during the criminal proceedings. To this end, victims of trafficking in human beings should receive appropriate treatment based on their individual needs. Judicial and investigative procedures should be structured to minimize direct contact between the victim and the accused, using remote communication technologies such as videoconferences, and ensuring that questions regarding the victim's private life are strictly limited to what is necessary for establishing the facts."

## VII. What Innovations Did the Recent EU Directive 2024/1712 Bring to The Fight Against Human Trafficking?

With the recent **Directive (EU) 2024/1712** on trafficking in human beings, the European institutions amended certain provisions of Directive 2011/36/EU and updated the previous regulatory framework, adapting it to the evolution of different forms of exploitation and new information and communication technologies (ICT).

This revision introduces stricter and more rigorous enforcement measures, expanding the scope of offenses falling under trafficking to include cases of **forced surrogacy exploitation**, **forced marriages**, and **illegal adoptions**. Great importance is given to victim protection; under Art. 11, States must arrange the necessary measures so that victims receive "specialized assistance". They are called to establish National Referral Mechanisms (NREM) to swiftly detect, identify, and support victims in collaboration with active organizations in the sector, thereby creating cross-border referral contact points. National Rapporteurs or equivalent mechanisms (NREMs) are essential in assessing the outcomes of anti-trafficking actions.

Another relevant amendment consists of the introduction of a new offense that penalizes the **intentional use of services** provided by a trafficking victim, provided the user is aware of the exploitation. This common definition is functional to reducing demand and standardizing judicial activities across Member States.

**FOCUS**

**New Technologies**

During the legislative process, the European Commission proposed inserting a specific Art. 2-*bis* to explicitly state that trafficking offenses include acts committed through information and communication technologies (ICT). In the final text of Directive 2024/1712, a different legislative technique was preferred: the use of digital technologies for distributing, facilitating, or producing images, videos, or similar material of a sexual nature concerning the victim was codified as a **specific aggravating circumstance**. This determines a significant increase in penalties, highlighting the criminal disvalue of cyber-trafficking.

## VIII. How Does the EU Address Digital Technologies in Sexual Exploitation?

In recent years, forms of exploitation have evolved, and human trafficking, in particular, has increasingly shifted online. Furthermore, the conflict between Russia and Ukraine has significantly contributed to a massive exodus of women and children, creating new opportunities for criminal organizations. Criminal networks are highly flexible, fast-acting, and exploit geopolitical, economic, environmental, and social crises to increase their illicit profits by offering illegal services online.

According to the UNODC, online platforms make it easier for traffickers to anonymously target specific categories of individuals whom they deem particularly vulnerable and easily enticed. In this regard, noteworthy is the position of the Council of the European Union on the directive proposal presented by the Commission concerning the fight against child sexual abuse and exploitation and child sexual abuse material.

The proposal aims to amend Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography, specifically adapting criminal law to the technological evolution of crime in light of new online modalities of sexual abuse. Compared to the text proposed by the Commission, the Council urged the inclusion of an explicit reference to “reproductions and representations” within the definition of child sexual abuse material, referencing so-called “**deepfakes**” or material generated by artificial intelligence. It also confirmed the necessity of criminalizing “**child grooming**” practices related to the enticement of minors for sexual purposes through digital means. The main innovations of the directive include expanding the scope of sexual abuse offenses, providing for harsher penalties, and strengthening the victim support system.

**The Technical Operational Response**: In terms of cyber enforcement, the European Union coordinates cross-border operations through **Europol and Eurojust**. Within the framework of the **EMPACT** platform, the postal and cyber police forces of Member States utilize advanced network scanning software, monitoring encrypted messaging channels (such as Telegram) and Dark Web forums. In Italy, the **C.N.C.P.O.** of the Postal Police operates in synergy with European guidelines and the Digital Services Act (DSA), requiring internet service providers (ISPs) to immediately remove illegal content and block abusive websites, while tracking opaque financial flows based on cryptocurrencies to target the money laundering hubs of criminal organizations.

## IX. What Legal Pathways Define the Criminalization of Trafficking Under Domestic Law?

In Italy, according to the Ministry of the Interior, human trafficking constitutes the third largest source of income for criminal organizations, following arms trafficking and drug trafficking. To counter this phenomenon, the Italian State has adopted a regulatory system that integrates criminal enforcement, victim protection, and international cooperation.
**Law No. 228 of August 11, 2003** ("Measures against trafficking in persons") reshaped Art. 600, Art. 601, and Art. 602 of the Criminal Code, concerning respectively the crimes of "reduction to or maintenance in slavery or servitude," "trafficking in persons," and "purchase and sale of slaves," for which penalties were significantly increased, reaching a maximum of twenty years. The new Art. 600 of the Criminal Code makes explicit reference to exercising powers over a person corresponding to those of the right of ownership and to reducing or maintaining a person in a state of continuous subjection, forcing them into labor or sexual performance, begging, or, in any case, performances involving exploitation. Subsequently, **Legislative Decree No. 24 of 2014** updated the norms by explicitly including organ harvesting among the forms of exploitation.
The 2003 law established the under the Presidency of the Council of Ministers, intended to finance assistance and social integration programs, as well as a special assistance program to ensure, on a transitional basis, adequate housing, food, and healthcare conditions for trafficking victims. On October 19, 2022, the Council of Ministers adopted the "National Action Plan against trafficking and serious exploitation of human beings for the years 2022-2025", in implementation of EU Directive 2011/36. The Plan defines a series of actions fundamentally aimed at raising awareness, prevention, detection, and social integration of trafficking victims, resting on four guidelines: **prevention** to improve knowledge of the phenomenon and means for early identification of the crime; **prosecution** of the crime through the dismantlement of criminal structures and judicial cooperation; **protection** through suitable instruments to safeguard victims, especially women and children; and **cooperation** between States with integrative and supportive actions.

- **The Cyber Investigations**: To fully implement the National Action Plan, Italian District Anti-Mafia Prosecutor's Offices and investigative units (such as the S.C.O. of the State Police and the R.O.S. of the Carabinieri) systematically resort to latest-generation technological tools. Criminal enforcement relies on **covert cyber-wiretapping via software implants (trojan horses)** deployed into traffickers' devices. Big Data analytics and blockchain forensics enable the mapping of illicit financial transactions destined for paying travel debts and laundering money, disarticulating the national branches of complex transnational cartels.
- **The New Trends and the European Framework**: As highlighted by the **Fifth Report of the European Commission**, the criminal networks operating in Italy have digitized. The predominant method of recruitment for sexual exploitation is the "**lover boy**" model, where traffickers target victims online via social media and, by simulating romantic relationships, convince them to move to Italy from third countries only to force them into forced prostitution. The Report also highlights high-tech hybrid organizational models, such as Chinese criminal networks. The latter manage sexual exploitation through **decentralized call centers** located between China and the EU, which operate as digital hubs to

schedule online advertising on classified sites, fix rates and appointments, and launder illicit proceeds through secure digital transactions.

**FOCUS**

**The "Madams" System**

On the criminal scene, a new organizational model has emerged, falling under the scope of foreign mafia-type associations pursuant to **Art. 416-*bis* of the Criminal Code**, which is entirely female-driven: a mafia that can be defined as "gender-based", given that leadership and control positions are held by women, the so-called "**madams**", whose victims are exclusively young women from their same country. These female bosses lead an apparent low-profile life in destination countries (like Italy) and, once they return to their homeland in Nigeria, they invest the proceeds from the sexual exploitation of their victims in real estate or legal businesses.

The organization's scheme is based on a complex **geographical and digital triangulation**:

1. The first command center is headed by the local madam located in Nigeria (e.g., in Benin City), who recruits vulnerable girls from poor families, binding them psychologically and spiritually through subjugation rituals (e.g., *juju* rituals).
2. The transit outpost is managed by a second madam in Libya, who cooperates with local militias and armed groups, paying duties and managing via smartphones the migratory transit of the victims across the Mediterranean.
3. The reception center is presided over by the madam stationed in the destination country (Italy), who takes charge of the girls, confiscates their documents, assigns them an exorbitant extortionate debt (up to 50,000 euros), and forces them into the street or indoor prostitution circuit. Serving the madam are exclusively men for executive tasks and violent territorial control (the so-called trolley men), responsible for physically and electronically monitoring the girls' movements. The criminal association thus commits multiple transnational crimes: from human trafficking to international money laundering.

## X. What Legal Pathways Define the Criminalization of Trafficking Under Domestic Law?

Following recent evolutions in migratory flows, Italy must be considered a country heavily impacted by the crime of trafficking. There is a continuous increase in individuals who, to afford their journey, rely on criminal organizations that bind them to situations of exploitation, both in transit and destination countries. Early identification of victims is essential to ensure their protection and assistance. First and foremost, Law Enforcement Agencies, through Operational Departments and specialized Units, collaborate with local entities and associations to identify situations of exploitation.

Equally important are the **Territorial Commissions for the Recognition of International Protection**, which, during the examination of asylum applications, are trained to recognize indicators of trafficking (e.g., narrative inconsistencies, unusual travel debts, psychological subjection) and initiate the referral (transfer) process toward competent services. Within the framework of the project "Coordination Mechanisms for Victims of Trafficking," promoted by UNHCR and the National Commission for the Right to Asylum (CNDA), Standard Operating Procedures (SOPs) for the identification

and referral of victims have also been defined, with particular attention to women and children.
In the Italian legal system, **Art. 18 of Legislative Decree 286/1998 (Consolidated Law on Immigration)**, as amended by Legislative Decree No. 24/2014, provides for a victim protection program with annexed legal and psychological assistance, as well as support for social integration. More precisely, it defines projects implemented at the local level aimed at ensuring adequate assistance measures – initially provided on a transitional basis and subsequently aimed at final social inclusion – for individuals found in conditions of severe exploitation due to crimes of reduction to or maintenance in slavery and trafficking in persons. The interventions and services of anti-trafficking entities are divided into: contact, detection, identification, and protection actions for the individual; listening desks, shelter intake, including secure safe houses with secret addresses; accompaniment toward socio-labor inclusion; and socio-legal assistance.

- **The Integration of Digital Tools**: Beyond traditional street units, national entities and NGOs adopt secure digital channels to foster the detection of victims. They develop **multilingual web help platforms and secure geolocation apps**, allowing individuals in states of forced isolation or indoor confinement to send traceable requests for help. This data is then securely managed by the National Anti-Trafficking Hotline, ensuring anonymity and the real-time activation of protection procedures on the ground.

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**National Referral Mechanism for the Identification, Assistance and Protection of Victims of Human Trafficking and/or Severe Exploitation, 2023**

In coherence with the national strategy outlined by the National Anti-Trafficking Action Plan 2022-2025 (PNA), this constitutes the instrument through which the State fulfills its obligations to protect and promote the human rights of trafficking victims, enabling the correct and early identification of victims and their assistance. The National Referral Mechanism materializes as a set of recommendations and practical measures that include a detailed series of **Standard Operating Procedures (SOPs)**. These consist of distinct measures designed to facilitate secure interaction among judicial authorities, labor inspectorates, healthcare facilities, and assistance associations, ensuring early intake and preventing the secondary victimization of the vulnerable individual throughout the entire bureaucratic and jurisdictional process.

## XI. Key Findings

- **Human trafficking is a growing transnational crime**: It represents the most significant expression of "borderless" illicit activity conducted by transnational criminal syndicates. In addition to being an abhorrent violation of human rights, it constitutes a genuine global public safety issue. The most recent trends, confirmed by the **Fifth Report of the European Commission**, highlight the structuring of flexible networks capable of leveraging digital vectors, as demonstrated by the management of transnational call centers aimed at online advertising and the centralized monetization of proceeds derived from trafficking.
- **The prevalent form of trafficking is the sexual exploitation of women and minors**: Modalities vary based on geographical, socio-economic, and cultural factors. Globally, women and girls account for approximately **72% of trafficking**

**victims**, with a rising incidence among minors. The most affected regions include sub-Saharan Africa, South Asia, and Central America and the Caribbean, where the minor component often exceeds 50% of cases, highlighting a stark gender asymmetry that predominantly earmarks the female population for prostitution and bodily commodification.

- **Smuggling of migrants and trafficking in persons - Frequently blurred boundaries**: This is due to numerous practical overlaps and shared criminal dynamics. Although distinct from a legal standpoint (with smuggling being a crime against the State and trafficking being a crime against the person), in daily reality, these phenomena frequently intertwine. Irregular migration routes systematically convert into trafficking contexts as soon as smugglers abuse the irregular status or debts contracted by migrants, reducing them to a state of continuous subjection.
- **A vigorous and stringent international, European, and national regulatory response**: The international community has developed a robust and integrated regulatory framework to counter human trafficking, particularly for the purpose of sexual exploitation, through a combination of policies and collaborations with public, private, and international organizations. This framework, coordinated at the European level via Art. 83 of the TFEU and the recent **Directive (EU) 2024/1712**, finds full alignment in Italy through the rigorous application of Art. 600 and Art. 601 of the Criminal Code integrated with social protection pursuant to Art. 18 of the Consolidated Law on Immigration.
- **The use of digital technologies has transformed the landscape of human trafficking**: The use of digital technologies has radically transformed the crime of human trafficking, introducing new modalities for recruiting, exploiting, and controlling victims. Traffickers employ *e-hunting* on social networks, the *lover boy* method in a virtual key, and artificial intelligence tools for the production of blackmailing *deepfakes*. This phenomenon constitutes a growing challenge for authorities and organizations engaged in the fight against trafficking, demanding the adoption of advanced cyber-forensic methodologies and OSINT (Open Source Intelligence) investigations.
- **Italy and anti-trafficking mechanisms**: The National Anti-Trafficking Action Plan, updated for the 2022-2025 period, represents the central strategy of the Italian government for the prevention, identification, and protection of trafficking victims. Based on the inter-institutional integration of the National Referral Mechanism (NRM), the national system operates effectively at the local level as well, where numerous Prefectures, Prosecutor's Offices, and Regions have signed territorial memoranda of understanding to consolidate the protection network and intake in safe houses at secret addresses, while simultaneously dismantling complex mafia models such as Nigerian female-led criminal organizations (*madams*).