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**ITALY:
GOOD PRACTICES TO PREVENT
WOMEN MIGRANT WORKERS FROM GOING INTO
EXPLOITATIVE FORMS OF LABOUR**

by

Giuseppina D'Alconzo,
Simona La Rocca
and
Elena Marioni

**Gender Promotion Programme
International Labour Office Geneva**

Foreword

Changing labour markets with globalization have increased both opportunities and pressures for women to migrate. The migration process and employment in a country of which they are not nationals can enhance women's earning opportunities, autonomy and empowerment, and thereby change gender roles and responsibilities and contribute to gender equality. But they also expose women to serious violation of their human rights. Whether in the recruitment stage, the journey or living and working in another country, women migrant workers, especially those in irregular situations, are vulnerable to harassment, intimidation or threats to themselves and their families, economic and sexual exploitation, racial discrimination and xenophobia, poor working conditions, increased health risks and other forms of abuse, including trafficking into forced labour, debt bondage, involuntary servitude and situations of captivity. Women migrant workers, whether documented or undocumented, are much more vulnerable to discrimination, exploitation and abuse – relative not only to male migrants but also to native-born women. Gender-based discrimination intersects with discrimination based on other forms of “otherness” – such as non-national status, race, ethnicity, religion, economic status – placing women migrants in situations of double, triple or even fourfold discrimination, disadvantage or vulnerability to exploitation and abuse.

To enhance the knowledge base and to develop practical tools for protecting and promoting the rights of female migrant workers, a series of case studies were commissioned. These studies were intended to provide background materials for an Information Guide on Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers. The Guide, which is comprised of six individual booklets, aims at assisting and enhancing the efforts of government agencies, workers' and employers' organizations, non-governmental organizations and civil society groups in sending, transit and destination countries to protect the human rights of women migrant workers in the different stages of the migration process.

This working paper is based on one of the country case studies. The countries covered included Bolivia, Costa Rica, Italy, Japan, Nicaragua, Ethiopia, Nigeria, the Philippines, Sri Lanka and the United Arab Emirates. The focus was on the situation of the women migrant workers in their families, workplaces, communities and societies in sending and receiving countries and also on the initiatives, policies and programmes, “good” and “bad” practices implemented by government, private recruitment and employment agencies and a wide range of social actors to assist and protect women migrants against exploitation and abuse and to prevent them from being trafficked.

The case studies represent a collaborative effort between the Gender Promotion Programme and the International Migration Branch, as well as a number of Area and Regional ILO Offices. Katerine Landuyt had main responsibility for commissioning the case studies. Tanja Bastia provided technical guidance to the national consultants, while Minawa Ebisui and Tiina Eskola provided editorial and formatting assistance.

Lin Lean Lim
Manager
Gender Promotion Programme

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Preface

The present report, prepared by three researchers skilled in the socio-political and legal aspects of migration, examines the situation of women migrant workers in Italy and identifies possible solutions to improve their conditions.

A special characteristic of our sources should be noted in introducing this research. In Italy, from the late Seventies to the early Nineties, the living and working conditions of female migrant workers were studied mostly in the context of gender studies or the defence of workers' rights, such as confederated Trade Unions (CGIL, CISL, UIL) or Christian workers' associations (ACLI — *Associazioni Cristiane dei Lavoratori Italiani*). Only at a later stage was the issue analysed by migrants' advocates' associations. Our attention should be drawn to the causes and consequences of this bias, in order to present a true image of the issue.

Women began the immigration flows towards Italy, encountering a vacuum in terms of reception/integration services and the analysis of their needs and conditions. In the late Seventies and in the early Eighties, Italy — traditionally, a land of emigration - had its first real inflows of migrants, and expertise on the phenomenon did not really exist. Thus, newly arrived women migrant workers were not regarded as a percentage of the immigrant population (which hardly existed), but as a percentage of the female population, or as a component of the working class. The first scholars and professionals to look at the issue were those who, while dealing with matters of women at work (e.g., discrimination, sexual harassment, unequal salaries), met the reality of women migrant workers, often employed as housekeepers. Many of those experts came from the field of gender studies, from the feminist movement, from trade unions and most of them were women.

This background has had great influence over the method of understanding female migrant issues. Migrants were regarded as *women* first: this view represented a beneficial effect of the insertion of the issue within gender and feminist studies. Attention was particularly focused on the gender-relevant aspects of their condition, with an objective view of the role played by them within the Italian society, thereby, avoiding the well-known risk of fragmenting studies on migrants' life. The examination of their situation, carried out beyond immigration studies, favoured a wider and more profound sociological understanding of their needs and concerns. From an opposite point of view, a lack of attention to immigration-related obstacles affecting those women's life, could be reported in that period's literature. Female migrants were barely considered as a part of a foreign population, with another way of living and thinking, with a different culture and traditions. The conditions of their families in their countries of origin were rarely taken into account. The research of the second "generation" (that is, from the second half of the Nineties), accomplished by immigration experts mostly at a local level, while omitting a global approach, added an important element to the earlier analysis, i.e. a cross-cultural look at their origins and particular living conditions of women seen as immigrants first.

Given the above-mentioned background, a joint consideration of the whole studies of the last two decades has been deemed necessary. While early studies offer an extensive look at the issue, from a geographical and a methodological point of view, more recent ones contain a detailed description of the living conditions and practical difficulties of women migrant workers within regional realities. Only by combining the two could an attempt to describe these women's current needs and situation be made.

Moreover, a direct contact with women migrant workers and with representatives of their associations has proven essential. Besides the in-depth analysis of papers and books, the present research keeps in mind the assessment of representatives of migrant women's associations, gathered during *ad hoc* interviews and in the context of the discussion group held on 3 April 2001 at FCEI-SRM (The Federation of Protestant Churches in Italy — Refugees and Migrant Service). The outcome of this meeting is taken into account in the context of the entire research. The interesting declarations made on that occasion are explicitly mentioned.

The framework of the research reflects the track outlined by ILO-GENPROM. After an overview on general trends of migratory flows towards Italy, with a particular focus on the social factors of the immigration of women, the first chapter concentrates on female migrants' conditions. The analysis of the relevant international and national legislation in force in Italy receives special

attention in Chapter Two. The third chapter looks at Governmental initiatives, taking into consideration activities put into practice by central authorities. Chapter Four describes the role played in Italy by private organisations dealing with welfare services, and their substitutive action, depending on the delegation of functions by the Government. A complete report of the above-mentioned discussion group can be found in Chapter Five.

Giuseppina D'Alconzo

Simona La Rocca

Elena Marioni

Introduction

Overview of the socio-economic context ¹

Migration in the 21st Century can be seen from many different perspectives. For this reason, it is necessary to take into account a variety of considerations: the breakup of the former Soviet Union and the former Yugoslavia, the social and political instability in many parts of the world; the negative consequences of the globalization of the economy; the differential in the living standard among countries in terms of quality, such as living conditions, safety, incomes, freedom of choice, access to education, nutrition, healthcare conditions and life expectancy. All these factors cause migration movements. Therefore, international migration is a structural² phenomenon, the result of a complex series of geopolitical and economic processes. Moreover, beginning in the Eighties, the immigration policies of Western European countries became restrictive³, the so-called “zero immigration policies”. The main result has been a structural imbalance between the supply and demand of work. Consequently, we have seen a reduction of legal immigration but an increase in the number of asylum seekers and illegal migrants.

The phenomenon of immigration began in our country quite recently, in the late Seventies and at the beginning of the Eighties. Italy, which had previously been a country of emigration, became an immigrant country. It is important to consider this aspect to understand the context of Italian migration. From an economics point of view, industrial employment has fallen since the 1980s (although it increased in small enterprises) whereas, in general, labour demand and employment has grown in the tertiary sector⁴.

Italian immigration presents some peculiar characteristics. First of all, it is interesting to underline the composition of migrants, defined an “archipelago of immigration” due to its national distribution. In effect, migrants to Italy come from many different parts in the world: Morocco, the Philippines, Tunisia, Albania, Egypt, Lebanon, Yugoslavia, Romania, Senegal, Sri Lanka, Serbia, Montenegro, Macedonian, Croatia, Bosnia Herzegovina and Serbia, Slovenia, China, Senegal, South America, etc. This peculiar ethnic composition is very important, when one considers that Italy has no colonial, cultural, linguistic, social or economics links with the most of these countries.

¹ By Simona La Rocca.

² Saskia Sassen, *Migranti, coloni, rifugiati. Dall'emigrazione di massa alla fortezza Europa*, Feltrinelli, Milano 1999.

³ Up to now, the second Treaty of the European Union signed in Amsterdam on October 1999 which came into force on May 1999, contains important novelties in the field of immigration and asylum. This Treaty gives the European Community an important power in relation to immigration and constitutes a fundamental step toward establishing the new objective set for the European Union of creating an area of Freedom, Security and Justice. For the first time in the European Union it will establish a common immigration policy. The Treaty of Amsterdam also has the important Protocol on the integration of the Schengen. This Agreement envisages many administrative and legal procedures relating to the crossing of borders. Another important step was reached in Tampere, in October 1999. The special meeting of the European Council set out an ambitious working programme aiming to: safeguard the right to seek asylum; ensure fair treatment of third country nationals; take into account the political, human rights and development issues in the countries of origin and transit of migrants through partnership with them; fight illegal immigration.

⁴ Pugliese E., *L'Italia tra migrazioni internazionali e migrazioni interne*, in *Migrazioni. Scenari per il XXI secolo*. Agenzia Romana per la preparazione del Giubileo. Convegno Internazionale Roma, 12–14 July 2000. Dossier ricerca vol. II, p. 791 e seg.

Different patterns can be noted according to gender and culture of the country of origin ⁵. Female migrants are, primarily, employed in household activities and in the care of elders, children and disabled people. Most of these women come from countries with strong Catholic churches (e.g., Latin America, Cape Verde and the Philippines)⁶. Nowadays, women represent 44.8 per cent of regular immigration to Italy. Therefore, we can speak of a feminisation of labour migration flows. Male groups are mostly employed in the small manufacturing industry, in transport and in the agricultural sector. Male immigrants are primarily from Muslim countries (e.g., North Africa and the Middle East). A kind of ethnic specialisation must also be underlined, with the concentration of certain ethnic groups in the service sector (household and caring services in particular).

The characteristics of the Italian labor market indicate the duality of the labor demand. A primary labor market is characterized by better wages and contractual guarantees. A secondary labor market, however, has lower wages and labor conditions with greater flexibility and few guarantees. Migrant workers mainly enter this category (i.e. seasonal jobs and services of assistance). The presence of migrant workers is equally significant in geographical regions where there is a strong labor demand (the North and Center of Italy) as in regions where the situation is structurally weak⁷ (the South of Italy and the Isles). In the first case, immigration is present in the context of low native unemployment, and, in the second case, in the context of a high unemployment rate. Migrant workers fulfil a role which is complementary rather than substitutive to native workers: that is, they perform jobs that native workers refuse to do. Moreover, if it is taken into account that the Italian population is declining and ageing, migrant labour represents a potential resource for the country. It makes it possible to find workers in those sectors or sections of the national production network that require greater flexibility, mobility or lower salaries.

Another aspect to consider is the exploitation of migrants. The evidence shows that exploitation affects mainly irregular migrants, but also legal one. It is necessary to underline the fact that the increase of migration flow is not the cause of informal and irregular jobs in Italy. In fact, informal jobs are a structural characteristic of the Italian economy. The economical sectors in which migrants are exploited include cloth and leather goods manufacturing, restaurants (mainly Chinese migrants), seasonal jobs (North Africans), assistance services (Middle Eastern and North Africans), itinerant jobs (African nationals, in particular, Senegalese).

Istituto Nazionale di Statistica (ISTAT)⁸ data shows a greater tendency of migrants to settle in major cities (in particular, Rome, Milan, Turin, Brescia and Naples). This choice can be explained from different points of view: the possibility of cohesion with their own ethnic groups, greater labour opportunities in the service sector and closeness to bureaucratic decision centres and embassies (mainly Rome).

Furthermore, there is evidence of a religious multicultural situation in all Italian regions. According to the latest estimates carried out by the Migrant's Foundation and Caritas in Rome, more than one-half migrants are Christians, more than one-third are Muslim, and a certain number follow Asian religions, followed by other less numerous groups.

⁵ Carchedi F., La condizione degli immigrati in Italia, in *Migrazioni. Scenari per il XXI secolo*. Op. cit. pp. 991 e seg.

⁶ De Filippo E., La componente femminile dell'emigrazione, in *Rapporto Immigrazione. Lavoro, sindacato, società*, Pugliese E. (a cura di). Ediesse, Roma, 2000, p. 52.

⁷ Carchedi F., op.cit.

⁸ Istituto Nazionale di Statistica. Data in the following paragraph.

General trends in migration for employment and trafficking persons ⁹

Data on female/male migrant workers in Italy

At the present, it is not possible to have unique statistical data of all legal migrant workers in Italy. In fact, the Ministry of Interior periodically publishes non-reviewed data (i.e., it does not subtract the number of migrants who have invalid sojourn permits nor legal workers who have left the country). Furthermore, the presence of children under 18 is difficult to detect, since they are normally registered under their parents' permits (except for unaccompanied minors who benefit of an individual permit). For this reason, we will refer mainly to the data of the Istituto Nazionale di Statistica — ISTAT, which takes into consideration only valid sojourn permits and collects annual figures from the Registrars' Office of Municipalities. However, even this data does not fully consider the situation of children under 18 ¹⁰.

Foreigners legally staying in Italy, on 1 January 1999, came to 1'090'820, a slight increase over 1998. This figure is about two per cent of the Italian population ¹¹, a share still below the EU average of 4 per cent ¹². The number of foreigners coming from "poor countries" (i.e., "countries with high migration rates", as defined by ISTAT) was 867'684, of whom, 374'035 were women and 493'649, men ¹³.

At that time, 578'567 work permits were issued to migrant workers from poor countries, 170'568 permits to female migrant workers and 407'999 to men ¹⁴. Barely half of the female presence from "poor countries" is for work as many come for "family reasons".

Table 1: Sojourn permits issued in Italy, 1999

	Sojourn permits			Sojourn permits issued to foreigners from countries with high migration rates		
	Total	Work	Work Total per cent	Total	Work	Work Total per cent
Female	508'252	208'964	41	374'035	170'568	46
Male	582'568	451'666	78	493'649	407'999	83
Total	1'090'820	660'630	61	867'684	578'567	67

Source: ISTAT Report, 1999.

⁹ By Elena Marioni.

¹⁰ ISTAT, La presenza straniera in Italia: caratteristiche demografiche, No. 29/2000, Rome.

¹¹ SOPEMI, Trends in International migration, Annual Report, 1999 Edition, OECD, Paris, p. 159.

¹² SOPEMI, Trends in International migration, Annual Report, 1999 Edition, OECD, Paris, p. 159.

¹³ ISTAT, op. cit.

¹⁴ ISTAT, op. cit.

Table 2: Work permits issued to foreigners, by sex, 1994–1999

Work Permits issued to foreigners					
Year	Female	Increase	Male	Increase	Total
1994	122'667		277'273		399'940
1995	129'793	5,8 per cent	275'682	-0,6 per cent	405'475
1996	141'293	8,9 per cent	292'540	6,1 per cent	433'833
1997	204'502	44,7 per cent	452'083	54,5 per cent	656'585
1998	206'985	1,2 per cent	453'350	0,3 per cent	660'335
1999	208'964	1,0 per cent	451'666	-0,4 per cent	660'630

Source: ISTAT: Report 1999.

Table 3: Work permits issued to foreigners from countries with high migration rates, by sex, 1994–1999

Work Permits issued to foreigners coming from Countries with high migration rates					
Year	Female	Increase	Male	Increase	Total
1994	95'102		240'900		336'002
1995	99'938	5,1 per cent	237'512	-1,4 per cent	337'450
1996	108'786	8,9 per cent	252'110	6,1 per cent	360'896
1997*	170'362	56,6 per cent	412'456	63,6 per cent	582'819
1998	171'055	0,4 per cent	411'834	-0,2 per cent	582'889
1999	170'568	-0,3 per cent	407'999	-0,9 per cent	578'567

* Data on migrant workers coming from countries with high migration rates increased in 1997, as a direct consequence of the assessment of the regularisation procedures regulated by Law decree No. 489 of 1995, ("Dini regularisation"), allowing non legally resident foreigners to benefit of a work permit under the proof of specific conditions.

Source: ISTAT: Reaport 1999.

Between 1994 and 1999, the number of male migrant workers from “poor countries” grew at an average rate of 13,5 per cent per year, while the number of females grew at a slighter stronger rate, averaging 14 per cent per year¹⁵. Thus, an increasing proportion of women migrants came to be registered, a new phenomenon in the gender composition among migrants in Italy.

The presence of female migrants has grown for two main reasons. The first is the increasing offer of domestic employment by Italians. The aging of the Italian population,

¹⁵ ISTAT, op. cit.; Zincone G., (a cura di), Primo Rapporto sull'integrazione degli immigrati in Italia, Il Mulino, Bologna, p. 136; Commissione per le politiche di integrazione, Secondo rapporto sull'integrazione degli immigrati in Italia, 13 December 2000, Rome (unpublished).

the increase of Italian women in employment, the insufficient response from social services and the trend among middle class families to hire domestic help have all combined to increase these jobs. Also the strong competition in this particular market between different ethnic groups has driven the cost of domestic help lower. The second reason for the increasing numbers of female foreigners is the application of family reunion procedures which can be interpreted as a general trend of settlement ¹⁶.

Countries of origin and type of work of women migrant workers received by Italy

Table 4: Work permits issued to women migrant workers, by geographical regions and type of employment, as of 1 January 1999

Regions	Employees	Self-employment	Job search
Western Europe	31'546	1'992	5'987
Northern Africa	9'402	518	3'569
Western Africa	10'422	478	3'695
Eastern Africa	10'265	127	1'829
Eastern Asia	39'582	3'350	2'399
Central Asia	7'031	80	1'020
Central/S America	25'089	1'117	3'506
Total	133'337	7'662	22'005

Source: ISTAT: Report 1999.

A characteristic of migration flows to Italy is the high number of countries of origin of migrants, few of these countries having either economic or cultural ties with Italy ¹⁷.

As of 1 January 1999, 165'060 sojourn permits have been issued to women migrant employees, mainly from the Philippines and Peru, followed by Morocco and China, while new flows have come from Sri Lanka.

On the other hand, at this date, self-employed migrant women came to 11'687 with large numbers of migrants still arriving from Morocco, Poland, Peru, and Brazil ¹⁸.

Thus, the majority of female migrant workers are from Southern and Central America, as well as from Eastern Europe (mainly Poland, but also Romania, Albania and Ukraine — for which countries no data is available). Most of these women migrate for economic reasons (i.e., in order to support financially their relatives), an important "push factor" being the economic situation in their own countries, together with a cultural aggregation factor, being the presence of nationals in Italy. Furthermore, a particular "religious and cultural pull factor" should be pointed out, being religious congregations in some catholic countries, mainly Philippines, Sri Lanka, Peru and Poland ¹⁹. In fact, a

¹⁶ Pugliese, E., *Rapporto immigrazione 2000. Lavoro, sindacato, società*. Ediesse, Rome, 2000.

¹⁷ Reyneri, E., *Immigrazione ed economia sommersa*, in *Stato e Mercato*, No. 53/1998, p. 287.

¹⁸ ISTAT, *op. cit.*

¹⁹ Arena, G., *lavoro femminile e immigrazione dai Paesi afro asiatici a Roma*, in *Studi Emigrazione*, No. 70/1983; Basso, P., Perocco, F. (a cura di), *Immigrazione e trasformazione della società*, Franco Angeli, Milano, 2000, p. 138.

“trust-based network” with Italian families, provided by religious congregations, has facilitated the flow of women domestic employees, thus leading to a particular “single female” migration. In addition, it has been noticed that most of these women migrants are from ethnic communities with a strong Catholic component ²⁰.

The large figures for Chinese employees should be understood in the context of their strong, closed community that provides employment only to their nationals, thereby creating a typical chain-migration flow.

War-related push factors do not seem to be responsible for heavy migration to Italy, apart from the mass influxes from Former Yugoslavia in 1999 that were reabsorbed at the end of the war.

By contrast, women from Northern Africa, mainly Moroccans, Egyptians and Tunisians, migrate for family reasons, to take care of husband and children, eventually looking for integration into the local labour market but remaining almost invisible. Furthermore, ISTAT figures allow us to detect new female inflows from Eastern Europe, while the traditional flows from Asia, Southern America and Western Africa seem to have stabilized.

Table 5: Work permits issued to women migrants, by type of employment, as of 1 January 1999

Countries	Employees	Self-employment	Job search
Albania	5'995	225	1'474
Poland	6'037	212	1'442
Romania	6'074	350	916
Morocco	7'235	380	2'633
Tunisia	1'486	36	741
Ivory Cost	1'022	37	298
Ghana	2'676	64	851
Nigeria	3'062	243	1'883
Etiopia	2'440	35	261
Mauritius	2'017	12	295
Somalia	3'319	54	1'007
Sri Lanka	5'330	19	828
China	6'797	2.867	1'022
Philippines	31'593	98	1'220
Brazil	2'303	300	598
Dominican Republic	3'696	72	661
Peru	11'328	315	1'045

Source: ISTAT: Report 1999.

As of January 1, 1998, 77'000 sojourn permits were issued to women migrants, of which 19 per cent were for working reasons. Thirty-six per cent of this flow was from Eastern Europe, 19 per cent from Northern Africa, 11 per cent from Southern and Central

²⁰ De Filippo, E.; La componente femminile dell'immigrazione, in Pugliese, E., (a cura di), op. cit.; Vicarelli, G., (a cura di), *Le mani invisibili*, Ediesse, Roma, 1994, p. 18.

America, nine per cent from Eastern Asia, 8 per cent from other Asian countries, one per cent from other non-EU countries.

According to nationality, the largest group of foreigners is from the Philippines (67.2 per cent of whom are females) and Peru (69.9 per cent are females). A balanced presence between the male and female population is registered for Romania (51.7 per cent are females), and for China, where women represent 43.7 per cent of a considerable population of 31'615 individuals. Albania and Morocco are largely present, but the female presence is rather slight (27.1 per cent females out of the total Albanians, and 20.6 per cent females out of the total number of Moroccans). The female presence from Egypt, Tunisia and Senegal varies between 17.35 per cent and 5.4 per cent of their total populations²¹. Such gender differences x can lead to serious difficulties in integration.

Table 6: Sojourn permits issued to women foreigners, by age and geographical region, as of 1 January 1999

Region	<17-24	25-39	40-54	55-64	65 >
Western Europe	30'788	63'524	18'505	4'452	3'638
Northern Africa	13'057	28'051	6'718	1'155	628
Western Africa	3'135	16'306	2'902	214	70
Eastern Africa	3'102	10'274	3'735	1'150	425
Eastern Asia	9'400	37'860	18'231	2'292	833
Central Asia	5'073	58'051	5'236	293	260
Central and South America	10'441	36'742	13'053	2'445	1'608

Source: Istat, Report 1999.

Table 7: Sojourn permits issued to women foreigners, by age and most representative countries, as of 1 January 1999

Country	17-24	25-39	40-54	55-64	65 >
Albania	9'415	47'280	4'595	1'534	855
Poland	2'855	9'414	2'889	494	429
Romania	4'713	10'669	2'479	442	451
Russia	2'286	4'125	841	224	175
Egypt	888	3'069	658	195	120
Morocco	9'566	18'742	4'731	895	415
Tunisia	2'353	5'325	989	112	48
Ivory Coast	460	1'511	114	1	0
Ghana	480	4'374	734	13	6
Nigeria	918	5'668	522	37	8
Senegal	435	1'387	270	17	7
Ethiopia	621	2'038	835	255	122

21 ISTAT, Graduatoria della popolazione dei sessi nelle 15 più numerose comunità di stranieri presenti in Italia, al 1997, op. cit.

Country	17-24	25-39	40-54	55-64	65 >
Mauritius	489	2'214	793	59	31
Somalia	1'315	3'357	802	193	99
India	1'654	4'587	2'148	390	157
Sri Lanka	1'825	6'913	2'709	245	77
China	5'193	10'078	3'121	410	218
Philippines	2'929	21'868	3'121	5	268
Brazil	1'646	7'423	13'141	565	299
Dominican Republic	1'346	4'726	2'390	118	22
Peru	2'380	9'561	1'582	3'595	174

Source: Istat, Report 1999.

In 1995 the share of female migrants rose sharply, to 54.5 per cent of immigrants²².

Attention should be directed to the fact that most women migrants are young, (aged 17–39), a new trend in recent migrant flows to Italy which potentially poses demographic and social imbalances in the receiving society.

It should be noticed, however, that the number of male migrants exceeds that of females in most of age classes, except for those aged 17–24, and over 55²³. Hence, there is a considerable concentration of male migrants aged between 25 and 49, the working age.

Flows of women victims of trafficking

An evaluation of female victims of trafficking can be found in a report by the association Parsec, run on behalf of the Ministry of Equal Opportunities²⁴.

In 1996, women victims of trafficking varied between a minimum of 18'800 and a maximum of 25'100. For 1998, the figures decrease to an estimated minimum of 14'757 and a maximum of 19'289.

This phenomenon is characterized by small waves of inflows from different countries of origin, arriving beside largest migrants influxes.

The first flow identified, in 1989 and 1990, brought women from the Eastern European countries — namely, Poland, Russia, Ukraine, Romania, Slovenia and Bosnia. During same period, Italy experienced a considerable flow of female victims of trafficking from Brazil and Colombia.

A second inflow was composed of a large group of young women from Nigeria, and a smaller one from Peru and Colombia, both entering legally in Italy (with tourism visas), but staying on with no valid sojourn permit.

²² EUROSTAT, Patterns and trends in international migration in Western Europe, European Commission, Luxembourg, 2000, p. 93.

²³ ISTAT, op. cit.

²⁴ Carchedi, F.; Piccolini, A.; Mottura, G.; Campani, G., (a cura di); I colori della notte. Migrazioni, sfruttamento sessuale, esperienze di intervento, Franco Angeli, Milano, 2000.

Between 1993 and 1994, young Albanians made up a new undocumented flow of women migrants, arriving illegally by boat directly to the southern coast of Italy.

By 1995 and 1996, the majority of trafficked women were coming from Albania and Nigeria and showing a new trend: instead of coming from big towns and cities, these young women came from small villages. In 1996–1998, the majority of trafficked women were coming from Russia and neighboring countries (Ukraine, Lithuania, Latvia, Moldavia, Romania and Hungary), in small groups. By contrast, at this period the influx of young Albanian women seems to have decreased substantially.

Thus, it could be said that the increase of migration has direct consequences on the flow of women victims of trafficking and the functioning of the market of prostitution²⁵, the latter representing a considerable market for the “integration” of women victims of trafficking for sexual purposes.

Undocumented migrants

A special Commission of the Ministry of Interior elaborates figures on the situation of illegal migrants.

According to these figures, with no specific distinction by gender, the largest illegal communities are thought to be Moroccans and Albanians, which also make up the largest legal communities.

Table 8: Illegal migrants' evaluation

Year	Source	Figures	For 100 present
1989	ISTAT	473'000	49
1991	ISMU	293'000	40
1994	ISMU	384'000	44
	Ministry	236'000-	23-
1998	Interior	295'000	27

Table 9: Illegal migrants, by country of origin, as of 15 April 1998

Country	Medium variables	Maximum variables*
Morocco	25'000	32'100
Albania	19'400	25'600
Romania	17'200	24'300
Tunisia	16'000	23'200

²⁵ Pastore, F.; Romani, P.P.; Sciortino, G. L'Italia nel sistema internazionale del traffico di persone, Working Paper No. 5, Commissione per le politiche di integrazione degli immigrati, Dipartimento per gli Affari Sociali, Presidenza del Consiglio dei Ministri Roma, 2000; Giulia, C., La realtà della tratta. Uno dei commerci più significativi, in Caritas Italiana, Fondazione E. Zancan, Gli ultimi della fila. Rapporto 1997 sui bisogni dimenticati, Feltrinelli, Milano, 1998; Ministero dell'Interno, Rapporto sul fenomeno della criminalità organizzata, Atti Parlamentari, Camera dei Deputati, XIII legislatura, doc. XXXVIIIbis, No. 2; Comitato parlamentare di controllo sull'attuazione ed il funzionamento della Convenzione di applicazione dell'accordo Schengen e di vigilanza sull'attività dell'Unità nazionale EUROPOL, La tratta degli esseri umani, XIII Legislatura, Atti parlamentari, Camera dei Deputati, Senato della Repubblica, Indagini conoscitive e legislative, doc. No. 36.

Former Yugoslavia	14'800	19'300
Philippines	13'300	14'500
China	13'100	16'900
Poland	11'300	13'300
Peru	8'200	9'400
Senegal	7'600	9'200

* Maximum variables indicate alternative evaluations in excess.

Source: Ministry of Interior.

Undocumented migration has always been a problem for migration policies. Instead of considering undocumented migration as an excess of labour supply (thus, not receiving adequate response from the labour market, the underground economy should be observed through the lenses of “personal relationships” and informal engagements. Its existence and strength originates in deep-rooted social behaviour. Thus, regularisation procedures can help, only in part.

In conclusion, the increasing presence of women migrants in Italy is a clear and documented phenomenon, common to international migration to other countries. An unexpected positive aspect seems to be that the Italians now see these foreigners as less “foreign”.

Situation, needs and concerns of women migrant workers²⁶

Situation of women migrant workers: the key-elements

As mentioned in the introduction, women migrant workers began the migratory flow into Italy²⁷. The main reasons for this process can be seen in the entry of Italian women into the labour market (around the beginning of the 1970s), and in the concurrent lack of effective welfare services²⁸, such as, public kindergartens and social benefits for the care of the elderly, to replace them at home. This background created a new category of work: housekeeping and care-taking employment, where women migrant workers found a place, performing a “substitutive” function.

Additional factors of the influx of women immigrants, reported by the leading authors²⁹, are: first, that Italian immigration legislation in force up to 1998 allowed legal entry only to people contracted as domestic workers, a job commonly performed by

²⁶ By Giuseppina D'Alconzo.

²⁷ De Filippo E., *Immigrazione femminile in Campania*, in Mastrodomenico L., *Défilé. Donne africane ad Aversa*, L'Ancora, Napoli, 1999, pp. 87 ff.; De Filippo E., *La componente femminile dell'immigrazione*, in Pugliese E., *Rapporto Immigrazione. Lavoro, sindacato, società*, Ediesse, Rome, 2000, pp. 47 ff.

²⁸ Vicarelli G., *Le mani invisibili. La vita e il lavoro delle donne immigrate*, Ediesse, Rome, 1994, pp. 13 ff.; Carchedi F., Ranuzzi G.B., *Tra collocazione nel mercato del lavoro secondario ed esclusione dal sistema della cittadinanza*, in Sergi N., *L'immigrazione straniera in Italia*, Edizioni Lavoro, Rome, 1987; De Filippo E., *La componente femminile dell'immigrazione*, in Pugliese E., *Rapporto Immigrazione. Lavoro, sindacato, società*, op. cit.

²⁹ See, among others, Maciotti M.I., Pugliese E., *Gli immigrati in Italia*, Laterza, Bari, 1993, p.57; see also paragraph 1.1, containing an extensive analysis of those factors, as manifestations of the Italian society of the 70s and 80s.

women; and secondly, the mediation role played by representatives of the Catholic Church in the countries of origin (“religious mediation” as a pull-factor 30).

In the field of domestic work and care-taking employment those women were placed and, at the same time, segregated. Since the early 70s on, women migrant workers living in Italy have been mainly involved in this kind of employment; the rate of migrant women working in other fields has always been, and still is, very low 31, with the exception of Chinese women working in restaurants.

Migrant women fill most of the job requests in the field of domestic employment. According to data released by INPS (National Institute for Social Security), in 1996, out of 209'726 people working in this field, 97'146 (i.e., 46 per cent) were immigrants; among the immigrants involved in domestic employment, 68'850 (i.e., 71 per cent) were women 32. According to the same source, most of those women came from Philippines (30 per cent in 1996) and South America (15.2 per cent in 1996).

Most women working in this field perform an “all-day-long” (24/24 h) housekeeping job 33: they are usually accommodated at the house of the employer, where they work as housekeepers and sometimes, in addition, as babysitters and cooks.

A noticeable rate of migrant women performs a care-taking job, such as care of the elderly people and disabled or ill persons. Few of them are employed as paid-per-hour housekeepers, but, usually, this is a second step of their process of integration in Italy (see below).

The average wage varies according to the modalities of the work contract and of the geographical area: in Northern Italy a person hired as housekeeper, who cohabits with the family-employer, gains about 1.5 millions Lira per month; in the South the medium wage for the same activity is around 1 million Lira, but only for Filipino workers, traditionally deemed particularly reliable and honest. Workers not living with the family earn about 7'000–10'000 Lira per hour in the South and 15'000 Lira per hour in the North 34.

Domestic and care-taking jobs, the main activities carried out by women migrant workers, define their working and living conditions. Any comparison with male immigrants should first take into account this factor.

The following elements are stressed by all studies analysing the working and living conditions of women migrant workers, which also make comparisons with those of migrant men:

- **invisibility:** women represent a very high rate of immigrants (higher than men in several regions 35). However, due to the “all-day-long” domestic or care-taking job

30 Maciotti M.I., Pugliese E., *Gli immigrati in Italia*, op. cit.

31 Raffaele G., *Le immigrate extracomunitarie in Italia*, in *Studi Emigrazione*, XXIX, No. 106, 1992.

32 Caputo G.O., *Salario di fatto dei lavoratori immigrati in Italia*, in Pugliese E., *Rapporto Immigrazione. Lavoro, sindacato, società*, op. cit., p. 92.

33 Maciotti M.I., Pugliese E., *Gli immigrati in Italia*, op. cit., p. 55.

34 Caputo G.O., *Salario di fatto dei lavoratori immigrati in Italia*, op. cit.

35 The following nationalities prevailed in the early period of women immigration: Capoverde, Ethiopia, Salvador, Philippines. Subsequently, many women arrived from Somalia, Mauritius and Latin America, and finally from Egypt, Senegal and Eastern European countries. Filipinos and Capoverdians are the communities with the higher rate of female presence. See also data at para. 1.2.

carried out by most of them, they tend to be invisible³⁶ to the general public, institutions and sometimes even to private organisations and charities. This implies, at first, a material invisibility: these women rarely appear in public places and very few institutionalised meeting places are available to them. Often, their employers discourage their seeking a social life (see below). Their material invisibility, together with other elements, gives rise to a metaphorical invisibility: the lack of attention to conditions and behaviour of migrant women by the media and by institutional and private bodies. As shown by the analysis performed in the context of paragraphs 3.3. and 4.3 reveals, few institutional programmes and private projects are devoted to female immigrants, but none of these is devoted to migrant women working as housekeepers. In conducting this research, one gets the general, pervasive feeling of how ignored and disregarded are the conditions and needs of these women in Italy;

- **risk of threats and pressure:** Usually, foreign women working as housekeepers in Italy live with the “family-employer”. This implies that the same person provides migrant women with all they need to legally reside and to “survive” in Italy: job, housing, food and protection. In addition, the family-employer is frequently the only link these women have with the Italian society, as the employer takes care of preparing documents required for regular status, and deals with all other bureaucratic procedures pertaining to social and civil rights (medical service card, enrolment at the Employment Office, etc.). This situation is unfortunate in that the women rely on the family-employer for handling all matters “outside”. If all roles played by the family (employer, housing, etc.) are regarded together, it becomes evident that this situation of profound dependence deprives migrant women of any power of negotiation and makes them dependent and extremely vulnerable to threats and pressure. Consequently, migrant women often accept unplanned over-time work and activities not implied in their duties; moreover, aware that, in case of conflict with the family-employer, they would lose salary, shelter and all they have in Italy, they are unable to react against breaches of their rights and severe abuse, such as sexual harassment. So, if civil and workers’ rights’ violations are common and well-known, attempted rapes, aggressions and other ill-treatment are more common than believed. Some dramatic experiences have been reported, especially by Filipino women, on this issue³⁷;
- **little chance for professional advancement:** because of the above-mentioned reasons, “all-day-long” domestic and care-taking employment protects women and, at the same time, entraps them. The framework of their usual working time prevents them from attending language and vocational training courses. Housekeeping, as well as care-taking work, is hard and demanding, leaving little time for other activities. Their working conditions, together with stereotypes arising from their own employment or from the prevailing occupation of their national community (e.g. in Italian, “Filipino” is a synonym for “housekeeper”), impede emancipation towards more advantageous professional positions. Studies show that a re-qualification of these women is usually difficult. Despite the school qualifications of migrant women living in Italy — especially Filipino women³⁸ — immigrants hired as domestic workers usually remain stuck in that role³⁹. The probability of reaching a better regular working position outside housekeeping and care-taking employment, already

³⁶ De Filippo E., La componente femminile dell’immigrazione, in Pugliese E., Rapporto Immigrazione. Lavoro, sindacato, società, op. cit., p. 54.

³⁷ Recently on this issue: Basa C., Filippine. Il costo sociale dell’immigrazione femminile, speech at the National Convention Stati generali sull’immigrazione: politiche locali e percorsi di integrazione, held in Vicenza on 12 January 2001.

³⁸ Ambrosini M., Utili invasori. L’inserimento degli immigrati nel mercato del lavoro Italiano, Fondazione CARIPO-ISMU, Franco Angeli, Milano, 1999, p. 172.

³⁹ Lonni A., Mondì a parte. Gli immigrati fra noi, Paravia, Torino, 1999, pp.81–89.

low in the 1980s, appears to have decreased among legally resident women in the 1990s⁴⁰. The only kind of emancipation achievable by migrant women appears to be the so-called “horizontal promotion”, i.e. switching from “all-day-long” housekeeping employment to a domestic job paid per-day or per-hour, not implying living with the family-employer, and offering the possibility for private accommodation and a better social life. However, this apparent improvement often results in a trap. As accommodation provided by the Government for immigrants is numerically inadequate⁴¹, the economic burden represented by the rental of a room, together with the lack of protection by the family-employer, and other difficulties implied in this change, frequently give rise to an unstable situation and add obstacles and worries to these women’s lives.

Another structural element should be considered: in Italy, domestic employment in itself is divested of any professional meaning. Such work is regarded as typical for women⁴² and, in particular, for women of certain nationalities. Migrant women are hired as housekeepers on the simple basis of their gender and national origin, and deemed “naturally” inclined to that kind of job. This prejudice deprives women working in this field from the perception of playing a professional role in our society:

- **isolation:** the lack of a place to enjoy a social life⁴³ makes relationships extremely rare and difficult, much harder than for men in similar economic conditions. “Advice” to remain at home, from members of the family-employer (e.g., “You don’t know anybody in Italy, going out could be dangerous for you ...”), is a further obstacle to the establishment of social relationships in the hosting country. The impossibility of planning their free time — due to frequent requests for extra work, the lack of vacations, etc. — is an additional barrier to migrant women establishing a regular social life. Finally, domestic employment, in contrast to other jobs, does not allow contacts among workers, e.g. in the context of trade unions⁴⁴. Due to this isolation, migrant women are often subject to depression and other psychological difficulties;
- **lack of, or serious difficulties in, family relationships:** women working as housekeepers face problems if they decide to get married or want their children to join them in Italy. The diffidence of their employers puts them in fear of losing their jobs should they get pregnant⁴⁵: this fact often prevents them from starting a family or asking for their children to join them in Italy. A very high rate of abortions is reported among migrant women⁴⁶. Only 5.7 per cent of Filipinos live with their children: due to the fact that the Filipino community is composed mostly of women involved in domestic employment and due to the difficulty of taking care of their

⁴⁰ Commissione per le politiche di integrazione degli immigrati, Dipartimento Affari Sociali, Presidenza del Consiglio dei Ministri, Primo rapporto sull’integrazione degli immigrati in Italia, Il Mulino, Rome, 2000, p. 170.

⁴¹ ARES 2000 Onlus, Il colore delle case. 1° Rapporto sulla condizione abitativa degli immigrati in Italia, Rome, 2000, in www.ares2000.net.

⁴² Alemanni A., La fabbrica delle donne, in Vicarelli G., Le mani invisibili. La vita e il lavoro delle donne immigrate, op. cit., pp. 51 ff., Lonni A., Mondì a parte. Gli immigrati fra noi, op. cit.

⁴³ Recently on that issue: Frias M. L., Migranti e native: la sfida di camminare insieme, speech at the Seminar Donne, migrazioni, diversità: l’Italia di oggi e di domani, promoted by the National Department for Equal Opportunities, held in Rome on March 1st, 2001.

⁴⁴ Lonni A., Mondì a parte. Gli immigrati fra noi, op. cit.; Ambrosini M., Utili invasori. L’inserimento degli immigrati nel mercato del lavoro Italiano, op. cit., p. 176.

⁴⁵ De Filippo E., La componente femminile dell’immigrazione, in Pugliese E., Rapporto immigrazione. Lavoro, sindacato, società, op. cit., p. 58.

⁴⁶ Maffioli D., Il matrimonio e la nascita dei figli, in Vicarelli G., Le mani invisibili. La vita e il lavoro delle donne immigrate, op. cit., pp. 110 ff.

children in such circumstances⁴⁷. It is also important to report that children arriving in Italy for family reunion are usually compelled to live separated from their mothers in private institutions. It could be said that most migrant women cannot have a family even when they have one⁴⁸.

Another problem migrant women working in Italy commonly have, is the difficulty to re-draw their role in case of a so-called “atypical family reunion”, i.e. when their husbands join them in Italy. Up to 1998, Italian immigration legislation did not permit relatives arriving for family reunion to work. This meant that, once arrived, husbands of migrant women (usually Filipinos⁴⁹), had to accept a situation of economic dependence, a humiliating experience in their traditional culture⁵⁰. This dependence had its effect on family relationships and on the balance between husband and wife.

These conditions add pain and difficult to the lives of female migrants, in addition to all other matters affecting their lives. Thus, they can be counted as elements of discrimination, in that they make migrant women’s life still harder than that of male migrants.

A single favourable element can be reported in their situation, compared to men’s: that is, a higher regularity of their legal status. The population of migrant women domestic workers has, for years, represented the most stable and regular class of migrants working in Italy (as far as sojourn permits and work contracts are concerned)⁵¹. However, even this favourable element, remarkable until five-six years ago, is decreasing; now, a higher number of irregular immigrants is being reported among household workers. This change probably originates from the stricter immigration policy of recent years, which, paradoxically, has provoked an increase in undocumented immigrants who find domestic employment⁵². According to Italian legislation, the official minimum salary for domestic work is quite high; by hiring an irregular migrant, employers disregard norms on workers’ rights and save money⁵³. This situation fits the needs of undocumented immigrants — who, according to our immigration legislation, once entered illegally cannot regularise their status on an individual basis⁵⁴ — to find a “black market” job.

⁴⁷ ARES 2000 Onlus, *Il colore delle case. 1° Rapporto sulla condizione abitativa degli immigrati in Italia*, op. cit.

⁴⁸ In Mottura G., *L’arcipelago immigrazione*, Ediesse, Rome, 1992, a detailed analysis is carried out of familiar structures and difficulties encountered in Italy by the widest immigrants’ communities. A specific reference to obstacles to family life is made – among others – regarding Capoverdian (p. 195) and Filipino women (p. 228). See also Vicarelli G., *L’economia della vita quotidiana*, in Vicarelli G., *Le mani invisibili. La vita e il lavoro delle donne immigrate*, op. cit., p. 37, and De Filippo E., *Le lavoratrici “giorno e notte”*, in Vicarelli G., *Le mani invisibili. La vita e il lavoro delle donne immigrate*, op. cit., p. 66.

⁴⁹ Favaro G., *Avere un figlio altrove*, in Vicarelli G., *Le mani invisibili. La vita e il lavoro delle donne immigrate*, op. cit., p. 146.

⁵⁰ Tognetti Bordogna M., *La famiglia che cambia*, in Vicarelli G., *Le mani invisibili. La vita e il lavoro delle donne immigrate*, op. cit., pp. 130 ff.

⁵¹ Maciotti M.I., Pugliese E., *Gli immigrati in Italia*, op. cit., p. 54

⁵² Ambrosini M., *Utili invasori. L’inserimento degli immigrati nel mercato del lavoro Italiano*, op. cit., p. 176.

⁵³ Reyneri E., *Immigrazione ed economia sommersa*, in *Stato e Mercato*, No. 53, 1998, pp. 287–317.

⁵⁴ See paragraph 2.2.

Needs and concerns of women migrant workers: a situation requiring a global approach

The preceding analysis of the situation of migrant women allows us to single out current needs. However, since all these traits are interdependent, a global approach, from a methodological and practical point of view, is necessary.

Assessments of migrant women, made in the context of the Discussion Group held at FCEI-SRM on 3 April 2001, confirmed impressions arising from the analysis of literature.

As mentioned, a schematic list of needs can be drawn moving from the listed elements:

- **invisibility:** a need for awareness by the general public, by the media, by private associations. Migrant women ask for visibility, for particular attention to their needs and skills. They require support not as immigrants in general, but due to the gender-relevant aspects of their condition;
- **threats:** migrant women need to be informed of their rights and possible defences against abuse. This implies actions of civil rights' dissemination, and *empowerment* of women themselves, through awareness-raising campaigns and specific courses. Their weak condition also makes necessary effective and personalised counselling and legal support;
- **no professional advancement:** migrant women need to be able to advance professionally through: the legal recognition of their school and academic qualifications; vocational and language courses; and through counselling and orientation services to find new jobs;
- **isolation:** the need for meeting space for community life, provided by the Government and associations; the need for private accommodation; the need for psychological support in case of difficulty;
- **no family relationships:** the need for protection and social services (such as, public kindergartens) supporting pregnancy and motherhood is particularly felt among those women. The recent legal provision which excludes most of them, even if legally resident, from access to subsidies for pregnant women (see para. 2.2) has been addressed critically by experts and immigrants.

After an objective analysis of migrant women's needs, it is important to report their subjective concerns, i.e. those needs which, they themselves feel, are essential. Reference to the assessment of participants in the Discussion Group is necessary: in that context, a particular emphasis was put on the need for action enabling migrant women to be actors in policies affecting their condition (i.e., empowerment actions) and for services to support them in finding and changing jobs. Another urgent need is for housing (for a wider report of the meeting, reference is made to chapter V).

The above-mentioned nature and nucleus of migrant women necessities, and the connection among the latter, requires a comprehensive consideration. A global approach is needed to understand the urgency of their needs. It means, concretely, that the need for vocational and language courses cannot be addressed if migrant women are not helped to get time off from their employers to attend them; or, that meeting places are useless if the women do not have kindergartens for their children; or, that encouraging their social life is in vain if women have no access to public housing; or, that vocational courses cannot improve their condition if they have no support in changing jobs; and so on. Private and Governmental projects meeting only one of these needs are a waste of resources and time.

It is for this reason that, in paragraph 4.2 (Initiatives by private associations), particular relevance is given to projects addressing all aspects of migrant women's lives, An awareness of their overall situation, a chance to change their conditions, instead of fragmented and isolated action, is what these women ask of Italian society.

I. Legislative framework

1.1. Ratified conventions and bilateral agreements related to migrant workers⁵⁵

Ratified International Conventions

The problems pertaining to migration require a strategy for dealing with migration as part of a global and complex phenomenon. The quantity and heterogeneity of the sources regarding this argument should be underlined: conventional law, the international protection of human rights, programmatic and declaratory acts of the United Nations (soft laws) and, of course, bilateral agreements. The first stage of this paragraph is a brief description of the most relevant ratified conventions relating to migrant workers.

From the human rights point of view, over the last fifty years, anti-discrimination laws, which cover the treatment of foreigners in general and migratory policies, indirectly, have been carried out. The most important are: the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of Racial Discrimination, the International Pact on Civil and Political Rights, the Slavery Convention⁵⁶, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery⁵⁷, the Convention to Eliminate All Forms of Discrimination Against Women and the Convention on the Rights of Migrant Workers and their Families⁵⁸ (not yet in force)⁵⁹.

Moreover, to general agreements applying to all workers, the International Labor Organization has promoted specific regulations on migrant workers. The most relevant ILO Conventions ratified by Italy are:

- Forced Labour Convention, 1930 (No. 29), ratified with Law No. 274 of 29 January 1934⁶⁰;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified with Law No. 405 of 6 February 1963⁶¹;
- Migration for Employment Convention (Revised), 1949 (No. 97), ratified with the law No. 1305 of 2 August 1952⁶²;
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), ratified with Law No. 158 of 10 April 1981⁶³;

⁵⁵ By Simona La Rocca.

⁵⁶ Ratified by Italian Government with the R.D. No.1723 of 26 April 1928.

⁵⁷ Ratified by Italian Government with the law No. 1304 of 20 December 1957.

⁵⁸ Italian Government has not ratified this Convention.

⁵⁹ FCEI is carrying out an information campaign to promote the ratification of this important Convention.

⁶⁰ Italian G.U No. 53 of 3 March 1934.

⁶¹ Italian G.U No. 93 of 6 April 1963.

⁶² Italian G.U (Supplement) No. 242 of 17 October 1952.

⁶³ Italian G.U (Supplement) No. 116 of 29 April 1981.

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- Worst Forms of Child Labour Convention, 1999 (No. 182), ratified with Law No. 148 of 25 May 2000 ⁶⁴.

Bilateral agreements

The exploitation of migrants is carried out, in most cases, by international organized criminal groups. The traditional competition and antagonism between the different ethnically-based criminal organizations has now been overcome. Today, these groups actively collaborate in their criminal activities (e.g., the traffic of human beings, drugs, arms). Evidence for this collaboration has been noted by various investigations ⁶⁵: among the Russian, Chinese, Turkish, Albanian Mafia and the Italian ⁶⁶ criminal groups.

The kind of crimes committed and their transnational character, demands that action must be implemented with the co-operation of all countries affected by the phenomenon (i.e., countries of origin, transit or destination). To this end, bilateral agreements can be seen as an important tool for implementing preventive measures against the trafficking of human beings. Italy has itself signed 22 bilateral agreements on issues ranging from the problem of the readmission of irregular and illegal immigrants to the implementation of information campaigns and training programs.

Agreements have been signed with: countries of the European Union (Austria, France, Greece, Spain); other European countries (Albania, Bulgaria, Switzerland, Slovakia, Romania, Poland, Hungary, Yugoslavia Federation, Croatia, Slovenia, Georgia, Lithuania, Latvia and Estonia; African States (Algeria, Morocco, Tunisia); and finally with the United States.

In general, these agreements are a standard pact to foresee the readmission — within three months of detection — of anyone who has entered clandestinely into the country. Under these agreements, norms regulating the cases of leaving and of repatriation have been introduced. Distinctive norms have been carried out for cases in which immigrants are in mortal danger, in the country of origin or of destination.

One of the most important bilateral agreements is the recent one between Italy and the United States on the traffic of human beings, issued on 28 October 2000.

The United States agrees to co-operate as follows:

- data collection and information-sharing on statistical data and general analysis of trafficking mainly with the co-operation of the Italian National Antimafia Directorate;
- prevention realised through joint public information campaigns in countries of emigration with the co-operation of their authorities and local NGOs;
- protection of the rights of victims of trafficking through exchange of best practices with respect to assistance, protection, and social integration of victims,
- development of witness protection procedures and victim services in countries of origin in case of repatriation, including training for law enforcement and assistance to NGOs that provide services to victims.

⁶⁴ Italian G.U No. 135 of 12 June 2000.

⁶⁵ Italian G.U No. 135 of 12 June 2000.

⁶⁶ Mainly for the traffic of arms and drugs.

Other important agreements are those signed with Tunisia and Nigeria containing dispositions regarding, mainly, the struggle against clandestine immigration.

It can be underlined that the point of view taken into consideration in these kind of agreements is the protection of people exploited by trafficking. Sanctions are established for people who commit crimes so such as smuggling or trafficking.

The agreement with Tunisia foresees:

- preferential treatment for Tunisian citizens, respect of the Italian annual quotas of entry for work;
- technical and operational aid to carry out actions aiming to repress clandestine immigration;
- facilitating the readmission of Tunisian citizens;
- concession of an economical contribution of 500 thousand Lira for the instalment of healthcare centres in Tunisia.

The bilateral agreement with Nigeria foresees:

- technical aid;
- special training both for the Italian embassy functionaries and for local migrations staff;
- co-operation in the healthcare sector, mainly for sexual related diseases (Aids).

1.2. Immigration rules and regulations ⁶⁷

Before examining the Italian legal provisions relating to women migrants, it could be helpful to introduce briefly the whole immigration system, making reference to its early trends, evolution and recent developments. A comprehensive consideration of the history of the legal framework in which those provisions are inserted helps in evaluating the attention devoted by our authorities to gender- and family-related aspects of immigration, and to singling out those areas of female immigrants' rights, which are better defined.

Notes on the evolution of the Italian immigration legislation

In Italy, immigration and all related issues are presently regulated by the Immigration Act (so-called "Testo Unico", *i.e.* consolidated law): Law No. 286 of 15 July 1998, published in the Italian Official Gazette (*Gazzetta Ufficiale*) No. 191 of 18 August 1998. It represents the first systematic law enacted to regulate this field, after a prolonged era marked by *ad hoc* legislation not backed by a planned immigration policy.

In the early 1980s immigration became an "issue" in Italy: since then, our Government has made several acts to regulate, on an *ad hoc* basis, entry to, and stay within, our territory, without establishing a framework of general provisions applying to immigrants. All those acts are notable for a general lack of immigration strategy and guidelines.

⁶⁷ By Giuseppina D'Alconzo.

Law No. 39 of 28 February 1990, the so-called “Martelli” Law (from the name of its promoter), was the first attempt to regulate immigration flows; however, it contained very few general provisions, and did not include a precise list of civil rights acknowledged to regular immigrants.

After the “Martelli Law”, a relevant role was played, within the Italian landscape, by two “regularisation acts”, the so-called “sanatorie”, enacted in 1990 (jointly with the “Martelli law”) and 1996 (“Dini” Decree): they offered immigrants not legally resident in Italy the possibility to “regularise” their legal status, provided they showed evidences of a proposal of regular employment and proper housing. Thanks to both these acts, a relevant number of irregular immigrants received sojourn permits. For many years, however, no provisions were enacted to regulate uniformly entry and stay, nor to promote integration and social/civil rights of immigrants. This legal gap produced a fragmented and uncertain legal situation among the migrant population.

Given that landscape, the enactment of Law No. 40 of 6 March 1998 (then included, jointly with a few relevant provisions from other laws, in the above-mentioned consolidated law — “Testo Unico” No. 286/98), should be regarded as a turning point in the evolution of Italian immigration law. For the first time, it set a wide range of provisions regulating several legal and social aspects of immigrants’ life, i.e. entry, legal stay, family reunion, civil rights, medical assistance, education, bureaucratic procedures, and so on.

This act takes into account some traits of immigrants’ conditions formerly disregarded: a certain number of its provisions are addressed to women and children, and some gender-relevant aspects are explicitly considered.

Guidelines and fundamental principles of the “Testo Unico”

“Testo Unico” (Law No. 286 of 15 July 1998), and its main component Law No. 40 of 6 March 1998, are intended as a systematic legal framework regulating all fundamental aspects of immigration to Italy and immigrants’ rights and duties.

As far as entry to Italy is concerned, this act provides foreigners intending to immigrate with the possibility of a visa, when required conditions are met and for the following reasons: employment, self-employment, family reasons, job search, study, tourism, business, diplomatic or religious reasons. As for legal stay, in general, the competent police authorities give sojourn permits only to those arriving to Italy bearing a visa, as the law does not provide for a system of “individual regularisation” of persons who have irregularly entered. Exception is made for asylum-seekers and a very few other categories. In so doing, the law aims to discourage illegal entrance.

Concurrently, the law contains many provisions regarding expulsion of those not legally resident in Italy. This function of the law has many times been confirmed by politicians, by affirmations according to which it has been enacted to serve as an instrument to stem illegal immigration.

Besides, Law No. 286/99 acknowledges a wide range of rights to immigrants legally resident in Italy, granting them, in several areas — such as medical assistance and workers’ rights — the same treatment acknowledged to Italian citizens. Thus, it could be said that the main objective of the law is to discourage illegal immigration, even through security measures, and to improve the conditions of immigrants legally resident.

Provision is also made to grant “sojourn cards” to immigrants after a five years’ legal residence, following application by the person concerned and a decisional procedure by the competent Police authorities.

Another relevant feature of this text is the attention devoted to social protection and to so-called “humanitarian” measures. Humanitarian status for victims of war is explicitly provided, and innovative provisions for victims of trafficking and other violence are also included (see below).

Gender-relevant provisions of the Immigration Act

As mentioned, several provisions can be found within this law that give some relevance to social protection of the weakest categories of immigrants. Moreover, for the first time, immigration is being understood not only from the point of view of national security, but also from that of social integration and the acknowledgement of rights. In this trend, all gender-relevant norms and provisions protecting minors play a crucial role.

The following provisions of Immigration Act No. 286/98, particularly relevant for female migrants and children, should be mentioned:

- (a) Immigration Act, art. 6, *c.1*: right to work implied in the sojourn permit “for family reasons”

According to this provision, sojourn permit for family reasons, released to family members (coming to Italy following a procedure of family reunion, or following the family member individually authorised by a visa), implies the possibility to work and to study in our country. This means that women who join their husbands in Italy have the legal possibility to enter the labour market.

- (b) Immigration Act, art. 18, sojourn permit “for reasons of social protection”, granted to women who are victims of trafficking for sexual exploitation and other forms of violence.

For an explanation of origin, functioning and effects of this innovative provision, see paragraph 2.4, devoted to rules against trafficking.

- (c) Immigration Act, art. 19 T.U., *c 2*, let. (*d*): forbids the expulsion of pregnant women and women with children younger than six months

According to these provisions, pregnant women, and women with children younger than six months, cannot be expelled whatsoever, even if illegally resident in Italy. According to a recent decision of the Constitutional Court (No. 376 of 27 July 2001), this provision also applies to the husband of the woman involved. Women (and men) falling under this provision are released a temporary sojourn permit “for medical care”.

In the practice, the ambiguous denomination of this sojourn permit has sometimes given rise to misinterpretations by the police authorities, and has been assimilated to that of “healthcare reasons”, accorded to people in need of medical care entering Italy for that reason.

- (d) Immigration Act, arts. 28 ff.: family reunion and protection of minors

Family reunion is admissible for the following family members: spouse not divorced, minor children (provided the authorisation of the other parent, when divorced), parents, disabled close relatives. The foreign person legally resident — for work reasons, political asylum, and a few others — has to ask for an authorisation, called “nulla osta”, by the competent authorities. Once given, this document is transmitted to the Italian Embassy in the country of residence of the family members and the latter are accorded a visa “for family reasons” to reach

Italy. Once arrived, they have the right to the relevant sojourn permit, described under 2.2.3.a.

Migrants applying for family reunion often encounter many problems due to the requirement of proper housing and sufficient economic means. In particular, the assessment on conditions of housing by the competent authorities is often unequal, as no stable criteria exist in this regard.

In order to protect minors, the “Testo Unico” also provides that names of minors younger than 14 and legally present in Italy, are to be included on the sojourn permit of their parents. Minors over 14 are given individual sojourn permits.

Moreover, in case of presence of an unaccompanied minor in Italy, the Juvenile Court can authorise, for serious reasons, the entry to Italy of his/her parents, despite norms for legal entry.

Finally, expulsion of minors should always be authorised by the Juvenile Court upon request of the Police authority.

(e) Immigration Act, art. 35 c.3: medical care for irregular migrants

According to this provision, all migrants present in Italy (legally or illegally) have a right to basic medical care. Despite some initial difficulties in putting this provision into practice, all immigrants are currently covered by basic medical assistance. Irregular migrants are given a specific card for “foreigners temporarily present”, giving rights to all basic medical treatments.

(f) Immigration Act, art. 35 c.3 a), b) T.U.: defence of pregnancy and medical assistance

Such provisions embody the principle of protection of pregnancy. In detail, they acknowledge that pregnant foreign women present in Italy (i.e., even if not legally resident) have the right to the same medical care and social assistance as Italian women. A similar disposal is also provided for children, whose health is safeguarded whatever their legal status.

(g) Immigration Act, art. 38 T.U.: basic education obligatory for all children

A favourable norm is provided regarding children’s education: in fact, basic education (10 years) is obligatory for all foreign children present in Italy, whatever their or their parents’ legal status. Despite the introduction of this provision, many minors irregularly present – especially among Roma people - do not attend school due to their parents’ fear of being singled out by police authorities.

(h) Immigration Act, art. 43 ff.: judicial protection against all forms of discrimination

This article covers the possibility of taking cases of discrimination before the Civil Court.

For the application of this article to cases of discrimination at work see para. 2.3.

Other legislative provisions applying to migrant women

Some provisions, applying directly or indirectly to migrant women, can be found in other laws.

Art. 49 of Law No. 488 of 23 December 1999 (Financial Law for year 2000) is most relevant, by its nature and effects. to. This provision regulates social benefits for pregnancy, i.e., money granted to women (nationals and non-nationals) who are economically disadvantaged. This provision applies to migrant women only if they have received the “sojourn card” (i.e, after a five-year residence and a long procedure).

Considered unequal, this provision has been strongly criticised by associations defending immigrants’ rights. According to the principle of equality in social defence of pregnancy acknowledged by the Immigration Act art. 35 (see above), the same social benefits should be granted to legally resident migrant women as to Italian citizens.

1.3. Legislation related to the employment of migrant workers*

Basic human rights law

Constitutional principles applicable to aliens

Part I of the Constitution of Italy lays down the fundamental legal principles of the Republic of Italy.

Fundamental human rights and fundamental principles

Fundamental human rights

According to article 2, section 1, to be considered in conjunction with paragraph 22 of the Constitution⁶⁸, the “Republic recognizes and grants fundamental human rights, as individual and in the social aggregations developing its personality, and requests the fulfillment of inviolable duties of political, economical and social solidarity”. The case law of the Constitutional Court recognizes fundamental human rights for everybody, citizens and aliens, however, differences between them can lead to a different *status* in enjoying such rights because of their position with reference to the State (Constitutional Court, decision No. 104/1969; No. 144/1970; No. 244/1974, No. 503/1987; No. 10/1993)⁶⁹.

Equality principle

Article 3, section 1, of the Constitution⁷⁰ recognizes equal social dignity with no distinction on the grounds of race, language, religion, political opinions, personal and social conditions. The equality principle, when regarding fundamental human rights, has been extended to aliens by the Constitutional Court, decision n. 120/1967 (see also (Constitutional Court, decision No. 104/1969; No. 144/1970; No. 244/1974; No. 46/1977).

* by Elena Marioni.

⁶⁸ Mortati, G.; Barbera, A.; Agrò, A.S.; Romagnoli, U.; Mancini, G.F.; Berti, G.; Pizzorusso, A.; Finocchiaro, F.; Merusi, F.; Cassese, A. Principi fondamentali, Articolo 2, in Branca, G., (a cura di), Commentario alla Costituzione, Zanichelli, Bologna, 1975.

⁶⁹ Biscottini G. I diritti fondamentali dello straniero, in Scritti in onore di V. E. Orlando, I, Cedam, Padova, 1957, p. 149; D’Orazio, G., Lo straniero nella Costituzione italiana, Cedam, Padova, 1992.

⁷⁰ Mortati, G.; Barbera, A.; Agrò, A.S.; Romagnoli, U.; Mancini, G.F.; Berti, G.; Pizzorusso, A.; Finocchiaro, F.; Merusi, F.; Cassese, A. Principi fondamentali, Articolo 3, in Branca, G., (a cura di), Commentario alla Costituzione, Zanichelli, Bologna, 1975.

Legal condition of aliens

As to article 10, section, 2, of the Constitution⁷¹, “the legal condition of aliens is regulated by the law, with respect of international rules and treaties”.

On the one hand, article 10 of the Constitution grants that only a law can regulate the legal condition of aliens, so to avoid the competence of the executive power in this matters, and any discretionary use. On the other hand, it affirms the obligation to respect international rules, both by the executive and the legislative authorities⁷².

Social and economic rights

Equal treatment

Article 37 of the Constitution⁷³ states the general principle of equal treatment between men and women, that women workers have the same rights, and, in case of similar work, women workers have the right to equal pay granted to men workers. This principle, as well as other “social - economic rights”, such as the safeguard of work, the right to a salary proportional to the quantity and quality of work, the right to strike, the right to private initiatives, laid down by articles 35, 36, 40 and 41 of the Constitution, have been extended to aliens by the case law of the Constitutional Court⁷⁴.

Safeguard of health

According to article 32, of the Constitution, “the Republic safeguards health as a fundamental right of the individual and in the interest of the population, and grants medical treatments to indigents”. Aliens, as any other individuals, are granted the safeguard of health as a right and in the interest of the population.

Basic human rights' principles in national laws

Subject to article 2, section 1, of the Immigration Act⁷⁵, “the alien, however staying at the frontier or on the territory of the State, is granted fundamental human rights of the individual, lay down by national legislation as well as in force international treaties and by principles of international law generally recognized”. Therefore, fundamental human rights are granted to aliens at the frontier and on State territory, whether they are staying legally or illegally.

Pursuant to Article 16, of “General disposals of law” of the Civil Code, “the alien has all civil rights granted to citizens, under the condition of reciprocity and with the respect of the rules lay down by the law in general”.

⁷¹ Mortati, G.; Barbera, A.; Agrò, A.S.; Romagnoli, U.; Mancini, G.F.; Berti, G.; Pizzorusso, A.; Finocchiaro, F.; Merusi, F.; Cassese, A. *Principi fondamentali*, Articolo 10, in Branca, G., (a cura di), *Commentario alla Costituzione*, Zanichelli, Bologna, 1975.

⁷² D'Orazio, G., Voce “Lo straniero (condizione giuridica dello)”, *Enciclopedia Giuridica Treccani*.

⁷³ Treu, T.; Napoli, M.; Offeddu, G.; Persiani, M.; Giugni, G.; Romagnoli, U. *Rapporti economici*, articoli 35–40, in Branca, G., (a cura di), *Commentario alla Costituzione*, Zanichelli, Bologna, 1985.

⁷⁴ Mazziotti di Celso, F. *Sulla soggettività e tutela dello straniero nell'ordinamento italiano*, in *Rassegna di Diritto Pubblico*, 1964, p. 84; Mazziotti di Celso, F., *Questioni sulla condizione giuridica dello straniero in Italia*, in *Diritto e Giurisprudenza*, 1963, p. 433.

⁷⁵ Consolidated Immigration Act, promulgated by Legislative Decree No. 286 of 25 July 1998, published in *Gazzetta Ufficiale della Repubblica Italiana*, No. 59 of 12 March 1998 (supplemento ordinario).

As of article 2, section 2, of Immigration Act, the alien legally on State territory is granted civil rights recognized to the Italian citizen, unless differently established by in-force international treaties ratified by Italy and by the Immigration Act⁷⁶. Hence, aliens legally staying on State territory benefit from full equality and equal treatment as do Italian citizens. Article 1 of Presidential Decree No. 394, of 31 August 1999, affirms the competence of the Ministry of Foreign Affairs to assess the condition of reciprocity for the exercise of civil rights⁷⁷.

Gender equality legislation

The Immigration Act⁷⁸ refers to migrants in general and does not contain any specific provision on gender-equality principles for women migrant workers (apart from article 19, stating the prohibition of expulsion of pregnant women, and women with a newborn child until his sixth month of age). However, the national legal order provides specific safeguards for women workers, implementing article 37, of the Constitution.

Act No. 7, of 9 January 1963 for physical and economical safeguard of working mothers, stating the prohibition of dismissal in case of marriage, is the first concrete enforcement of such principle.

Act No. 1204, of 30 December 1971, for the safeguard of working mother, amended by Legislative Decree o. 654, of 1996 (enforcement of European Community Directive No. 92/85/CEE, on the safeguard of security and health regarding the employment of pregnant women workers) lays down the rules safeguarding the pregnancy of women workers in general, and regulates a procedure to be followed by women workers in case of pregnancy (articles 1–2).

Act No. 903, of 9 December 1977, on equal treatment between men and women regarding employment, forbids any direct or indirect discrimination because of sex, particularly in regards of access to employment (article 1)⁷⁹, attribution of qualifications and career positions (article 3)⁸⁰, states the right to equal payment (article 2)⁸¹, the prohibition of night work for women workers (article 5)⁸² — with reference to textile companies and with the exclusion of managers and health care employees- and provides a special judicial remedy on this issue (article 15).

In order to assure full enforcement of equality between men and women, Act No. 125, of 10 April 1991, regulates “positive actions” to be carried out to eliminate obstacles to female employment in the labour market, thus acknowledging the existence of discrimination.

⁷⁶ Biscottini, G. Il principio di reciprocità nell’ordinamento italiano, in *Diritto Internazionale*, 1967, p.40.

⁷⁷ Calò, E. La nuova disciplina della condizione dello straniero, *Quaderni della Rivista Notariato*, IPSOA, Milano, 2000, p. 19.

⁷⁸ Consolidated Immigration Act, promulgated by Legislative Decree No. 286, of 25 July 1998, published in *Gazzetta Ufficiale della Repubblica Italiana*, No. 59, of 12 March 1998 (supplemento ordinario).

⁷⁹ Corte di Cassazione, decision No. 1168 of 2 March 1989, in *Diritto del Lavoro*, 1989, II, p. 64; Ballestrero, M.V., *Dalla tutela alla parità. La legislazione italiana sul lavoro delle donne*, Il Mulino, Bologna, 1979; Morgera, P. Spunti in materia di discriminazione per motivi di sesso, in *Giustizia civile*, 1982, I, p. 1409.

⁸⁰ Corte di cassazione, decision No. 5773 of 3 Novembre 1982, in *Giustizia Civile*, 1983, I, p. 830.

⁸¹ Corte di Cassazione, decision No. 209 of 11 January 1984, in *Foro Italiano*, 1984, I, p.982.

⁸² Corte Costituzionale, decision No. 246 of 6 July 1987; Corte Costituzionale, ordonnance No. 378 of 6 July 1989; Galli, G., *Sulla legittimità costituzionale del lavoro notturno delle donne e dei fornai*, in *Rivista giuridica del lavoro*, 1987, II, p. 27; Rucci, C., *Divieto del lavoro notturno e parità di trattamento tra lavoratrici e lavoratori*, in *Rivista italiana di diritto del lavoro*, 1986, II, p. 302.

According to Act No. 546, of 29 December 1987, concerning self-employed women, an allocation of 80 per cent of wages, in case of pregnancy, covering two months before and three months after the birth, is provided by National Institute of Social Welfare (INPS-Istituto Nazionale per la Previdenza Sociale).

By virtue of Act No. 979, of 1990, regulating “free professionals”, an allocation in case of pregnancy covering two months before and three months after the birth, is provided by each specific Professional Fund (lawyers, doctors, notaries, architects, engineers, agronomists).

Articles 43 and 44, of the Immigration Act, introduces action against any form of discrimination, whether direct or indirect, on the grounds of race, ethnic or national origin, religion, having the purpose or the effect of destroying or affording the exercise of fundamental human rights. Section 1 lays down a general clause of non discrimination, thus being inspired by article 1, of the United Nations Convention for the elimination of any form of discrimination of 1966, ratified by Italy with Act No. 654, of 1 October 1975. The definition of discrimination comprises both direct and indirect forms. Letter *e*) gives a relevant example of indirect discrimination: any act or behavior by the employer harmful to employees, on the grounds of their belonging to a particular race, ethnic or linguistic group, religion, or citizenship. The provision, however, does not refer explicitly to discrimination on the grounds of sex, which could have been introduced in the text.

Judicial protection of victims of discrimination, whether by public authorities or single individuals, is set up to be introduced with a claim before national civil courts. Speedy trial and a simplified procedure (the rightful claimant can bring a suit personally, directly to the Court) are intended to grant quick protection to the plaintiff ⁸³.

The strict regime of evidence of civil proceedings has been recently reviewed by two decisions of the Civil Court of Bologna, No.6, of 17 October 2000, and the Civil Court of Reggio Emilia, of 2 November 2000. The Courts affirm that victims must only prove the facts (“basic facts”) leading to the discrimination, and the judge can deduce its negative effects on the rights safeguarded. In regard to the specific amount to be compensated, the victim should, however, produce detailed evidence ⁸⁴.

Article 17 of Act No. 25, of 5 February 1999 ⁸⁵, introduces the absolute prohibition of night work for women during pregnancy and until the child reaches age one.

Act No. 53, of 8 March 2000 ⁸⁶, extends to both parents the right to family leave, in order to reach a full distribution of family responsibilities between men and women. Thus, until the child reaches age eight, both parents can benefit from time off for the care of children. (CORRECT?)

In force legislation on labour immigration

The Immigration Act of 1998, regulates the legal condition of aliens, in compliance with the obligation of article 10, section 2, of the Constitution of Italy. The Immigration

⁸³ Miele, R. La nuova legislazione sugli stranieri, I Quaderni della Rivista Gli Stranieri, Union Printing Edizioni, Viterbo, 1999.

⁸⁴ Pipponzi, M L'onere della prova nella azione civile contro la discriminazione, in *Diritto Immigrazione e Cittadinanza*, No. 4/2000, p. 86.

⁸⁵ Published in *Gazzetta Ufficiale della Repubblica Italiana*, No. 33L, of 12 February 1999 (Supplemento Ordinario).

⁸⁶ Published in *Gazzetta Ufficiale della Repubblica Italiana*, No. 60, of 13 March 2000.

Act is a general legislation, stating the general principles in this issue. In order to coordinate the Act with previous legislation, the Government published a Consolidated Act of the provisions on the regulation of immigration and the status of aliens (“Testo Unico delle disposizioni concernenti la disciplina dell’immigrazione e la condizione dello straniero”), promulgated by Legislative Decree No. 288, of 25 July 1998. Thus, Legislative Decree No. 380, of 19 October 1998⁸⁷, and Legislative Decree No. 113, of 13 April 1999⁸⁸, implements and corrects the general principles stated by the Immigration Act. The regulation in detail is provided by Presidential Decree No. 394, of 31 August 1999⁸⁹.

This new legislation on immigration regulates inflows for foreigners (article 3, of the Immigration Act). Every three years a programming document on immigration policies⁹⁰ is prepared by the President of the Council of Ministers, approved by the Government, transmitted to the Parliament (for the approval of the competent Commissions) and enacted by the President of the Republic.

Each year, a Decree of the President of the Council of Ministers fixes maximum quotas of foreigners to be allowed entry to Italy⁹¹. Pursuant to article 3, section 5, of the Immigration Act, when the annual quotas decree is not published, the amount of quotas is decided in compliance with decrees lastly published, thus seeming to confer an exceptional validity to the latter⁹².

Work visa (article 4, of Immigration Act, articles 5–7, of Presidential Decree n. 394, of 1999, and Decree of Minister of Foreign Affairs of 12 July 2000⁹³) can be issued with the respect of quotas fixed by the annual decree, with the exception of special categories of foreign workers, as of article 27, of Single Act.

Both employment visas (article 22, of Immigration Act; articles 30–41, of Presidential Decree No. 394, of 1999) and self-employment visas (article 26, of Immigration Act; article 39, of Presidential Decree No. 394/1999) are submitted to annual quotas (article 21, of Single Act; articles 29–32, of Presidential Decree No. 394/1999)⁹⁴.

Article 23, of Immigration Act (article 34–36, of Presidential Decree No. 394/1999), regulates a new form of guarantee for access to work (“prestazione di garanzia per accesso al lavoro”), thus allowing Italian citizens or foreigners to sponsor the entry of aliens to look for jobs, under specific conditions (e.g., guarantees for housing, financial support and

⁸⁷ Published in *Gazzetta Ufficiale della Repubblica Italiana*, No. 257, of 3 November 1998.

⁸⁸ Published in *Gazzetta Ufficiale della Repubblica Italiana*, No. 97, of 27 April 1999.

⁸⁹ Published in *Gazzetta Ufficiale della Repubblica Italiana*, No. 258, of 3 November 1999, (Supplemento Ordinario).

⁹⁰ Decree of the President of the Republic, of 5 August 2000, published in *Gazzetta Ufficiale della Repubblica Italiana*, No. 215, of 15 September 1998 (Supplemento Ordinario).

⁹¹ Decree of the President of the Council of Ministers of 8 February 2000, published in *Gazzetta Ufficiale della Repubblica Italiana*, No. 62, of 15 March 2000; successively integrated by Decree of the Ministry of Labour, of 8 June 2000, authorising 20’000 new entries.

⁹² For 2001 the annual quotas Decree has not been published, a draft gives quotas for 63’000 individuals. Decree of the President of Council of Ministers of 8 February 2000 fixed quotas at 63’000 new authorizations for work (28’000 for employment and seasonal works, 2’000 for self employment, specific quotas for Albanians (6’000), Tunisians (3’000), Moroccans (3’000), and others countries subscribing specific conventions with Italy, namely Romania, Nigeria and Egypt (6’000), finally a quota for “sponsorship” (15’000)).

⁹³ Published in *Gazzetta Ufficiale della Repubblica Italiana*, No. 178, of 1 August 2000.

⁹⁴ Gremigni, P., *Lavoratori stranieri: l’autorizzazione al lavoro*, in *Guida al Lavoro*, *Il Sole 24 Ore*, No. 36, 19 Sep. 2000, p. 10.

medical insurance, for the duration of the stay — one year). The access to work (or sponsorship) visa is always issued in respect to specific annual quotas fixed by the decree.

Special categories of foreign workers (article 27, of Immigration Act; article 40, of Presidential Decree No. 394/1999) are not submitted to annual quotas, considering the fact that they refer to a restricted labor market (managers, highly qualified workers, mother tongue interpreters, university professors, seamen workers, artists, sportsmen), because of their limited stay (workers benefiting of professional training, employees of companies operating in the Italian territory for specific positions or for determined periods, employees of foreign companies working in Italy on specific contracts), or when their employment has a particular relation with the family of the employer (full-time domestic employees working for more than one year with Italian citizens abroad or with European citizen transferring to Italy).

Articles 24 and 25, of the Immigration Act (article 38, of Presidential Decree No. 394/1999) regulate, for the first time, entry and social security aspects of seasonal workers (“lavoro stagionale”). The annual decree reserves a special quota to seasonal workers, trying to combat illegal work in the areas of rural and tourism employment. The duration of seasonal contracts should be of not less than 20 days and not more than nine months.

Within eight days of the entry into Italy, aliens should present their passports with visa to the competent Provincial Police Headquarters (“Questura”) for the issuing of the stay permit (article 5, of Immigration Act; articles 9–12, of Presidential Decree No. 394/1999). Renewal of the stay permit is submitted to the verification of the conditions for its issuing.

With respect to the conditions provided by the law, a residence permit for employment, self-employment, (or family reunion), entitles the exercise of both these activities for the period of its validity (article 6, section 1, of Immigration Act; article 14, of Presidential Decree No. 394/1999).

The loss of employment (both in case of dismissal or renunciation) does not constitute a reason for the employee and his family to lose their residence permits, and the employee is entitled to register for unemployment for the period of its validity (article 22, section 9, of Single Act).

A criminal sanction for employers giving work to aliens without sojourn permit, or whose sojourn permit is not valid, punishable by imprisonment for three months to one year, or with an administrative sanction of 2'000'000 to 6'000'000 Lire, is stated by article 22, section 10, of the Immigration Act. Unfortunately, no data on this topic is available and specific research could be valuable.

Aliens refusing, without justification, to present their passports, residence permits or residence cards to the authorities are punished with imprisonment for at least six months, or subjected to an administrative sanction of maximum 800'000 Lire (article 6, section 3, of Single Act).

Specific principles of labour legislation

Principles regulating employment, with specific emphasis on domestic employment, and self-employment will be treated in the following section.

According to article 2094 of the Civil Code ⁹⁵, an employee is someone who assumes the obligation of collaborating in a company, for pay, by furnishing intellectual or manual work, under the direction of the employer ⁹⁶. Open-ended contracts are the general rule. Act No. 230, of 18 April 1962 (successively amended by Act No. 266, of 1977; Act No. 56, of 28 February 1987; Act No. 196, of 1997) regulates fixed-duration employment contracts. Limited employment is possible for seasonal work, rural work, tourism and artistic work. A fixed-duration employment contract can be renewed only once, and for a period not superior to the one of the initial contract, otherwise it is considered open-ended.

Act No. 196 of 1997 introduces temporary employment relationship (“lavoro temporaneo or interinale”), when the company refers to employment agencies. Temporary employment is possible only in specific cases individuated by national contracts of each category undersigned with trade unions (for qualifications Normally not covered by the company’s competency and to substitute for absent employees).

Domestic employment is a particular type of employment, regulated by articles 2240 to 2246 of the Civil Code, by Act No. 2940 of 27 December 1953, by Decree of the President of the Republic No. 339 of April 1958 (extending insurance to domestic servants against accidents, for unemployment and family benefits), as well as general national collective agreements for domestic employment ⁹⁷.

A domestic employment relationship can be defined as when a worker provides services for the governance of the house and the needs of the family of the employer ⁹⁸. Domestic employees can therefore have specific professional experience, or a general ability to do such services. Living with the family of the employer is not always necessary to provide the services ⁹⁹.

More in detail, according to Act No. 339 of 1958, the hiring of domestic servants is direct, with the employer obligated to communicate to the competent office for unemployment the engagement; during the “trial period”, which can not exceed 30 days, domestic servants should receive a normal wage; domestic employees have the right to a full day of rest during the week (normally on Sundays, or at least half a day should be on Sunday). Furthermore, domestic employees have the right to annual paid holidays,

⁹⁵ Cian, G.; Trabucchi, A. *Commentario al Codice Civile*, Padova, Cedam, 2000.

⁹⁶ Carinci, F.; De Luca Tamajo, R.; Tosi, P.; Treu, T. *Diritto del lavoro*, II, Il rapporto di lavoro subordinato, Giappichelli, Torino, 1987; Ghera, E., *Diritto del lavoro*, Laterza, Bari, 1982; Ichino, P., *Subordinazione e autonomia nel diritto del lavoro*, Giuffré, Milano, 1989; D’Antona, M. *i mutamenti del diritto de lavoro e il problema della subordinazione*, in *Rivista critica di diritto privato*, 1988, p. 195; Dell’Olio, M., *Nuove forme di lavoro dipendente*, in *Massimario di giurisprudenza del lavoro*, 1984, p. 668. Grandi, M., *Rapporto di lavoro*, in *Enciclopedia del diritto*, XXXVIII, Giuffré, Milano, 1987, p. 313. De Luca Tamajo, R., *I lavoro e i lavori*, in *Lavoro e diritto*, 1988, p. 415. Cottrau, G., *La tutela della donna lavoratrice*, Torino, 1971. Scognamiglio, R. Voce “Lavoro subordinato”, in *Enciclopedia giuridica Treccani*.

⁹⁷ Constitutional Court, by decision No. 68, of 9 April 1969, allowed general national contracts to regulate domestic employment, by declaring against the Constitution the prohibition in this matter stated by art. 2068, s. 2, of the Civil Code.

⁹⁸ Lorusso, A., *Lavoratori domestici e personale addetto a servizi di riassetto e pulizia di locali: differenze concettuali, natura giuridica e disciplina delle prestazioni di lavoro*, in *Rivista italiana di Previdenza Sociale*, 1980, p. 310. Vicini, G., *Il rapporto di lavoro domestico*, Milano, Pirola, 1988. Latilla, N., *Il lavoro domestico*, Roma, Buffetti, 1993. Famulus, A., *Il lavoro domestico: Il Lavoro domestico*, Milano, Giuffré 1992.

⁹⁹ For this reason, services provided to Hotels and restaurants are not considered as domestic employment, nor similar works at professional locations of the employer.

marriage permits, thirteenth month salaries, financial treatment at the end of the relation¹⁰⁰.

It should be noticed that, the new general national contract for domestic employment of March 8, 2001, introduces an important new provision against the dismissal of pregnant women workers, from the moment of pregnancy (with the only exception of dismissal for lawful cause)¹⁰¹.

According to article 2222 of the Civil Code, a self-employment contract occurs when someone assumes the obligation to complete a task or a service, with its proper work and without any subordination with respect of the customer¹⁰². Article 26, section 2, of the Immigration Act extends self-employment to industrial, professional, crafts and commerce activities¹⁰³. This opens the area of the self-employment labor market to micro-activities fit for aliens.

Pursuant to article 26 of the Immigration Act, aliens can undertake self-employment activities, provided that their exercise is not reserved by law to nationals or European Union citizens. In order to fulfill the conditions for the exercise of self-employment, aliens should moreover obtain a special authorisation from the Ministry of Industry, Agriculture, Commerce and Craftsmanship, for the recognition of their School and University certificates. A recent circular letter from the Ministry of Labor, in accordance with Decision n. 65, of 1999 of the Constitutional Court, allows occasional alien self-employees with an earned income of 7'200'000 Lire per year to register in the lists of unemployment.

Family reunion

Articles 28 and 29, of the Immigration Act, regulate the right to family reunion for aliens holding a sojourn permit valid for at least one year or a sojourn card. Decision No. 28, of 1998 of the Constitutional Court had previously recognized the existence of this "right to family reunion", whenever aliens can assure a normal standard of life to their relatives.

According to the law, aliens should have an income of not less than the amount of the social allocation, for the entry of one family member (the double of the amount of the social allocation, for the entry of two members, etc.), and have at their disposal an apartment respecting the criteria established by regional laws.

Pursuant to article 29 of the Constitution, the Republic recognizes the rights of the family, while article 30 states the obligation and the right of parents to educate and support their children.

¹⁰⁰ Barghini, G. Prevenzioni degli infortuni sul lavoro e malattie professionali, in Nuova rassegna di legislazione, Dottrina e giurisprudenza, 1993, p. 494.

¹⁰¹ Mascheri, A. Una piccola svolta di civiltà per le lavoratrici domestiche, in Rassegna sindacale, p. 9; on this issue see also Constitutional Court, decision No. 6199, of 22 June 1998, which extended to domestic servants the prohibition of dismissal during pregnancy, on the grounds of article 2110 of the Civil Code safeguarding health of employees in cases of accidents, disease, pregnancy and period immediately following a childbirth.

¹⁰² Santoro Passarelli, G. Voce "Lavoro autonomo", I, Diritto del lavoro, in Enciclopedia giuridica Treccani. Giacobbe, G., Lavoro autonomo, Enciclopedia del diritto, XXIII, Giuffrè, Milano 1973, p. 418. Riva Sanseverino, L., Del lavoro autonomo, in Commentario al Codice Civile a cura di Scialoja-Branca, sub Arts. 222-2238, Il Mulino, Bologna-Roma, 1972. Sandulli, P., In tema di collaborazione autonoma coordinata e continuativa, in Diritto del lavoro, 1982, I, p. 247. Santoro Passarelli, F., Diritto del lavoro, Jovene, Napoli, 1991. Scognamiglio, R., Diritto del lavoro, Jovene, Napoli, 1990. Suppiej, G., Il rapporto di lavoro, in Enciclopedia giuridica del lavoro, diretta da Mazzoni, Cedam, Padova, 1982.

¹⁰³ Mc Britton, M.; Garofalo, M. G. La legge sull'immigrazione e il lavoro, in Rapporto immigrazione, a cura di Pugliese, E., Ediesse ed., Roma, 2000, p. 95.

Social security law

Principles informing social security for aliens tend to maintain the costs for foreign work at a level not inferior to that of nationals.

Article 41 of the Immigration Act establishes a general principle of equal treatment for nationals and aliens holding a sojourn permit that is valid for at least one year or a sojourn card, in reference to the benefits of social security allocations.

Article 25 of the Immigration Act regulates in detail social security benefits for seasonal workers. In this case the employer should contribute to the national institute for social security the amount of family allocations and insurance against non-voluntary unemployment; such amounts finance the national fund for migrant policies, established by article 45 of Immigration Act.

General principles laid down by Act No. 335 of 8 August 1995 on retirement are to be considered applicable to open-ended contracts.

As to article 49 of Act No. 488 of 23 December 1999, social allocations for pregnant women are granted to alien women workers holding a sojourn card (issued after five years of legal residence in the territory of the State. Such provisions discriminate against migrant women bearing a sojourn permit as compared to those bearing a sojourn card (in contradiction of article 43, of Immigration Act).

2.4. Legislation pertaining to trafficking: Implementation and enforcement ¹⁰⁴

Trafficking in human beings

Trafficking in human beings is an increasing global phenomenon whose transnational implications affect people in several ways. First, let us define what we mean by “trafficking”. The International Convention against transnational organized crime, held in Palermo from 12 to 15 December 2000, singled out the definition of trafficking in one of the two Supplementing Protocols ¹⁰⁵, the “Protocol to Prevent, suppress and punish trafficking in persons, especially women and children”:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of 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 minimum, the exploitation, of prostitution, of others or other form of sexual exploitation, forced labour or services, slavery or practices similar to slavery ¹⁰⁶, servitude or the removal of organs”(art.3).

¹⁰⁴ By Simona La Rocca.

¹⁰⁵ Protocol to Prevent, suppress and punish trafficking in persons, especially women and children; Protocol against the smuggling of migrants by land, air and sea.

¹⁰⁶ Lelio Basso International Foundation for the Rights and liberation of peoples, *Il lavoro servile e le forme di sfruttamento para-schiavistico*, Research commissioned by Minister for Equal Opportunities, Rome, on Dec. 2000.

This first Protocol is remarkable, as it will oblige, once enforced, State Parties to cooperate in exchanging information. It also provides a new International legal instrument in the fight against trafficking in human beings.

Another relevant distinction has to be made between “trafficking” and “smuggling”¹⁰⁷, the latter being the object of the second Protocol agreed in Palermo. For the purpose of this Protocol the “Smuggling of migrants is:

“...the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, from the illegal entry of a person into a State Party of which the person is not a national or a permanent resident (art.3 a).

The illegal entry shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State” (art. 3 b).

Article 4 of the same Protocol establishes the scope of application:

“...to the prevention, investigation and prosecution of the offences established in accordance with article 6 of this Protocol, where the offences are transnational in nature and involve an organised criminal group, as well as to the protection of the rights of persons who have been the object of such offences”.

On the contrary, sanctions are established for traffickers. The importance of this distinction is in the different approaches required and, likewise, the different interventions for carrying out preventive and repressive measures. As far as the criminal aspects are concerned, the main novelty consists in the fact that illegal entrance is not punished as such, according to the principles of understanding and solidarity with those who, being poor and desperate, arrive in Italy without authorisation. Trafficked migrants are treated as victims.

Before analysing the major legislation enacted in Italy on these phenomena, it is useful to make some general considerations about the trafficking in human beings. Men, women and children are victims of unscrupulous criminal transnational organizations that make enormous profits off of them. According to recent figures¹⁰⁸, 700'000 women and children have been trafficked and forced into slavery in the sex industry around the world. Trafficking in women is not only an important element in the worldwide irregular migration process, but also in labour migration whereby people from poor countries migrate looking for jobs (legal or illegal). Victims of trafficking may be migrants in an irregular or regular situation, even if migrants in an irregular situation are more likely to be victims of exploitation because of their vulnerable conditions¹⁰⁹. Poverty in developing countries is the root cause of much contemporary migration. In most parts of the world, no matter that the possibilities for legal migration have decreased, the need of foreign workers remains high. The combination of these factors has resulted in a sharp rise in the level of irregular migration and trafficking in migrants¹¹⁰.

¹⁰⁷ Commissione Parlamentare d'inchiesta sul fenomeno della mafia e delle altre associazioni criminali similari, Relazione sul traffico degli esseri umani, 5 Dec. 2000.

¹⁰⁸ International Organisation for Migration, Trafficking in migrants, Quarterly bulletin, No. 21, Summer 2000.

¹⁰⁹ Bales K. I nuovi schiavi. La merce umana dell'economia globale, Feltrinelli, Milano 1999. Arlacchi P. Schiavi. Il nuovo traffico di esseri umani, Rizzoli Milano 1999. See also Moroli E.; Sibona R.; Schiave d'occidente. Sulle rotte dei mercanti di donne, Mursia, Milano 1999.

¹¹⁰ International Organisation for Migration, Tratta di migranti. Politiche e risposte dell'OIM, Roma, 1999.

Italy ¹¹¹ is an important destination country for women coming from Albania, Nigeria, Latin America and Central and Eastern Europe. The majority of the victims are young and unmarried but there are some differences depending on geographical and ethnical distribution: young women and minors in the North of Italy (Albania and Nigeria), older women in the Central and South of Italy (Latin America, Central and Easter Europe). The promise of good jobs as waitresses, nannies, models are often used to lure women into forced prostitution. Even women who know what they are getting into, may be willing to take the risk, if their own living conditions and legal migration prospects are so poor that they believe they have nothing to lose ¹¹².

Italian legislation

In the Italian Penal Code, the crimes of slavery and recruitment, transportation, transfer, harbouring or receipt of persons to that end are taken into consideration by four provisions: art. 600 foresees enslavement or an analogous condition; art. 601 condemns the commerce of slaves; art. 602 deals with the alienation and the acquisition of slavery; finally, art. 604 contemplates the application of the advised dispositions even when the crime has been committed in a foreign country.

A few modifications have been made to the Italian Penal Code. Article 9 of Law No. 269 of 3 August 1998 — Norms against the exploitation of prostitution, of pornography, of sexual tourism damaging to children, with new forms of enslavement — inserts in the Code the following articles: 600*bis* (sexual exploitation), 600*ter* (child pornography), 600*quater* (detention of pornographic material), 600*quinquies* (sexual tourism), 600*sexies* (aggravating and extenuating circumstances), 600-septies (supplementary penalties).

In the past, articles 600 and 601 have been scarcely applied. Judges took into consideration other hypotheses of crime such as exploitation of the prostitution and other crimes from the so-called “Merlin Law”; sequestration; sexual violence; assayed homicide. This choice has been forced because of the difficulty to prove the state of enslavement if the victim has is even a minimum of self-determination. In the case of children, for whom there is no matter of self-determination, the application of articles 600 and 601 has been relatively simpler ¹¹³.

In examining the sentences ¹¹⁴, of recent years, a remarkable evolution in the interpretation of articles 600 and 601 can be seen. Up to the present, Italian judges have applied these articles even when the victim is an adult ¹¹⁵.

¹¹¹ For a deeper analysis of the Italian situation: Documentazione Italcarras, *Tratta di esseri umani a scopo di sfruttamento sessuale*, No. 1/1997. PARSEC, Associazione Ricerca e Interventi Sociali, *Il traffico di donne immigrate per sfruttamento sessuale: aspetti e problemi. Ricerca e analisi della situazione italiana, spagnola e greca e interventi sociali nel settore*. Carchedi, Picciolini, Mottura, Campani (a cura di), *I colori della notte. Migrazioni, sfruttamento sessuale, esperienze di intervento sociale*, Franco Angeli, 1999.

¹¹² International Organization for Migration, *Trafficking in migrants*, Quarterly bulletin, No. 21, Summer 2000.

¹¹³ Corte di Cassazione, Sez V, decision, No. 03855, of the 20 January 1984, CED (RV 162209); Corte di Cassazione, Sez V, decision, No. 04852 of 4 April 1990, CED (RV 183938); Corte di Cassazione, Sez V, decision 28909 of 20 March 1990, CED (RV 183776), Corte di Cassazione, Sez V, decision No. 02390 of 24 January 1996, CED (RV 204369).

¹¹⁴ Corte di Cassazione, V Sezione Penale, sentence 3909 of 3 Mar. 1990. CED (RV 183777); Corte di Cassazione, Sez. V, sentence, No. 1615 of 11 Feb. 1998, in *Archivio penale della Corte di Cassazione*, (RV 209987). Corte di Cassazione, Sez. V, sentence, No. 2390 of 24 Jan. 1996, in *Archivio penale della Corte di Cassazione*, CED (RV 204369). Corte di Cassazione, Sez. III, decision No. 7929, of 7 July 1998, in *Archivio*

Besides the mentioned articles, others can be taken into account:

- Articles 3, 6 and 7 of law No. 75 of 20 February 1958 (Merlin law) “Abolizione della regolamentazione della prostituzione e lotta contro lo sfruttamento della prostituzione altrui”. These articles foresee the crime of association aimed at recruiting persons for prostitution. According to this legislation, although the private act of prostitution between consenting adults is decriminalised, the exploitation of prostitution is prohibited;
- article 9 of the law No. 269 of 3 August 1998 “Norme contro lo sfruttamento della prostituzione, della pornografia, del turismo sessuale in danno dei minori, quali nuove forme di riduzione in schiavitù” relative to child victims of trafficking, above-mentioned;
- article 12 of the Dlgs No. 286 of 25 July 1998 of “Testo Unico” punishing the recruitment of persons for the purpose of exploitation whether sex exploitation, the employment of children in illegal activity or forced labour (smuggling);
- articles 416 and 416bis of the Italian Penal Code concerns respectively the crime of *criminal association* and *association with the Mafia* .
- article 18 of “Testo Unico”¹¹⁶ which takes into consideration when the sojourn is permitted “for reasons of social protection, granted to immigrant women who are victims of trafficking for sexual exploitation and other forms of violence”.

The approach used in this norm takes into consideration both the preventive and the repressive aspects. Protection of the victim’s human rights is a moral and juridical priority. Those who have been trafficked are not criminals but victims. Therefore, their human rights cannot be ignored. It is also necessary to obtain their collaboration. A major problem in cracking down on trafficking is the fact that victims do not have residence permits, and therefore, they are regarded as illegal migrants. In this situation, people trafficked can be afraid to go to the police for help due to the possibility of being deported. Collaboration is important for a double motivation: to condemn the traffickers and help investigators with important information about methods of recruitment and characteristics of the criminal organisations¹¹⁷. This is a remarkable aspect in fighting the traffic of human beings. The new Italian approach is carried out in the realisation of a regime of *double binary* which allows victims to use two articulate ways for the issuance of the permission of stay: a judicial and a social way. Art. 18 foresees a temporary right to stay with such support as safe houses and medical care. It is most relevant that permission to stay does not depend on their willingness to be witnesses¹¹⁸.

Furthermore, article 18 has other positive aspects:

penale della Corte di Cassazione (R.V. 211543). Corte di Cassazione, Sez III, decision 02793, of 24 Sep. 1999, CED (RV 214517).

¹¹⁵ Corte d’Assise of Modena, decision , of 26 Feb. 1999, in Dir. Imm. Citt. 1999, No. 3, p. 191. Corte d’Assise of Brindisi, decision, of 8 June 1998. Tribunale of Catanzaro of 2 Feb. 1999, Ismet. Tribunale of Modena, of 12 Dec. 1997, Ori.

¹¹⁶ Law No. 286 of 15 July 1998.

¹¹⁷ Vigna P.L. Metodi investigativi, cooperazione internazionale, Atti del Convegno internazionale Traffico di esseri umani. Alla ricerca di nuove strategie di intervento, Rome, 24–25 Oct. 2000.

¹¹⁸ Giammarinaro M.G., Il permesso di soggiorno per motivi di protezione sociale previsto dall’art. 18 del T.U. sull’immigrazione”, in ASGI Diritto, Immigrazione e cittadinanza, No. 4, 1999, pp. 34–52.

Protection of the trafficked person; permission to stay in the country for reasons of social protection has been anticipated, not only in cases of violence, but also when there is evidence of serious exploitation such as forced labour and servitude ¹¹⁹; the right to renew temporary residence permits.

Nonetheless it is necessary to point out some of the negative aspects:

- the law is applied in a different way on the national territory. Guidelines should be introduced to ensure the homogeneous application of the law to those entitled;
- the article, in some parts, is ambiguous: it is necessary to simplify to better protect victims;
- the protection of the victim occurs too late, without sufficient guarantees for the victims and is limited in its possibilities.

Despite the fact that article 18 of T.U. has some limits, it can be considered an important and innovative norm, appreciated not only at the national level, but also at the international level ¹²⁰. Therefore, this article is an important step towards better protection of victims.

The Italian Government introduced the bill No. 5839 “Misure contro il traffico di persone” ¹²¹ on 23 March 1999, which introduces into the Italian Penal Code new cases, such as the crime of trafficking and the new concept of servitude. The approbation of this bill is another important step forward in the protection of victims. In fact, it is a specific norm relating to trafficking and the possibility to struggle against other forms of exploitation such as debt bondage.

¹¹⁹ Giammarinaro M.G., Prime valutazioni sull’attuazione delle norme sul traffico di persone, in ASGI Diritto, Immigrazione e cittadinanza, No. 3, 2000, pp. 53–61.

¹²⁰ United State of America have recently ratified a law on trafficking in persons and they have explicitly referenced to Italian art. 18.

¹²¹ Virgilio M., Le nuove schiavitù e le prostituzioni, in ASGI Diritto, immigrazione e cittadinanza, No. 3, 2000, p. 45.

II. Government initiatives to protect female migrant workers and enforce their rights

2.1. Prevention and protection of the exploitation of female migrant workers ¹²²

Prevention

Over the past few years the Italian Government has carried out a number of measures to try, simultaneously, to prevent trafficking and to protect its victims.

Measures to prevent any kind of female migrants' exploitation have been mainly realised through bilateral agreements ¹²³ with origin, transit and destination countries.

To this end, several initiatives have been carried out:

- Awareness campaigns both in countries of origin and destination;
- Closer co-operation with the authorities and national policies;
- Strengthening border controls;
- Information sharing among countries of origin, transit and destination.

The Italian Government has made a remarkable initiative to introduce the crime of trafficking as a *crime against humanity* considered by article 7 of the International Criminal Court's Statute (ICC) ¹²⁴.

Protection

In this regard, article 18, examined in the paragraph § 2.4.2., is one the best actions by the Italian Government. This article gives to anyone trafficked the right to obtain a renewable six-month temporary residence permit if they participate in an assistance and integration program. Victims who denounce traffickers and testify in court are entitled to the same protection accorded witnesses who testify against such organised criminal groups as the Mafia. The main problem is that victims may not be aware of their rights. Fear for themselves and their families prevents many victims from seeking help as well from giving evidence. Unfortunately, in Italy no special measures provide for the family of trafficked women.

Women are helped to break their ties with the criminal organisation through:

- A legal temporary residence permit for trafficked women;
- A special witness protection programme by the authorities;
- Assistance and social reintegration programmes;
- Accommodation in safe houses.

¹²² By Simona La Rocca.

¹²³ See paragraph § 2.1.2. Bilateral agreement.

¹²⁴ The Treaty has been approved in Rome pn 17 July 1998.

Table 10: Protection and sojourn requested and obtained from March to October 2000

Protection and sojourn	Number of demands
Protection requests ex art. 18	908
Sojourn permits requested	480
Sojourn permits obtained	298

Source: Inter-Ministerial Committee, Department of Equal Opportunity, 2000.

Table 11: Women and minors trafficked protected by article 18, by country of origin

Country	Women	
	Adults	Minors
Albania	559	34
Bulgaria	82	–
Colombia	52	–
Morocco	77	–
Moldavia	134	17
Nigeria	1'430	13
Romania	127	15
Russia	54	–
Ukraine	141	–
Other nationalities	173	–

Source: Inter-Ministerial Committee, Department of Equal Opportunity, 2000.

The Italian Government has made a remarkable effort to co-ordinate action at the national level among the different actors: policy-makers, NGOs, etc. To this end, the Inter-ministerial Committee for the Co-ordination of the Actions to Struggle Against the Trafficking of Women (both sex exploitation and forced labour) was founded in February 1998.

Moreover, the Government has established special programs for the social integration of victims. The economic resources for the realisation of the programs have been provided by article 18 of the T.U. No. 286/1998. In 2000, 47 of these social programs have been activated.

Table 12: Regional distribution of the projects

Italian Regions	Number of projects
Lombardia	7
Veneto	6
Puglia	6
Piemonte	5
Lazio	5
Toscana	4
Campania	3

Italian Regions	Number of projects
Liguria	2
Emilia Romagna	2
Marche	2
Umbria	2
Sicilia	2
Friuli Venezia Giulia	1
Abruzzo	1
Molise	1
Multi-regional (Friuli, Campania, Puglia)	1

Source: Inter-Ministerial Committee, Department of Equal Opportunity, 2000.

Another interesting Governmental initiative has been the creation, on 26 July 2000, of a green number (800 290 290) against the trafficking of human beings. This number coordinates 15 call local centres offering information and help to women. Staff of special call centres direct those who need aid toward local NGOs, hospitals, police centres, religious groups and embassies. This main point service has managed, in its few months of activity, more than 17'000 calls, out of which more than 2200 have been victims of trafficking.

Furthermore, important action has been a national campaign of information regarding trafficking. Information is presented in six different languages. Television spots and messages have been posted on buses and on main streets. The main object is to create awareness among the public.

Special protection is anticipated for minors. As minors, they have right to:

- sojourn permit
- special safe homes and services
- intelligence and reception at police stations specifically addressing to minors.

A special commitment by the Italian police to fight against trafficking can be reported; special attention has been devoted to the training of officers and to the creation of special sections in charge of dealing with immigration matters.

2.2. Assistance and services ¹²⁵

Government assistance and services offered to migrant workers in exploitative occupation mainly consists of financing local programmes, described in paragraph 3.4. Activities for migrants in general will be reported here. It should be pointed out that specific action has been carried out directly by Government authorities in regards to assistance and services offered to those who have been victims of abuse (including trafficking).

Article 42, of the Immigration Act refers to measures for the social integration of migrants and bodies to promote such policies. The programming document (article 3,

¹²⁵ By Elena Marioni.

section 1, of Immigration Act), promulgated by presidential decree every three years¹²⁶, describes the areas of such interventions. The law gives general indications for integration policies, to be implemented at the local level. For this purpose, specific guidelines for the Regions, based on the programming document, are promulgated by decree of the Minister for Social Solidarity. The guidelines for 1998–2000 identified as areas of interventions, among other issues, information on the new legislation on immigration and, a map of experiences of women, children under age 18, and disabled persons. It should be said, however, that the guidelines are not binding for the Regions; according to the principle of subsidiarity, they can only suggest interventions. Moreover, the law does not intend to substitute Government action for that of the local authorities. For this reason, to benefit from the fund, each Region should co-finance at least 20 per cent.

The National Fund for Migration Policies (“Fondo nazionale per le politiche migratorie”) should finance annual programmes run both by the State, Regions and local authorities (article 45, of Immigration Act; decree of the President of the Council of Ministers of 28 September 1998, of 17 December 1998; and of 6 August 1999). For 1998, the budget of the fund was 36,400,000 euros of 35,200,000 euros; for 1999, amounts to be distributed between central authorities (20 per cent) and the Regions (80 per cent)¹²⁷.

Part of the fund of 1998 (20 per cent) was distributed between the Ministry of Interior 3,300,000 euros, for the interventions for the Regions involved with mass arrivals of foreigners (mainly Sicilia and Puglia); the Department of Social Affairs 3,800,000 euros, for integration measures at national level and for the activity of the Consultation Body for the problems of foreigners and their families; and the Commission for the Policies of Integration of Foreigners 207,000 euros.

Part of the fund of 1999 (20 per cent) was distributed between the Ministry of Interior 2,066,000 euros to face special protection measures for populations fleeing from the Balkans; the Commission for the Policies of Integration of Foreigners 465,000 euros, the National Body for the coordination of policies of social integration for foreigners at the local level 259,000 euros; Puglia Region 1,163,000 euros and the Department of Social Affairs 3,078,000 euros for integration measures at the national level and for the activity of the Consultation Body for the problems of foreigners and their families.

The criteria for the distribution of the fund between the Regions take into consideration the size of the migrant population, the proportion between migrants and the local population, and special conditions of urban area (as well as unemployment rates).

Among the priorities of interventions identified by each Region, it should be noticed that special attention is brought to measures for first-reception of foreigners. Lazio introduces the idea of actions to prevent discrimination (of foreigners in general), Marche and Tuscany express the intention to establish reception centers and develop specific activities for women victims of trafficking, as well as actions for equal opportunities and the safeguard of differences.

Establishment of a Commission for the Policies of Integration of Foreigners (Commissione per le politiche di integrazione degli immigrati), at the Department of Social Affairs, Presidency of the Council of Ministers, by Decree of the President of the Council of Ministers of 7 July 1998, (article 46 of Immigration Act). The Commission acts as a consulting body to the Government and is competent to answer relevant questions on the integration of migrants, actions against racism and intercultural issues. With a Formal

¹²⁶ Presidential decree of 5 Aug. 1998.

¹²⁷ Zincone, G. (a cura di). *Primo Rapporto sull'integrazione degli immigrati in Italia*, op.cit.

Proposal No. 3, of 26 April 1999, the Commission expressed the wish for a complete database on foreigners in Italy.

Establishment of a Consultation Body for the problems of foreigners and their families (“Consulta per i problemi degli stranieri e delle loro famiglie”), at the Department of Social Affairs, Presidency of the Council of Ministers, by Decree of the President of the Council of Ministers of 27 October 1998, amended by Decree of 14 March 2000 (Immigration Act; art. 42, §4; Presidential Decree No. 394 of 31 Aug. 1999, art. 55). Representatives of associations for services to migrants and of migrants associations, of central and local authorities and experts participating in these consultations, periodically meet and make suggestions for the enforcement of the new Immigration Act of 1998, to be introduced in the immigration policies programming document (Immigration Act, art. 3). The Consultation Body has identified the safeguard of pregnancy of women foreigners, and representation of migrants as specific areas of interest.

Establishment of a committee for foreigners under age 18 (“Comitato per i minori stranieri”), by Legislative Decree of 13 April 1999, amended by Decree of the President of Council of Ministers No. 535 of 9 December 1999 (Immigration Act, art. 33). The Committee should develop its activity in order to guarantee special assistance to foreigners under age 18 during the repatriation process, mainly in regard to family tracing and procedures of temporary adoption when necessary.

Establishment of a national body for the coordination of policies for social integration of foreigners at the local level (“Organismo nazionale di coordinamento delle politiche di integrazione sociale dei cittadini stranieri a livello locale” at the national Council for Economics and Labour), (Immigration Act, art. 42, §3). More specifically, its role consists of accompanying and sustaining local processes of integration of foreigners and their representation, and to promote confrontation between different institutions at the institutional and at local level.

Establishment of an intra-ministerial committee to coordinate Government action against the trafficking of women and minors for sexual purposes (“Comitato interministeriale di coordinamento delle azioni di governo contro la tratta di donne e minori a scopo di sfruttamento sessuale”), at the Department of Equal Opportunities, Presidency of the Council of Ministers, by Decree of the President of the Council of Ministers of 28 February 1998, with functions for the study and the analysis of the phenomenon of trafficking of women and children un age 18.

Establishment of an intra-ministerial commission for the implementation of article 18 of Immigration Act, at the Department for Equal Opportunities, Presidency of the Council of Ministers, by decree of the President of the Council of Ministers of 11 November 1999. The main purpose of the commission is to control the implementation of article 18, of the Immigration Act and its interpretation, and to identify integration processes for victims of trafficking. Among the activities undertaken by the committee should be noted a mass media campaign to make the population aware of the problem of trafficking, and the establishment of a 24-hour-a-day green number, which provides information and registers requests for intervention, in coordination with a widespread network of assistance services for victims, to help trafficked to abandon their condition. Moreover, the committee has also undertaken considerable activity to finance local projects of associations involved in the integration of victims of trafficking.

A Consultation Table on trafficking has been created for the exchange of opinions and possible intervention on this issue, aiming to open to inter - communication with migrant women.

By suggestion of the committee, a proposal for the institution of an Office against discriminations¹²⁸, that could receive requests of interventions in cases of discrimination (including sexual discriminations), was introduced in Financial Act for 2001.

The National Commission for Equal Opportunities (“Commissione nazionale per la parità tra uomo e donna e le pari opportunità”), at the Department of Equal Opportunities, Presidency of the Council of Ministers, has been established by Decree of the President of the Council of Ministers No. 405, of 28 October 1997. The Commission should organize support for the Ministry of Equal Opportunities, established in 1996¹²⁹, which promotes actions for equal opportunities between men and women. A directive of the President of the Council of Ministers of 27 March 1997¹³⁰, to implement effective measures for reforming policies for equal opportunities between men and women, by stating positive actions and objectives to be undertaken by the competent Ministries for the enforcement of the Beijing Platform of Action on women. Among such actions, specific reference is made to actions to combat irregular work, as well as actions fighting violence in personal relationships and “forced prostitution” — for this purpose aiming to establish a permanent body for the observation of the phenomenon of violence against women and children under age 18, and to promote effective actions to combat “forced prostitution”. The Department of Equal Opportunities has, thus, financed programmes for 18,600,000 euros to implement measures for female employment and self-employment, in favour of disadvantaged women and women with difficult integration in the labor market, thus, with possible extension to migrant women workers¹³¹.

2.3. Migrant workers’ freedom of association¹³²

After a general overview on Italian provisions acknowledging freedom of association, with particular reference to migrants’, a consideration is to be made of actual influence of associations on immigrants’ life. Immigrants’ associations have given in the past, and continue to give, an essential contribution to immigrants’ welfare, providing them with effective support under several aspects; however, under certain conditions, they can also spread a bad influence over migrant women’s potentiality of emancipation.

Right of association with particular regard to migrants: the legal framework

Migrant workers’ freedom of association is implied in the general freedom of association and in the workers’ right to join trade unions, acknowledged by our Constitution among basic individual rights. A specific reference to migrants’ freedom of association can be found in the Immigration Act, *i.e.* Law no. 286 of 1998, in the relevant Implementation Act, the Presidential Decree No. 394 of 31 August 1999¹³³, and in the Governmental Action Plan for Immigration 1998–2000 (“Documento Programmatico relativo alla politica dell’immigrazione e degli stranieri nel territorio dello Stato”).

¹²⁸ In accordance with Council Directive No. 2000/43/EEC, of the Council of European Union, of 29 July 2000.

¹²⁹ The functions of Ministry of Equal Opportunities are regulated by Decree of the President of the Council of Ministers of 12 July 1992, amended by Decree of the President of the Council of Ministers of 10 Nov. 1998.

¹³⁰ Published in Gazzetta Ufficiale della Repubblica Italiana, No. 116, of 21 May 1997.

¹³¹ Project “Per La Donna”, proposed by the Municipality of Empoli, in collaboration with the Province of Torino and the Lazio region, “Labour projects for migrant women”.

¹³² By Giuseppina D’Alconzo.

¹³³ For an extensive analysis of those acts, see paragraph 2.2.

Relevant provisions are:

- a) *Italian Constitution* : articles 2, 17, 18, 39
- b) *Law 286/98*: articles 2 c) 1 and 2, 38 c) 4, 42, 44 c) 12
- c) *Implementation Act 394/99*: articles 45c) 6, 52 ff., 57c) 1 let. f), 60c) 3
- d) *Action Plan for Immigration 1998–2000*: section 3.

The Italian Constitution refers to freedom of association at its beginning, in the context of the general acknowledgement of fundamental human rights. According to art. 2, the Italian Republic recognises fundamental rights to the individual as such, as well as in the context of associations he/she joins. In art. 17 our Constitution provides freedom of peaceful reunion, and in art. 18 it specifically addresses freedom of association. According to the latter, all citizens have the right to form associations whose objectives are not forbidden by penal laws. Associations are banned only if secret or pursuing political aims through military organisations. Such Constitutional provisions apply also to immigrants on the basis of art. 2, c) 2 of Immigration Law, which provides that “Foreign people legally resident within the Italian territory enjoy all civil rights granted to Italian citizens...”.

In the context of the acknowledgement of workers’ rights, art. 39 of Italian Constitution explicitly foresees freedom of workers’ associations (trade unions), provided they are organised on a democratic basis. Trade unions can represent workers in the general negotiation with the employers.

Immigration Act 286/98 formally recognises the role of immigrants’ association in the process of integration, providing for migrant’s direct involvement at different levels, even in co-operation with institutional bodies. Art. 38 is devoted to cross-cultural education at school: according to it, school are called to valorise cultural differences, and to promote initiatives addressed at integration and the defence of the culture and language of origin of foreign children. In order to carry out those activities, schools can co-operate with associations of immigrants operating in the relevant regional area. A general involvement of immigrants’ associations in Governmental activities in favour of integration is provided for by art. 42. Pursue to such provision, national Government and local institutions (Regions, Provinces and Municipalities) should promote, in co-operation with those associations, activities in favour of immigrants legally resident, such as courses of language of origin, awareness-raising campaigns on migrants’ rights, valorisation of migrants’ culture of origin and actions for prevention of xenophobia and racism. Other activities to be realised jointly with migrants’ associations are vocational courses for public officers working with foreigners, or in the field of immigration. Associations of migrants falling under specific criteria — established by the Implementation Act — are enrolled under a specific list at the Department of Social Affairs, body of the Cabinet of the President of Council of Ministers. Moreover, the Immigration Act provides fo a Council for matters of migrants and their families, chaired by the President of the Council of Ministers, in charge of dealing with all regards life conditions of immigrants and relating policies. Two representatives of migrant workers sit in that Council. A reference to the role of migrants’ associations is also made in the context of Article 44, providing civil action against discrimination¹³⁴. In c. 12, it is provided that local institutions, in cooperation with migrants’ associations, shall institute centres to monitor and study racism, providing legal counsel to foreign victims of discrimination.

¹³⁴ For an extensive consideration of the system laid down by that provision. See para. 2.3.

The Implementation Act no. 394/99 executes guidelines and rules provided by the above-described Immigration Law, among them those relating to integration policy. Article 45 c) 6, in compliance with the above-mentioned article 38 of the Immigration Act, provides that schools' Governmental bodies should promote agreements with migrants' associations in order to carry out initiatives of cross-cultural education and courses in the language of origin of foreign children. Articles 52 and following rules governing activities of associations working in favour of immigrants, among them migrants' associations. Article 57 deals with the Local Councils of Immigration, operating in the context of Provincial Bodies, and provides that at least two representatives of migrants' associations operating at the local level participate in the Council.

The Action Plan for Immigration 1999–2000 has been adopted in compliance with the above-mentioned Immigration Act. In its third part, devoted to immigration policy, the act explicitly acknowledges the role played by migrants' associations in integration, according them the possibility of public funding to carry out initiatives.

Italian legislation, through the enactment of the above-mentioned Immigration Act No. 286/98 and Implementation Act 349/99, has eventually given a certain legal acknowledgement to the role played in Italian society by immigrants associations, as they developed from informal national communities born after the early migratory inflows.

Joining an association: identity, protection, representation, integration

The participation of immigrants in associations has a beneficial effect on their welfare, at several levels. Given the rather recent role played by Italy as country of immigration, this is a “new” issue for Italian experts, and has been addressed by a few analytical studies, mostly carried out at the local level.

The research reports recurring affirmation of the role played by migrants association in the improvement of their members' and users' living conditions. According to many experts - among them a leading scholar dealing with the conditions of migrant women¹³⁵ — migrants' associations affect migrants' life at three different levels:

- **identity:** The roots of these associations, originating from national groups of immigrants, make an essential contribution to the preservation and promotion of the culture of countries of origin. By creating occasions for meeting among nationals, by celebrating the main religious and civil festivities, by maintaining frequent contacts with the countries of origin, migrants' associations have a remarkable effect on the inner and psychological “identity”, that is, the awareness of one's own roots, as well as the re-interpretation and integration of values, rules, features¹³⁶;
- **protection:** many migrants' associations play a role in the protection of migrants' rights. Primarily, they offer a unique occasion for information exchange and solidarity among migrant workers¹³⁷. There exist, in Italy, mono-ethnic associations of migrant women particularly committed to self-help, such as those of Filipinos and Capoverdians. Moreover, many of them are explicitly aimed at helping immigrants (male and women) in claiming their rights. This trait is particularly evident, as regards

¹³⁵ Campani G. Amiche e sorelle, in Vicarelli G., *Mani invisibili. La vita e il lavoro delle donne immigrate*, op. cit., p. 189.

¹³⁶ IREF, 4° Rapporto sull'associazionismo sociale. Con il patrocinio del CNEL, Cens, Milano, 1993; Palanca V. *Guida al pianeta immigrazione*, Editori Riuniti, Rome, 1999, p. 106.

¹³⁷ IREF, 4° Rapporto sull'associazionismo sociale, op. cit.

women migrants, among organisations of Italian and foreign women. Several among those associations, such as Ass. ALMATERRA in Turin and Ass. TRAMA DI TERRE in Imola, deal, in co-operation with Italian institutions, with projects in favour of women ¹³⁸;

- **representation:** associations of immigrants operating within Italian society and interacting with institutional and private organisations, are nearly the only political way that migrant workers in Italy have to make themselves visible and defend their rights. Our legislation still does not accord immigrants right to vote, not even at the local level. A draft law on this issue has been under discussion in Parliament for several months, but its course is troublesome, as adoption requires amending our Constitution. Thus, participation in those associations, and the presence of their representatives in the above-mentioned institutional bodies, grant immigrants an alternative form of political representation ¹³⁹;
- **integration:** thanks to contact with various Italian counterparts (private institutions, associations, media), members of migrants' association have the possibility to interact with different components of Italian society. Their activities give immigrants a certain visibility among the general public, thereby, contributing to a better awareness of their conditions. In this point of view, migrants' associations can be regarded as a powerful means of integration ¹⁴⁰.

The above-mentioned elements also refer to the particular reality of migrant women's associations. An additional specific feature of their involvement in associations should be underlined: migrant women are often members of associations where the gender approach prevails, that is to say "associations of women" ¹⁴¹, where migrant and native women are involved, regardless of their national/ethnic origin, employment or social conditions. This approach is positive in that it also enables many migrant women to overcome the often narrow — rather than supportive — reality of their own national community.

Risks in the associations' role: social control and exclusion

As mentioned, migrants' associations play a substantial function as agents of integration. However, their action implies risks that cannot be disregarded. A trend of some migrants' groups (especially mono-ethnic and isolated ones) to control their members' behaviour has been observed. As an agent to preserve traditions, the national group and its associations, can discourage migrants from adhering to new values and adopting life-styles, in the process of integration within the society of the hosting country ¹⁴². Principal victims of control are young people and women. For the latter, the social control by their group's male members can constitute a serious obstacle to emancipation from traditional roles. Moreover, some migrant workers experience their national association as the only possibility for solidarity and social relationships: this attitude leads

¹³⁸ See para. 4.3, on initiatives by private organisations.

¹³⁹ CNEL, Primo rapporto sulla rappresentanza degli immigrati, Cnel, Rome, 1999. IREF, 4° Rapporto sull' associazionismo sociale, op. cit.

¹⁴⁰ Palanca V., Guida al pianeta immigrazione, op. cit., p. 107; Cecconi S., Il ruolo delle associazioni di immigrati nel processo di integrazione, in Dimensioni dello sviluppo, No. 2, 1997.

¹⁴¹ Campani G., Amiche e sorelle, in Vicarelli G., Mani invisibili. La vita e il lavoro delle donne immigrate, op. cit., p. 190.

¹⁴² Palanca V., Guida al pianeta immigrazione, op. cit., p. 108.

them to regard anything external to that association as the “enemy”¹⁴³. Sometimes this diffidence is aggravated by the singling out of the élite of the migrants’ community, thereby, disregarding the needs of the majority of the immigrants¹⁴⁴. In this point of view, the national associations, in certain conditions, could be factors of social exclusion.

In consideration of both the great potential of migrants’ associations to improve migrants’ conditions, and their risk of worsening isolation, an improvement in the relationship between them and different actors of the Italian landscape is deemed necessary.

¹⁴³ Berti F., La funzione di controllo sociale dell’associazionismo tra immigrati: tre casi in Provincia di Siena, in Scidà G., I sociologi Italiani e le dinamiche dei processi migratori, Fondazione CARIPLO–ISMU, Franco Angeli, Milano, 2000, p. 106.

¹⁴⁴ Giannetti D., La partecipazione politica degli immigrati: strutture di voice e di rappresentanza, in Granaglia E., Magnaghi M., Immigrazione: quali politiche pubbliche? Franco Angeli, Milano, 1993.

III. Private initiatives to protect female migrant workers and enforce their rights

3.1. Awareness-raising on migrant workers rights and advocacy of pro-migrant legislation changes ¹⁴⁵

Awareness raising on migrant workers rights

Since the 1980s, private associations have mainly substituted for local authorities in providing such services as housing, healthcare, basic needs, and legal counsel, and have only recently begun lobbying on migration policies that safeguard migrants and promoting action against discrimination of women.

Since the discussion of the draft law on immigration, religious associations (namely: Caritas Diocesana, The Federation of Protestant Churches in Italia, Refugees and Migrants Service (FCEI–SRM), Comunità di Sant’Egidio, Gruppo Martin Buber, Ufficio Centrale per gli Studenti Esteri in Italia (UCSEI), Associazione Centro Astalli, Jesuit Refugee Service in Italy (JRS), Centro Studi Emigrazione Roma (CSER), ADRA Italia, Associazione Comboniani per gli Studenti Esteri (ACSE), Associazione Cristiana Lavoratori Italiani (ACLI) and Migrantes–Fondazione della Conferenza Episcopale Italiana) have organised into an informal group, the “Gruppo di riflessione dell’area religiosa”, advocating for the protection of migrants’ rights.

On the other hand, Associazione di Studi giuridici sull’immigrazione (ASGI), created in 1990 to study questions relating to immigration, together with Magistratura Democratica, has been involved in the draft of a number of proposals and amendments to the Immigration Act. Furthermore, ASGI and Magistratura Democratica periodically publish a review on legal aspects of migration, “Diritto, immigrazione e cittadinanza”, thus trying to raise awareness on problematic issues in the enforcement of immigration laws.

Furthermore, other associations, mainly from the non-denominational area, Consorzio Italiano Solidarietà (ICS), Casa dei Diritti Sociali (CDS), CTM–Movimondo, ARCI–Nuova Associazione, collaborate to raise the general population’s awareness of migration questions with lobbying activities and mass-media campaigns.

Contact between different associations from different areas has always been strong to draw attention to the difficult conditions of migrants, especially before the competent legislative and administrative bodies.

At the time of the approval of the Immigration Act, lobbying activities were intensely coordinated. In regards to its implementation, however, action is more diffuse. The number of competent authorities involved in the enforcement of the law have increased with authority on immigration issues split between different ministries: Ministry of Labor, Ministry of Social Solidarity, Ministry on Interior, and their internal offices. Identifying the target of lobbying action is sometimes difficult.

With specific regards to the awareness of women migrants’ rights, attention should be drawn to the migrant women’s organization, Associazione Nodi, which has fought for maternity benefits for foreign women obtaining, at least, that migrants with a sojourn card (issued after five years of residency) may benefit from these benefits.

¹⁴⁵ By Elena Marioni.

Finally, the invisible work by workers' associations for the enforcement of legislation, out of a deep knowledge of the laws and the daily fight against public bodies, should not be forgotten.

However, it cannot be disregarded that representatives of associations are more involved in providing assistance services and counseling to migrants (services not provided by the public authorities) than raising awareness of migrant workers' rights, a greater coordination among associations could surely help enforcement of migrants' rights. Initiatives such as coordination tables should be developed.

Advocacy of pro-migrant policies and legislation changes

In the early 1980s, foreign workers were seen by trade unions as an heterogeneous group leading to its fragmentation¹⁴⁶. Since 1993–1994, as registrations of foreign workers have increased, most representative trade union organisations, namely Confederazione Generale Italiana del Lavoro (CGIL), Unione Italiana del Lavoro (UIL), and Confederazione Italiana Sindacati Lavoratori (CISL) have made efforts to adapt their organizational models and methods of intervention.

Different ways have been undertaken. The CGIL consolidated its structure, separating two different functions. The first of these two functions is the assistance and protection of migrants' basic rights (by stepping in to provide services not provided by administrative bodies, at the local and national level), and by developing local centers for immigrants. The second function is to contract activities and provide trade union protection to migrant workers, within the competence of the Federations of each category. The CISL and, similarly, the UIL took into consideration mainly contracting functions, delegating specific assistance to Associazione Nazionale Oltre le Frontiere (ANOLF), an association of voluntary workers created in 1991, locally dislocated.

At the end of the nineties, with the registration rate of foreign workers increasing in number, trade unions reviewed their strategies¹⁴⁷. The CISL model was not able to approach the problem comprehensively, nor combat the vision of migration as a "separate world". The CGIL's strict division of functions between assistance services and trade unions confederations reproduced, inside trade unions, a separation close to the one of the receiving society, deeply in contrast with its main purpose to unite workers. Hence, the question of the best organisation model of trade unions to enhance the value of migrant workers is still under discussion.

A new trend among trade unions is their fight against discrimination of migrant women¹⁴⁸. A recent study of IRES–CGIL¹⁴⁹, emphasizing the difficulty of identifying direct and indirect discrimination against women in such fields as work, housing, bank services¹⁵⁰ and health services, and the strict burden of proof especially for victims of sexual

¹⁴⁶ Allievi, S. Immigrazione, mondo del lavoro e sindacato: quando la storia si ripete, in *Prospettiva Sindacale*, No. 78/80, 1991.

¹⁴⁷ Mottura, G. Immigrati e Sindacato, in Pugliese, E., op. cit.

¹⁴⁸ Daniela Bua, Il ruolo delle associazioni, dei sindacati, delle istituzioni, dello stato, per lottare contro le discriminazioni agite verso le donne migranti, in *Razzismo e discriminazione sul lavoro*, Working Paper No. 7, Seminario dell'Osservatorio sull'immigrazione, IRES–CGIL, Rome, 200 (to be published).

¹⁴⁹ Daniela Bua, see below, op. cit.

¹⁵⁰ Associazione Lunaria, *Migranti e banche: facilitare l'accesso dei migranti ai servizi bancari*, Rome, Sep. 2000.

harassment and indirect discrimination, develops legislative, judicial and mass media intervention for positive action for equal opportunities.

In fact, efforts have been concentrated to obtain efficient laws against discrimination. For this purpose, the establishment of an Office against discrimination (NAME?) and of a green number have been introduced in the new Financial Act 2001 (provision not approved). In addition, to improve laws against discrimination, trade unions have asked for a provision to transfer the burden of proof to the accused, in accordance with the Directive of the European Union on equal treatment of June 29, 2000¹⁵¹, considering that migrant women workers are extremely vulnerable in this context.

Trade unions advocate periodically for the increase of the annual quotas on immigrants to be admitted to Italy¹⁵².

On the one side, trade unions support mass media campaigns, counseling services in labor law, the lobbying of public bodies, and courses for public employees to raise awareness of women migrants needs. As a comprehensive approach to the role of mass media regarding women migrant workers, a widespread campaign against racism and discrimination by the CGIL–CGIL is noteworthy. Moreover, an interesting and efficient example of coordination between trade unions, industry and local administrative bodies (i.e., Regions, Provinces and local bodies) is the agreement signed on 27 September 2000, in the Veneto Region to promote initiatives for migrant workers in this area regarding integration and equal opportunities.

At the same time, trade unions encourage initiatives to empower migrant women, promoting their representation in national, regional and local administrative bodies. More visibility for representatives of women's associations enables them to fight personally for their rights and leads to "normal" (and not only "special" — i.e. for migrants only) interventions in this area.

In conclusion, it should be said that trade unions are aware of the importance of new methods to fight discrimination, including both analysis and coordinated action involving legislative, judicial and administrative bodies (at all levels) and private associations operating in the field (particularly, women migrants associations). Furthermore, they are conscious that discrimination is not a prerogative of foreign women and that Italian women should be involved to reach sincere cooperation between the different populations (and not only integration of foreigners).

3.2. Assistance and support services provided by private initiatives¹⁵³

The present paragraph is based upon the analysis of some projects carried out by private organisations in Italy. After a general reference to involvement of the non-profit sector in the protection of migrants, an attempt is made to single out general trends of private bodies working in this field.

¹⁵¹ Council Directive 2000/43/EEC, of 29 June 2000, and Council Directive 97/80/EEC, of 15 Dec. 1997, on the burden of proof in case of discriminations on the grounds of sex.

¹⁵² Trade unions (as well as Confindustria) have formally expressed their disapproval of entry quotas for foreigners for 2001, estimated in 63'000 individuals in a draft of the decree of the president of the Council of Ministers, see Casadio, G., *La Confindustria boccia il piano per gli immigrati*, in *La Repubblica*, 19 Dec. 2000.

¹⁵³ By Giuseppina D'Alconzo.

Among the activities and projects considered, particular reference is made to a successful experience carried out by an association of native and migrant women in Turin.

Non-profit sector in Italy and its involvement in the protection of migrants

A general introduction of the role of non-profit organisations working for social welfare in Italy is necessary, given the particular situation characterising our country. In fact, in Italy the majority of social welfare services is managed by private associations. Our Government does not directly take charge of caring for and supporting disadvantaged people (migrants, homeless persons, drug-addicted persons, and so on). The field of social and welfare services, in general, and, to some extent, the field of culture, have been traditionally dealt with by private organisations of religious or non-denominational inspiration. Governmental and local bodies usually fund private associations and organisations to manage social services, among them support services for immigrants (reception and residential centres, legal counselling services, canteens, etc.). This implies a sort of “delegation” of many Governmental functions to private bodies, with both positive and negative consequences:

- **problems:** given the economic dependence of associations on Governmental funds, they cannot make long-term plans. This limitation is also due to the system of funding: in fact, institutions usually fund single one-year projects and not the associations themselves, with all their activities. Moreover, institutions usually select needs to be addressed and establish programmes devoted to determined categories. Due to this framework, associations cannot select and single out freely the targets of their intervention, and sometimes this can jeopardise the effectiveness of their action.
- **positive consequences:** the paramount involvement of private association in the direct managing of services for immigrants has a beneficial effect on the creation of links and relationships between the immigrant and Italian population. As many citizens volunteer in private organisations and charities, and given the general proximity of these associations to Italian society, Italians are possibly more aware of migrant conditions thanks to this system. The existence of channels of direct information on real problems of immigrants works, in this point of view, as an efficient instrument against racism and xenophobia.

Another important element to be taken into account is the number of Italian private organizations working in the field of immigration, and their increasing number, reported during recent years. According to research by *Censis* and *Labos*, carried out at the beginning of the 90s, nearly 500 associations were working in the field of immigration in that period¹⁵⁴. Presently, according to FIVOL (Italian Foundation for Voluntary Service)¹⁵⁵, some 1'000 associations work in the field of immigration, which is a very high portion. Fifty percent of these associations have Italian leadership; the rest are led by migrants. These associations are mostly present in the following regions: Piemonte, Lazio, Lombardia, Emilia Romagna. Research on associations of all categories by ISTAT (National Institute for Statistics) confirms that, among the disadvantaged people most frequently assisted by these associations, 5,2 per cent are migrants¹⁵⁶.

¹⁵⁴ CENSIS, *Immigrati e società Italiana*, Conferenza nazionale dell'immigrazione, Cnel Editalia, Rome, 1991, p. 234; LABOS, *La presenza straniera in Italia*, T.E.R., Rome, 1990, p. 95.

¹⁵⁵ Reported by Carchedi F. *Le associazioni degli immigrati*, in Pugliese E., *Rapporto Immigrazione*. Lavoro, sindacato, società, op. cit, p. 157.

¹⁵⁶ ISTAT, *Le organizzazioni di volontariato in Italia*. Anno 1999, 4 May 2001, Roma, in www.istat.it.

Projects addressed to women migrant workers: some characteristic elements

To single out the common traits of projects devoted to migrants in Italy, a range of activities carried out by private associations has been considered. The projects listed below, whose titles are followed by the name of the implementing associations, are the more representative ones taken into account:

- 1) *L'impresa di essere donna*, implemented by COSPE (Florence), Almaterra (Turin), Ucodep Movimondo (Arezzo)
- 2) *Centro Almamater*, of Almaterra (Turin)
- 3) *Donne per le donne*, realised by Ass. Progetto Arcobaleno (Florence)
- 4) *Oltre la strada*, implemented by Centro Donne Giustizia (Ferrara)
- 5) *La mediazione culturale nei servizi socio sanitari dell'area materno-infantile*, and other projects in the field of pregnancy and infant care, implemented by Ass. Crinali (Milan)
- 6) *Sportellodonna per donne immigrate*, implemented by FILEF (Milan)
- 7) *Sportello Informadonna per donne immigrate*, implemented by CISL Bologna
- 8) *Luce nera*, implemented by ECAP (training institutional of CGIL) Ravenna and other projects implemented by other ECAP of Emilia Romagna region
- 9) *Centro multilingue di accompagnamento ed informazione "Il Ponte"*, implemented by NOSOTRAS-COSPE (Florence)
- 10) *Per.La.Donna*, implemented by SOLCO (Rome), Universo Donna (Rome), and other organisations, promoted by the Municipality of Empoli, Torino Province, and Lazio Region
- 11) *Progetto LUNA, Modello di osservatorio permanente sugli atti di discriminazione contro donne immigrate*, implemented by CESFO
- 12) *Servizio per la tutela dei diritti delle donne immigrate*, realised by NODI, Roma
- 13) *Ufficio donne straniere*, Caritas Parma
- 14) *Ruth*, a programme to sensitise the public about the issue of forced prostitution and support to migrant women who wish to leave this activity, implemented by FCEI-SRM.

The following basic elements arise from the analysis of the above-mentioned activities:

Prevalence of the gender approach: projects in favour of migrant women are often funded by programmes addressed to women in general, by the European Commission (e.g. NOW) and by the Government's Commission of Equal Opportunities. Those projects address several target-groups of disadvantaged women (unemployed Italian women, female migrants, young mothers). This feature encourages the relationship between Italians and migrant women, but often impedes a specific approach to the latter's matters.

A certain number of the services reviewed have been realised by migrant women - or by migrant and native women jointly: this demonstrates the good level reached by the process of *empowerment* of female migrants but also stresses the lack of attention to specific problems of migrant women by those Italian organisation traditionally committed to the defence of migrants' rights.

The analysis of a large number of projects in favour of migrant women makes visible the lack of initiatives addressed to victims of trafficking and the lower attention devoted to other, even more frequent, matters affecting migrant women's life.

Many projects for women migrants address only one or two of their needs (see para. 4.3). This element certainly implies a good level of specialisation on determined issues; however, given the complicated reality experienced by those women, a consideration of all problems affecting their lives is necessary, and the risk of failure of fragmented actions is very high.

A successful experience: ALMATERRA in Turin

The idea that an association can properly address migrant women's problems only by considering them jointly (see para. 1.3 and above), has been adopted as a basic criteria in choosing the associations whose activities are to be presented in the context of the present analysis.

Among associations adopting this holistic approach, a particular role has been played by Association ALMATERRA¹⁵⁷, based in Turin (Piemonte), whose activities cover several fields and address all of the main needs of migrant women. ALMATERRA was founded in Turin in 1994 by native and foreign women of different nationalities to create a focal point for migrant women. Initiatives of ALMATERRA are mostly carried out at the Centre Alma Mater, where several permanent support services are placed.

Among initiatives carried out at the centre, particular reference should be made to: reception and cross-cultural mediation; the documentation centre; space for children serving as a cross-cultural kindergarten; legal support; workshops and vocational courses. Many initiatives promoting migrant women enterprises have been undertaken, in particular, a co-operative dealing with phytotherapy ("Almaplanta") and a traditional "Hammam" managed by migrant women. Courses of Italian language, cooking and sewing are being carried out.

Particular attention is devoted to housekeeping and care-taking work, through the organisation of courses and research aiming to retrain women working in this field and to increase knowledge of their conditions.

The activities of ALMATERRA and the Centre Alma Mater, in particular, are considered particularly successful even by Italian institutions that have funded many of them. Intervention of its leaders in workshops and conventions is always followed with great interest.

¹⁵⁷ Official website of the ALMATERRA Association: <http://www.arpnet.it/~alma/>.

4.3 Migrant workers organising themselves ¹⁵⁸

In order to meet the needs and rights of their communities, migrants tend to self-organise into associations. The mechanism which leads migrants towards stable forms of organisation becomes structurally efficient whenever they have the capacity and the opportunity to create relationships with local institutions (religious, voluntary organisations and trade unions) operating in different fields. Such relationships also represent the way by which they support the structuring and socio-political processes of growth.

The framework of migrants' organisations in Italy varies according to different historical phases. It depends on the relationship established between the leaderships gradually emerging and the part of population they represent. Also relevant are the relationships established by migrants' organisations with the Italian organisations operating in the same field and how much the latter support them in the process of socio-political growth ¹⁵⁹.

In general, just a few organisations have reached good levels of visibility. Over the years, many migrants' organisations arose autonomously or with the support of other organisations. They represent the emergence of the more dynamic and with the most members. Other organisations have closed, in the same way as similar Italian organisations.

A variety of migrants' organisations should be underlined. As far as possible classification is concerned, since the 90s some authors ¹⁶⁰ have differentiated them according to their ethnic composition. In this sense, organisations can be: mono-ethnic, i.e. characterised by the presence of groups of the same nationality (*Associazione delle Donne Capoverdiane*, *Commission for the filipino migrant workers*); pluri-ethnic, i.e. characterised by the presence of different national groups (*Associazione No.di* of Rome, *Associazione Proficua* of Milan); organisations in which there are both migrant and Italian components (*Africa insieme* of Pisa, *La casa dei diritti sociali* of Rome, *Associazione Alma Mater* of Turin).

Migrants' organisations carry out several activities in different fields: healthcare, charitable and socio-political initiatives, educational initiatives, trade union, culture. They often regard as competitors the Italians organisations that operate in the same field, as far as the access to economical resources are concerned (most of those came from projects): Italian organisations are more skilled in the planning and in the management of projects and present greater guarantees from the formal point of view.

It is important to underline that these organisations get support mainly from projects presented at administrative, national or European level.

As regards specific initiatives carried out by migrants' organisations to prevent migrant women from going into exploitative working conditions, it could be pointed out that these organisations are mainly partners of other local institutions carrying out such initiatives or projects. Furthermore, it is important to note that many of them (*CESDI*,

¹⁵⁸ By Simona La Rocca.

¹⁵⁹ Carchedi F. La condizione degli immigrati in Italia, in *Migrazioni. Scenari per il XXI secolo*. Op.cit., pp. 1015–1016.

¹⁶⁰ Labos (a cura di). *La presenza straniera in Italia*, T.E.R., Rome, 1990, pp. 96–98. Campani G, *Ethnic Mobilisation in a Multi-cultural Europe*, Centre for Research in Ethnic Relations, London, 1994; Cnel (a cura di). *Primo rapporto sulla rappresentanza degli immigrati*, Tipografia Rinascimento, Rome, 1999.

Alma Mater, Nosotras) have set up information centres where female migrants get information about their rights.

The participation of migrants in local socio-political dynamics represents one of the crucial aspects of integration in Italian society.

However, such a political and social process is not immediately recognised by the legislation because immigrants are still excluded from voting. Therefore, the action of migrants' organisations remains outside of the official political sphere as they cannot exercise the right to vote, neither actively nor passively¹⁶¹.

Table 13: Migrants' organisations within Italian regions

Italian Regions	Organisations
Piemonte	49
Val d'Aosta	1
Liguria	31
Lombardia	36
Friuli V.G.	2
Trentino A.A.	1
Veneto	49
Emilia R.	50
Umbria	10
Marche	8
Toscana	62
Lazio	128
Abruzzo	3
Molise	–
Campania	8
Puglia	24
Basilicata	–
Calabria	2
Sicilia	6
Sardigna	–

Source: Fivol, 1999.

161 Carchedi F, Le associazioni degli immigrati, in *Rapporto Immigrazione. Lavoro, sindacato, società*, Pugliese E. (a cura di), Ediesse, Roma 2000.

IV. Migrant workers' assessment of Governmental and private initiatives and suggestions for future interventions

4.1 Report of the Discussion Group

A one-day discussion group was held at FCEI on 3 April 2001, to learn the point of view of migrant women and their assessment of institutional and private initiatives addressed to them.

Several representatives of women migrants were present. Their comments allow us to outline the most urgent needs and to report their opinions of services provided by public and private bodies. None of the men invited to the meeting participated.

The framework of the meeting foresaw a general introduction and an initial brainstorming; afterwards, women were explicitly requested to answer questions by researchers on their perception of the most widespread needs and on the efficiency of the existing services. Finally, participants helped us draft a problem tree as well as an objective tree, in reference to access to employment (see below).

Disadvantages and needs:

- professional de-qualification, depending on non-recognition of their school and university degrees;
- increasing irregularity and infringement of rights in the context of domestic work (unequal salaries, several forms of discrimination, undue extra-work);
- difficulties implied in cohabitation with the family-employer;
- several obstacles to private family life;
- several cases of sexual harassment and violence;
- invisibility of real conditions of women migrants and over-visibility of the phenomenon of prostitution.

Questions about the services of associations and public bodies revealed the following assessment:

- scarce dissemination of information by the relevant bodies: each time an information booklet is released, very few copies are distributed to possible users;
- strong discrimination by authorities (especially as far as the mechanism of funding is concerned) among Italian and migrants' associations;
- low expertise on relevant issues by public officers working in touch with immigrants;
- institutional discrimination, due to the highly discretionary application of relevant laws by the local public bodies, such as the Police;
- negative trend to repatriation of victims of trafficking, disregarding the risks and the problems of re-integration in the country of origin;

-
- low involvement of migrant women in the drafting and implementation of projects carried out by Italian associations;
 - scarce cooperation between Italian and migrants' associations;
 - the impossibility, according to the law, to submit to the Government projects addressed to irregular migrants.

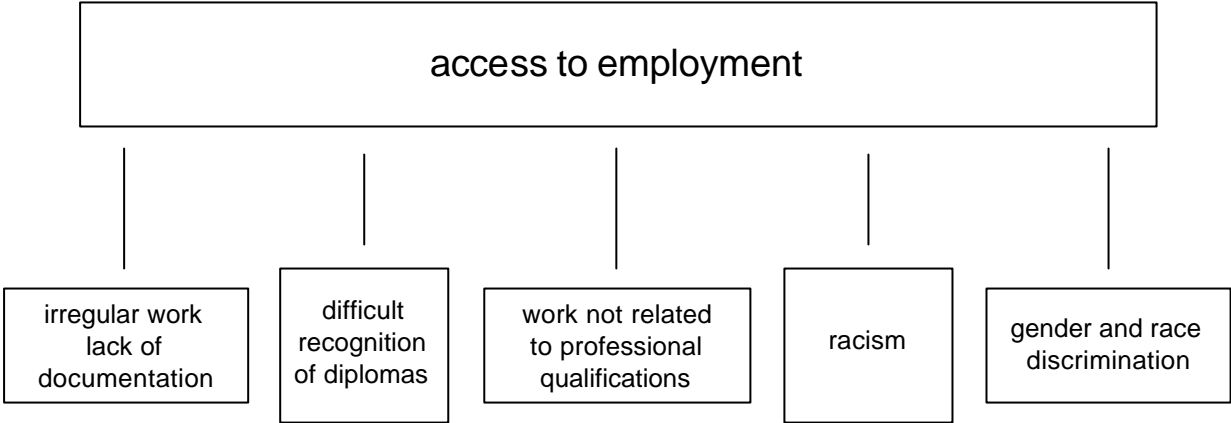
In general, a certain coincidence between results of the reading of relevant papers, and assessment of the "subjects" of the research can be noted. This demonstrates, on one side, the high quality of some studies performed in Italy on the issue and, on the other side, the permanence of some elements of difficulty underlined by scholars soon after the first flows.

Women participants in the meeting suggest that public and private bodies:

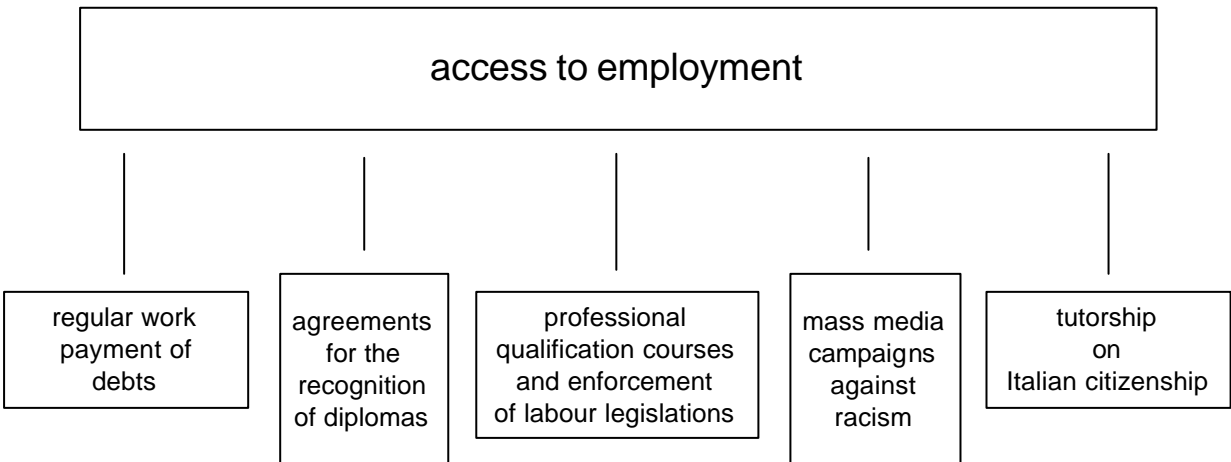
- improve communication among Italian and migrants' associations;
- promote associations of migrants as powerful means of integration, especially by increasing the funding of their initiatives;
- carry out campaigns against racism, even through TV advertisements;
- promote studies on the problem of sexual violence against migrant women working as housekeepers;
- promote information dissemination among immigrants;
- provide the possibility to address irregular immigrants with specific projects;

In general, a disregarding of migrants' associations' activities can be noted; the role they play in the process of integration (reference is made also to paragraph 3.3) should be acknowledged by the Italian institution also in order to understand and address these women's particular and often invisible needs.

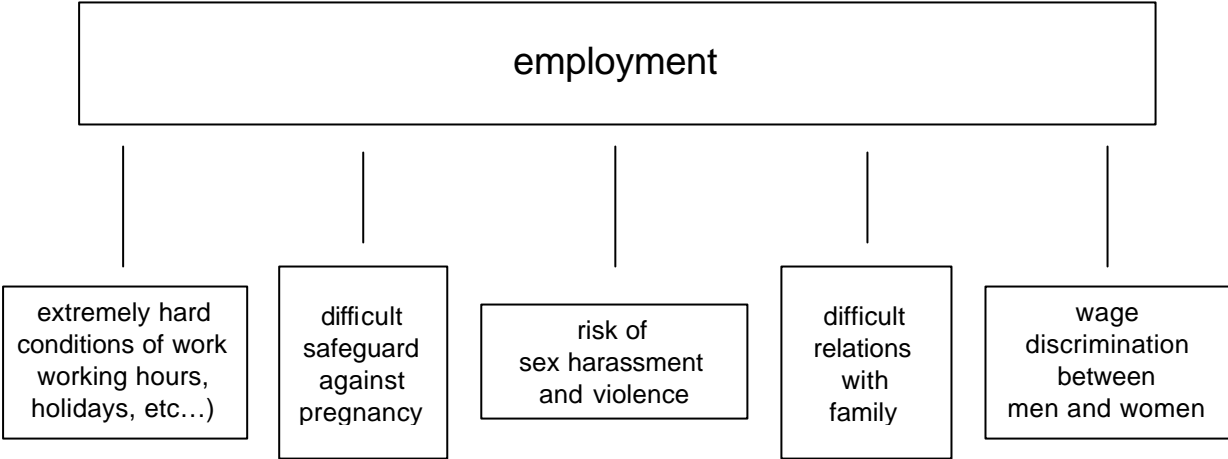
PROBLEM TREE



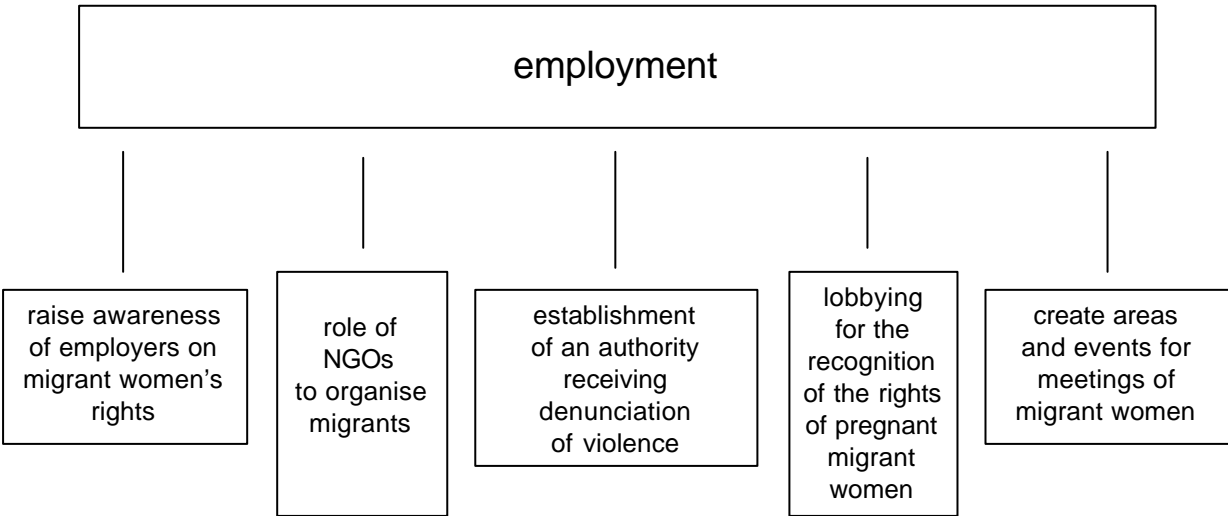
OBJECTIVE TREE



PROBLEM TREE



OBJECTIVE TREE



4.2. Suggestions and recommendations

The preceding analysis allows us to single out possible instruments to improve migrant women's conditions, with specific reference to the action of public bodies and private organizations.

Legal aspects

As far as Italian legislation is concerned, the results of the present research suggests the adoption of the following measures:

- extension of the application of art. 18 of the Immigration Act (measures granting protection and legal residence to exploited migrants) to all cases of exploitation, even if not connected to prostitution, such as serfdom conditions of work;
- protection granted not only to trafficked women, but also to their families; the repatriation of the victims should be voluntary. Victims' rights must be central at every stage of the investigation, trial and during the stage of readjustment;
- enactment of a law prosecuting crimes of trafficking in human beings (a relevant draft law is presently under discussion at the Parliament);
- application of all provisions of social benefits to migrant women, in particular: benefits for pregnant women and other economic support related to motherhood;
- enactment of provisions aimed at the emergence of irregular domestic service, such as fiscal benefits for employers and regularization procedures;
- establishment of an institutional body dealing with the equal treatment of individuals, and with the monitoring of discrimination on grounds of gender, race, ethnic origin, religion.

Government Action

As for the action of the Government, the listed actions are deemed useful:

- co-ordination between local and central authorities;
- to enable associations to perform long-term planning, it is important to reform the system of funding, allowing them to autonomously select needs and targets to be addressed;
- according fiscal benefits to companies donating funds to private associations, amending relevant legislation;
- providing for a specific budget line funding associations of migrants with particular attention to inter-ethnic ones.

Action of private organisations

Finally, private associations' action would become more effective if the following actions were carried out:

- co-ordination among organisations working in the field of immigration
- involvement of women migrants' representatives in the drafting and in the implementation of the projects
- consideration of the basic needs of women migrant women as a whole upon the implementation of projects, to avoid risks implied in fragmented activities
- promoting connections between organizations and companies at the moment of access to employment and professional re-qualification.

Conclusions

The present research has revealed the all-pervading invisibility of both the good and bad aspects of migrant women's presence in Italy, leaving us with a new, strong awareness of how disregarded and hidden these women are within our society. The promotion of actions of a different nature by the relevant bodies should have a principal goal: to lead them out of the shadow. Awareness of their needs, knowledge of the active role they play in the integration process in Italy, should suggest to our political leaders to give them more voice, more opportunities, more power.

As the research means to show, our Government and associations have taken relevant action, mostly in recent years. However, this action was only the first step, necessary to understand the framework and the traits of that reality, but calling for further development. The features of projects already carried out which have a good chance of reaching their targets, as underlined in the preceding paragraphs, suggest a track for further action. Among them, the connection of different kinds of intervention, as well as the involvement of migrant women at every stage of the projects, should be regarded as leading concepts.

Migrant women are the target group, but they can and should, also play an active role. Everything they have taught us during this research confirms the sharpness of their ideas and spirit of initiative.

Bibliography

- AA. VV. *Immigrazione: uno sviluppo da rivedere, una solidarietà da riscoprire*, Moie di Maiolati Spontini, Gruppo Solidarietà ed., 1992.
- . *L'immigrazione in Italia*, in *Il Mondodomani*, XXIII, 1, 2000, pp. 9–24.
- Agenzia Romana per la preparazione del Giubileo (a cura di). *Migrazioni. Scenari per il XXI secolo. Dossier di ricerca*, Convegno Internazionale, Roma 12–14 luglio 2000.
- Amaturo E.; Morlicchio A. *Immigrazione e identità femminile. Il caso della Comunità di Capoverde*, in Delledonne, *Immigrazione in Europa: solidarietà e conflitto*, Cediss, Roma, 1993.
- . *L'immigrazione straniera in Campania; primi risultati di un'indagine di campo*, in *La Critica Sociologica*, No. 88, 1988–1989.
- Ambrosini G. *Utiles invasori. L'inserimento degli immigrati nel mercato del lavoro italiano*, Fondazione CARIPLO-ISMU, Franco Angeli, Milano, 1999.
- , et alii. *L'integrazione subalterna. Peruviani, Eritrei e Filippini nel mercato del lavoro milanese*, in *Quaderni ISMU*, n. 3, Fondazione CARIPLO-ISMU, Franco Angeli, Milano, 1995.
- Ambrosini M. *L'immigrazione straniera in Lombardia: dalla conoscenza alle politiche sociali*, in *Immigrazione e società multietnica in Lombardia*, Fondazione CARIPLO-ISMU, Franco Angeli, Milano, 1996.
- . *Gli immigrati nel mercato del lavoro: il ruolo delle reti sociali*, in *Stato e Mercato*, No. 60/2000, p. 415.
- . *Travailler dans l'ombre. Les immigrés dans l'économie informelle*, in *Revue Européennes des Migrations Internationales* (15) 2, 1999, pp. 95–121.
- , Mandrini, S. (a cura di). *La tratta infame. La prostituzione delle donne straniere*, Oltre, Milano, 1996.
- Ancona, Cacucci, G. *Migrazioni mediterranee e mercato del lavoro*, Laterza, Bari, 1996.
- Arena, G. *Lavoro femminile e immigrazione dai Paesi Afro asiatici a Roma*, in *Studi Emigrazione*, XX, 70, 1983, pp. 177–189.
- ARES 2000 Onlus. *Il colore delle case, 1° Rapporto sulla condizione abitativa degli immigrati in Italia*, Roma, 2000, in www.ares2000.net.
- Arlacchi P., Schiavi, *Il nuovo traffico di esseri umani*, Rizzoli, Milano, 1999.
- Dipartimento Pari Opportunità, Commissione Nazionale per le Pari Opportunità. *Donne, migrazioni, diversità: l'Italia di oggi e di domani*, Atti del seminario tenutosi in Roma il 1° marzo 2001.
- Bales K. *"I nuovi schiavi. La merce umana nell'economia globale"*, Feltrinelli, Milano, 2000.
- Basso P., Perocco F. *Immigrazione e trasformazione della società*, Franco Angeli, Milano, 2000.
- Battaglini, M. T. (a cura di), *L'immigrazione femminile in Toscana: primi risultati di una ricerca/azione*, Regione Toscana ed., Firenze, 1996.
- Basa C. *Filippine. Il costo sociale dell'immigrazione femminile*, speech at the National Convention *Stati generali sull'immigrazione: politiche locali e percorsi di integrazione*, held in Vicenza on 12 January 2001.

-
- Berti F. *La funzione di controllo sociale dell'associazionismo tra immigrati: tre casi in Provincia di Siena*, in Scidà G., *I sociologi Italiani e le dinamiche dei processi migratori*, Fondazione CARIPLO-ISMU, Franco Angeli, Milano, 2000, p. 106.
- Biscottini G. *I diritti fondamentali dello straniero*, in Scritti in onore di V. E. Orlando, I, Cedam, Padova, 1957.
- . *Il principio di reciprocità nell'ordinamento italiano*, in *Diritto Internazionale*, 1967, p.40.
- Bonetti P. Molteni M., *Schede pratiche sulle nuove norme sull'immigrazione extracomunitaria*, Ed. a cura della fondazione Migrantes, Roma, 2000.
- Bonifazi C. *L'immigrazione straniera in Italia*, Il Mulino, Bologna, 1998.
- Borzaga C., Covi L. *L'immigrazione extracomunitaria*, in *Studi Emigrazione*, No. 13/1991, p. 33.
- Bragato, S. *I primi risultati dell'Osservatorio Regionale sull'Immigrazione del Veneto (ORIV)*, in *Economia e Società Regionale*, No. 3/1998, p.103.
- Brusca C. (a cura di). *Immigrazione e multiculturalità nell'Italia di oggi. Il territorio, i problemi, la didattica*, Franco Angeli, Milano, 1979.
- Cadoppi A. (a cura di), *Commentari delle norme contro la violenza sessuale e della legge contro la pedofilia*, Cedam, Padova, 1999.
- Calistri E., Riccio, V., Bortolotti F., Tassinari A. *Immigrati a Firenze: l'inserimento lavorativo, la comunità cinese*, Regione Toscana, Firenze, 1996.
- Calistri E., Tassinari A. *Il viaggio. Immigrazione e integrazione in un sistema locale*, Quaderni Ires Toscana, 1998.
- Callaioli A., Cerase M. *Il testo Unico delle disposizioni sull'immigrazione e delle norme sulla condizione dello straniero e la lotta alla discriminazione: una legge organica per la programmazione dei flussi, il contrasto alla criminalità e la lotta alla discriminazione*, in L. P., 1999, No. ½ p. 261.
- Calò E. *La nuova disciplina della condizione dello straniero*, Notariato, Rassegna sistematica e tecniche contrattuali, Quaderni IPSOA, Milano, 2000.
- Calvani S., Melis, M. *Gli schiavi parlano*, Manni ed., Lecce, 1999.
- Campani G., Carchedi, F., Tassinari, A. (a cura di), *L'immigrazione silenziosa. Le comunità cinesi in Italia*, Fondazione Giovanni Agnelli ed., Torino, 1994.
- Camplone T. *Io vivo nell'ombra. L'immigrazione in Abruzzo e le sue voci*, Regione Abruzzo, Assessorato alla Promozione Culturale, L'Aquila, 1997.
- Campani G. *Amiche e sorelle*, in Vicarelli G., *Mani invisibili. La vita e il lavoro delle donne immigrate*, Ediesse, Roma, 1994, p. 189.
- Campus A., Perrone L. *Senegalesi e marocchini: inserimento nel mercato del lavoro*, in *Studi Emigrazione*, 1990, 98, p. 191.
- Caputo G. O. *Salario di fatto dei lavoratori immigrati in Italia*, in Pugliese E., *Rapporto Immigrazione. Lavoro, sindacato, società*, Ediesse, Roma, 2000.
- Carchedi F. *La condizione degli immigrati in Italia*, in AA. VV., *Migrazioni. Scenari per il XXI secolo. Convegno Internazionale*, Roma, 12-14 luglio 2000, Dossier Ricerca, Vol. II, Agenzia Romana per Il Giubileo, Roma, 2000.
- . *La prostituzione straniera in Italia: analisi dei risultati dell'indagine sulle protagoniste e i modelli relazionali*, in Carchedi F., et alii (a cura di), *I colori della notte. Migrazioni, sfruttamento sessuale, esperienze di intervento sociale*, Franco Angeli, Milano, 2000.

-
- . *Le associazioni degli immigrati*, in PUGLIESE E., *Rapporto Immigrazione. Lavoro, sindacato, società*, Ediesse, Roma, 2000.
- ; De Filippo E. *Povertà e immigrazione*, in Minigione A., *La sfida all'esclusione: metodi, luoghi, soggetti*, Il Mulino, Bologna, 1999.
- Cardenas, Franzinetti. *Lavoro domestico, genere, etnia*, in Ires, Dacia Morosini, Quaderni di ricerca, No. 27, febbraio 1998.
- Caritas italiana. *La tratta d' esseri umani a scopo di sfruttamento sessuale*, Documentazione Italicaritas, Seminario nazionale, Roma, 6-7 dicembre 1996.
- Caritas Roma. *Dossier statistico immigrazione 2000*, Anterem, Roma, 2000.
- Cecconi S. *Il ruolo delle associazioni di immigrati nel processo di integrazione*, in *Dimensioni dello sviluppo*, n. 2, 1997.
- Celenghini, Ghini, Lisanti. *Percezione ed analisi dei problemi riguardanti l'immigrazione nel campo del lavoro, Relazione per la Commissione per le Politiche di Integrazione*, 26 aprile 1999, Ministero del Lavoro e della Previdenza Sociale.
- CENSIS. *Immigrati e società Italiana*, Conferenza nazionale dell'immigrazione, Cnel Editalia, Roma, 1991.
- CERFE. Convegno internazionale: L'integrazione possibile. Migrazioni, intelligenza e impresa nell'era della globalizzazione, Roma, 25-27 febbraio 1999, Cerfe, Roma, 1999.
- Carchedi F., Ranuzzi G.B. *Tra collocazione nel mercato del lavoro secondario ed esclusione dal sistema della cittadinanza*, in Sergi N., *L'immigrazione straniera in Italia*, Edizioni Lavoro, Roma, 1987.
- Cocchi G. *Stranieri in Italia*, Istituto Cattaneo, Bologna, 1990.
- Colasanto M., Ambrosini M. *L'integrazione invisibile, L'immigrazione in Italia tra cittadinanza economica e marginalità sociale*, Vita e Pensiero, Milano, 1993.
- Cologna, D., Breveggeri L., Granata E., Novak C. *Africa a Milano. Famiglie, ambienti e lavori della popolazione africana a Milano*, Abitare Segesta, Milano, 1999.
- Commissione nazionale per le parità tra uomini donne e le pari opportunità, Presidenza del Consiglio dei Ministri. *Itinerari. Nuova guida ai diritti delle donne straniere in Italia*, Roma, 2000.
- Comitato parlamentare di controllo sull'attuazione ed il funzionamento della Convenzione di applicazione dell'Accordo di Schengen e di vigilanza sull'attività dell'Unità nazionale EUROPOL. *La tratta degli esseri umani, Indagini conoscitive e documentazioni legislative*, No. 36, Atti parlamentari XIII legislatura.
- Commissione parlamentare d'inchiesta sul fenomeno della mafia e delle altre associazioni criminali similari. *Relazione sul traffico degli esseri umani*, 5 dicembre 2000.
- Commissione per le politiche di integrazione degli immigrati, Dipartimento Affari Sociali, Presidenza del Consiglio dei Ministri. *Primo rapporto sull'integrazione degli immigrati in Italia*, Il Mulino, Roma, 2000.
- . *Secondo rapporto sull'integrazione degli immigrati in Italia*, Roma, 13 dicembre 2000.
- Consiglio Nazionale dell'Economia e del Lavoro (CNEL), *Primo rapporto sulla rappresentanza degli immigrati*, Collana Percorsi, Roma, 1999.
- . *Rapporto tra Postfordismo e nuova composizione sociale*, Documenti CNEL, Roma, 2000.

-
- . *Tempi e modi di esodo. Il rapporto sull'immigrazione nelle città italiane*, Documenti CNEL, No. 65, Roma, 1995.
- Consulta degli stranieri Immigrati e delle loro famiglie, Dipartimento Affari sociali, Presidenza del Consiglio dei Ministri, *Tutela della maternità e dell'infanzia*, Roma, 2000.
- . *Guida alla legge sull'immigrazione*, Roma, 2000.
- Correale G., Di Muro L. *Il Codice per gli stranieri. Commentato con la giurisprudenza*, La Tribuna, Piacenza, 2000.
- Corso G. *Lo straniero ed i suoi diritti*, in *Per la Filosofia*, No. 42/1998, p. 30.
- COSPE, Regione Toscana, Commissione Pari Opportunità, Dipartimento salute e politiche sociali, *I percorsi femminili dell'immigrazione; risultati di una ricerca/azione in Toscana*, 1998.
- CRINALI. Sguardi a confronto. Mediatrici culturali, operatrici dell'area materno-infantile, donne immigrate, Franco Angeli, Milano, 2000.
- Da Pra Pocchiesia M., Prostituzione e tratta delle persone, in *Pagine*, No. 1/1999.
- De Bernart M. *et alii*, *Migrazioni femminili, famiglia e reti sociali tra il Marocco e l'Italia. Il caso di Bologna*, L'Harmattan, Torino, 1995.
- De Bernart, M., Di Pietrogiacomo L., Michelini M. *Migrazioni femminili, famiglia e reti sociali tra il Marocco e l'Italia. Il caso di Bologna*, L'Harmattan Italia, Torino, 1995.
- De Filippo E. *Donne immigrate cittadine del mondo. Guida ai diritti*, Dedalus, Napoli, 1995.
- . *La componente femminile dell'immigrazione*, in Pugliese E., *Rapporto Immigrazione. Lavoro, sindacato, società*, Ediesse, Roma, 2000.
- De Vincentiis D. *Testo Unico sull'immigrazione*, ed. Simone, Roma, 1999.
- Decimo F. *Reti di solidarietà e strategie economiche di donne somale immigrate a Napoli*, in *Studi Emigrazione*, XXXIII, 123, 1996, pp. 473-495.
- Dell'Aringa C., Neri, F. *Illegal Immigrants and Informal Economy*. Labour, London, 1996.
- Della Campa M., Ghezzi M.L., Melotti, U. (a cura di). *Vecchie e nuove povertà nell'area del Mediterraneo. Situazioni politiche e sociali a confronto*, Ed. Dell'Umanitaria, Milano, 1999.
- Delle Donne G. *et alii*. *Immigrazione in Europa. Solidarietà e conflitto*, Cediss, Roma, 1993.
- Di Gennaro G. *L'Italia terra d'immigrazione straniera*, in *Rassegna Teologia*, 1, 1985, pp. 63-70.
- Di Maio L., Proto M., Longarzia M.C. *Manuale di legislazione sugli stranieri. Guida pratica all'applicazione delle norme sull'ingresso e il soggiorno degli stranieri in Italia*, Laurus Robuffo, Roma, 2000.
- D'Orazio, G. *Lo straniero nella Costituzione italiana*, Cedam, Padova, 1992.
- D'Orazio G. Voce "*Lo straniero (condizione giuridica dello)*", Enciclopedia Giuridica Treccani.
- Dusi P. *Flussi migratori e problematiche di vita sociale*, *Vita e Pensiero*, Milano, 2000
- Educazione allo Sviluppo e alla Cooperazione Internazionale, Centro Volontari Marchigiani. *Cittadine del mondo. Aspetti di vita e di lavoro delle donne immigrate nelle Marche*, ECSI-CVM e Facoltà di Economia e Commercio di Ancona, Ancona, 1992.
- Entzinger H. B. *L'emergenza delle politiche d'integrazione per gli immigrati in Europa*, in AA. VV., *Italia, Europa e nuove migrazioni*, Franco Angeli ed., Milano, 1990.

-
- EURISPES. *Rapporto Europa, l'Italia in Europa: scenari e prospettive*, L'Europa degli Immigrati.
- EUROSTAT. *Statistics in focus. Population and social conditions*, in *Theme*, n.3/1999, December, Luxembourg.
- . *Patterns and trends in international migration in Western Europe*, European Commission, Luxembourg, 2000.
- Favaro G. *Avere un figlio altrove*, in Vicarelli G., *Le mani invisibili. La vita e il lavoro delle donne immigrate*, Ediesse, Roma, 1994.
- . *Donne migranti: l'immigrazione invisibile*, in Pugliese E., *Razzisti e solidali*, Ediesse, Roma, 1993.
- . *Donne nel mondo. Strategie migratorie al femminile*, Guerrini e Associati, Milano, 1993.
- ; Omenetto C., *Donne migranti*, Mazzotta, Milano, 1987.
- . *Donne filippine in Italia. Una storia per immagini e parole*, Guerrini Ass., Milano, 1993.
- Feltrin P. *Donne delle pulizie, professione senza volto*, in *Politica ed economia*, n. 5, 1988
- Fondazione Giuseppe Corazzin (a cura di). *Non solo al seguito. Rapporto di ricerca sulle donne immigrate nel Veneto*, ORIV, Venezia, 1997.
- Fondazione Internazionale Lelio Basso. *Il lavoro servile e le forme di sfruttamento paraschiavistico*, Roma, 2000 (to be published).
- Fondazione Migrantes, Caritas Italiana, Ufficio Nazionale per i problemi sociali ed il lavoro. *Nella Chiesa nessuno è straniero. Guida pratica per l'immigrazione ad uso degli operatori socio-pastorali*, CEI, supplemento al No. 33, anno IV, dicembre 2000, Roma.
- Frias M. L. *Migranti e native: la sfida di camminare insieme*, intervento al Seminario *Donne, migrazioni, diversità: l'Italia di oggi e di domani*, promosso dal Dipartimento Pari Opportunità, tenutosi a Roma il 1° Marzo 2001.
- Fronzizi C. *Immigrati*, Ediesse, Roma, 2000.
- Geraci S. *Immigrazione e salute: un diritto di carta?*, Caritas Diocesana di Roma, Antarem, Roma, 1996.
- Giammarinaro M.G. *Il permesso di soggiorno per motivi di protezione sociale previsto dall'art. 18 del T.U. sull'immigrazione*, in *ASGI Diritto, Immigrazione e cittadinanza*, No. 4, 1999.
- . *La rappresentazione simbolica della tratta come riduzione in schiavitù*, in *I colori della notte. Migrazioni, sfruttamento sessuale, esperienze di intervento sociale*, Franco Angeli, Milano, 2000.
- . *Prime valutazioni sull'attuazione delle norme sul traffico di persone*, in *ASGI Diritto, Immigrazione e cittadinanza*, No. 3/2000, p. 53.
- Giannetti D. *La partecipazione politica degli immigrati: strutture di voce e di rappresentanza*, in Granaglia E., Magnaghi M., *Immigrazione: quali politiche pubbliche?*, Franco Angeli, Milano, 1993.
- International Organisation for Migration (IOM). *Perspectives on Trafficking of Migrants*, in *International Migration Quarterly Review*, vol. 38, No. 3, Special issue No. 1/2000.
- . *Tratta di migranti. Problemi e risposte*, Roma, 2000.
- IREF 4° *Rapporto sull'associazionismo sociale. Con il patrocinio del CNEL*, Cens, Milano, 1993.

-
- IRES. *Rapporto sulle donne migranti*, Ediesse, Roma, 2000.
- . *Integrazione: Lavori in corso. Vincoli e opportunità nelle risposte all'immigrazione in provincia di Udine*, IRES FVG, Udine, 2000.
- . *Storie di ordinaria immigrazione. Percorsi di integrazione familiare*, IRES FVG, Udine, marzo 2000.
- . CGIL. *Razzismo e discriminazione nel lavoro*, Working Paper No. 7, Seminario dell'Osservatorio sull'Immigrazione, Roma, 14 gennaio 1998.
- ISMU (Fondazione Cariplo per le Iniziative e lo Studio sulla Multietnicità). *Quinto rapporto sulle migrazioni*, 1999, Franco Angeli, Milano, 2000.
- ISTAT (Istituto Nazionale di Statistica). *La presenza straniera in Italia: caratteristiche demografiche*, No. 29/2000, Roma, 2000.
- . Istituto Nazionale di Statistica, *Le organizzazioni di volontariato in Italia. Anno 1999*, 4 maggio 2001, Roma, in www.istat.it
- Korsieporn, A. P., *Female Migrant Labour: A Case-study of Filipino and Thai Domestic Workers in Rome, Italy*, in *Asian Review*, 3, 1989, pp. 54–68.
- . *L'immigrazione femminile: uno studio sulle lavoratrici domestiche filippine a Roma*, in Nassisi A. M., *Il lavoro femminile in Italia tra produzione e riproduzione*, Fondazione Istituto Gramsci, Roma, 1990.
- LABOS. *La presenza straniera in Italia*, T.E.R., Roma, 1990.
- Lim L. L. *Female migrants: Winner or Losers in the Global Labour Market*, in *Migrations, Scenarios for the 21st Century*, International Conference, Rome, 12-14 July 2000.
- Lodigiani R. *Donne migranti e reti informali*, in *Studi Emigrazione XXXI* (1994) 115, pp. 494–506
- Lombardo E., Gorelli S. *Demografia e poteri locali nel Lazio: i risultati di un'indagine*, in Todisco E. (a cura di), in *Demografia e poteri locali*, Cacucci ed., Bari, 1998.
- Longo G., Morrone A. *Cultura, salute, immigrazione*, Armando ed., Roma, 1994.
- Lonni A. *Mondi a parte. Gli immigrati fra noi*, Paravia, Torino, 1999.
- Macelli R. *L'indegna schiavitù*, Editori Riuniti, Roma, 1981.
- Macioti M.I. *La solitudine e il coraggio. Donne marocchine nella migrazione*, Guerini Studio, Milano, 2000.
- Macioti, M. I. *La solitudine e il coraggio. Donne marocchine nella migrazione*, Guerrini Ass., Milano, 2000.
- ; Pugliese E., *Gli immigrati in Italia*, Laterza, Bari, 1993.
- Maffioli D. *Il matrimonio e la nascita dei figli*, in Vicarelli G. *Le mani invisibili. La vita e il lavoro delle donne immigrate*, Ediesse, Roma, 1994.
- Magistrali G.; Fava S.; Argenziano, N. *Quando l'immigrazione è familiare. L'inserimento dei nuclei extracomunitari a Piacenza*, Franco Angeli ed., Milano, 1999.
- Malucelli L.; Patarini M. (a cura di). *Rimini e la prostituzione*, in *Quaderni di Città Sicure*, n. 13/1998.
- Marra A.; Pontrandolfi F. *Diritti e doveri degli immigrati. Procedure, documenti e prassi*, Finanze & Lavoro, Napoli, 1999.

-
- Mastrodomenico L. (a cura di). *Défilé. Donne africane ad Aversa*, L'Ancora, Napoli, 1999.
- Matteucci I. *In casa d'altri. Sedici donne immigrate filippine si raccontano*, Roma, Datanews, 1991.
- Mazziotti di Celso F. *Questioni sulla condizione giuridica dello straniero in Italia*, in *Diritto e Giurisprudenza*, 1963, p.433.
- . *Sulla soggettività e tutela dello straniero nell'ordinamento italiano*, in *Rassegna di Diritto Pubblico*, 1964.
- Mc Britton M.; Garofalo M.G. in Pugliese E., *La legge sull'immigrazione e il lavoro*, in *Rapporto Immigrazione. Lavoro, sindacato, società*, Ediesse ed., Roma, 2000.
- Miele R. *La nuova legislazione sugli stranieri*, in *Quaderni Gli Stranieri*, Union Printing ed., 1999.
- Minigione A. *La sfida all'esclusione: metodi, luoghi, soggetti*, Il Mulino, Bologna, 1999.
- Ministero del Lavoro. *Percezione ed analisi riguardanti l'immigrazione nel campo del lavoro*, Relazione per la Commissione per le Politiche di Integrazione, a cura di Celenghini L. e Lisanti S. 26 aprile 1999.
- Moroli E. ; Sibona R. *Schiave d'Occidente. Sulle rotte dei mercanti di donne*, Mursia, Milano, 1999.
- Mortati G. *et alii. Principi fondamentali, Articolo 2*, in Branca, G., (a cura di). *Commentario alla Costituzione*, Zanichelli, Bologna, 1975.
- Mottura G. *Stranieri in agricoltura*, in *Politiche del Lavoro*, n. 12-13/1991, p.157.
- (a cura di). *L'arcipelago immigrazione*, Ediesse, Roma, 1992.
- ; Pinto P. *Immigrazione e cambiamento sociale. Strategie sindacali e lavoro straniero in Italia*, Ediesse, Roma, 1996.
- Musacchio V. *Manuale pratico di legislazione sugli stranieri*, Cedam, Padova, 2000.
- Muss, P. J.; Van Damm E. W. *Comparative Research on International Migration and Migration Policies*, Center for Migration Research, University of Amsterdam, Amsterdam, 1996.
- Nassisi A. M. *Il lavoro femminile in Italia tra produzione e riproduzione*, Fondazione Istituto Gramsci, Roma, 1990.
- O' Grady R. *Schiavi o bambini*, Gruppo Abele ed., Torino, 1995.
- On The Road (a cura di). *On the road. Manuale di intervento sulla prostituzione di strada*, Comunità ed., Capodarco di Fermo, 1998.
- Osservatorio Comunale delle Migrazioni di Bologna. *Dal lavoro alla famiglia: percorsi migratori a confronto*, L'Harmattan Italia, Torino, 1999.
- Palanca V. *Guida al pianeta immigrazione*, Editori Riuniti, Roma, 1999.
- Palidda S. *Socialità e inserimento degli immigrati a Milano*, Franco Angeli ed., Milano, 2000.
- PÁRSEC, Università degli Studi di Firenze (a cura di). *Rapporto finale per la Conferenza Internazionale di Vienna, 10-11 giugno 1996 sul Traffico delle donne immigrate per sfruttamento sessuale: aspetti e problemi. Ricerca e analisi della situazione italiana*.
- Pastore F.; Romani P.; Sciortino G. *L'Italia nel sistema internazionale di traffico di persone*, Commissione per l'integrazione, Dipartimento per gli Affari Sociali, Presidenza del Consiglio dei Ministri, *Working Paper* No. 5, Rome, 2001.
- Pavoncello Sabatini, L. *voce "Prostituzione"*, Enciclopedia Giuridica Treccani, vol. XXV, 1991.

-
- Pepino, L. *Immigrazione, politica, diritto (note a margine della legge n. 40/1998)*, in *Gli Stranieri, Diritto e Immigrazione*, n. 1/1999, pp. 11 ss.
- Perotti A. *Migration et société en Europe: Les mutations récentes et leurs conséquences éducatives et culturelles*, in Porchet ed., *Rapport final du groupe de projet No. 7: l'éducation et le développement culturel des migrants*, Conseil de l'Europe, Strasbourg, 1986.
- Pioletti G. *Voce "Prostituzione"*, in *Digesto, Disciplina penale*, vol. X, 1995.
- Pitingaro, S.; Zaccarin C. *Immigrazione, lavoro e forme di tutela*, in *Economia e Società Regionale*, No. 3/1998, p. 110.
- Presidenza del Consiglio dei Ministri, Dipartimento per l'informazione e l'editoria. *Donne 2000, Quaderni Internazionali di vita italiana*, Roma, 2000.
- Provincia di Bologna, Società multietnica. *Appunti e dati sul fenomeno migratorio*, in *Provincia di Bologna, Osservatorio sul mercato del lavoro*, No. 4, Bologna, 1993.
- Provincia di Udine. *Guida all'integrazione dei lavoratori stranieri in Italia*, ALEF-CGIL, Provincia di Udine, Udine, 2000.
- Pugliese E. (a cura di), *Razzisti e solidali. L'immigrazione e le radici sociali dell'intolleranza*, Ediesse, Roma, 1993.
- . *La divisione etnica del lavoro*, in *Parole Chiave*, No. 14/15, 1997.
- . *Le nuove migrazioni e la collocazione degli immigrati nel mercato del lavoro*, in *Il Progetto*, No. 15/16, 1997, p. 7.
- . *Rapporto Immigrazione. Lavoro, sindacato, società*, Ediesse, Roma, 2000.
- Raffaele G. *Le immigrate extracomunitarie in Italia*, in *Studi Emigrazione*, XXIX, 106, 1992, pp. 194-226.
- Raison, J. P. *voce Migrazione*, in AA.VV., *Enciclopedia Einaudi*, Torino, 1990, Vol. IX, pp. 285-311.
- Rete d'urgenza contro il razzismo. *Rapporto annuale 2000*.
- Reyneri E. *La catena migratoria*, Il Mulino, Bologna, 1979.
- Reyneri E., *Sociologia del mercato del lavoro*, Il Mulino, Bologna, 1996.
- . *Immigrazione ed economia sommersa*, in *Stato e Mercato*, No. 53, 1998, pp. 287-317.
- . *The Role of Underground Economy in Irregular Migration to Italy: Cause or effect?*, in *Journal of Ethnic and Migration Studies*, 1998/2, p. 313.
- Saint-Blancat C. *L'immigrazione femminile magrebina*, in Basso P., Perocco F., *Immigrazione e trasformazione della società*, Franco Angeli, Milano, 2000.
- Santoro A. *Tratta di donne e di minori*, in *Novissimo Digesto Italiano*, 1973, p. 617.
- Sassen S. *Migranti, coloni, rifugiati*, Feltrinelli, Milano, 1999.
- Schmidt di Friedberg O. ; Saint-Blancat C. *L'immigration au féminin: Les femmes marocaines en Italie du Nord. Une recherche en Vénétie*, in *Studi Emigrazione*, XXXV, 131, 1998, pp. 483-498.
- Scidà G. *I sociologi italiani e le dinamiche dei processi migratori*, Quaderni ISMU, Franco Angeli, Milano, 2000.

-
- Simon, L. *The Economic Consequences of Immigration*, Blackwell and Cato Institute, Oxford, 1991.
- Sirianni G. *La polizia degli stranieri*, Giappichelli, Torino, 1999.
- SOPEMI. *Trends in International Migration*, 1999 Edition, Paris, 1999.
- Strozza S.; Conti G. *Caratteristiche e tendenze dell'inserimento lavorativo degli immigrati stranieri nel Lazio durante gli anni Novanta*, Quaderni ISMU, n.1/1999, Franco Angeli ed., Milano, 1999.
- Tatafiore R. *Fare vuoto di norma intorno alla prostituzione*, in *Democrazia e diritto*, 1993, No. 2, p. 243.
- Tatafiore R. *Uomini di piacere ... e donne che li comprano*, Frontiera, Milano, 1998.
- Tatafiore, R. *Sesso al lavoro*, Il Saggiatore, Milano, 1999.
- Todisco E., (a cura di), *La presenza straniera in Italia. Il caso dell'Abruzzo*, Franco Angeli, Milano, 1997.
- Tognetti Bordogna M. *Donne migranti: doppia invisibilità e problemi sanitari*, in *Politica ed economia*, No. 10, 1990.
- . *La specificità femminile: il lato in ombra*, in ALLIEVI S., *Milano plurale. L'immigrazione tra passato, presente, futuro*, Iref, Milano, 1993.
- . *La famiglia che cambia*, in VICARELLI G., *Le mani invisibili. La vita e il lavoro delle donne immigrate*, Ediesse, Roma, 1994.
- Tola M. *Quando la merce è fatta di donne e bambini*, in *Prima Donna*, suppl. Rassegna Sindacale, No. 9/2001, p. 22.
- Toriello F. *La condizione dello straniero: profili di diritto comparato e comunitario*, Cedam, Padova, 1997.
- Turini O. *Le casalinghe di riserva*, ACLI-COLF, Roma, 1997.
- Treu T. *et alii*. Rapporti economici, articoli 35-40, in Branca, G., (a cura di). *Commentario alla Costituzione*, Zanichelli, Bologna, 1985.
- UNIVOL-CSV, delegazione di Cuneo. *Una luce per la strada. Atti del corso per operatori con le vittime della tratta*, Caritas Diocesana, Comune di Cuneo, Cuneo, 1999.
- Vassallo Paleologo F. *L'immigrazione tra ordine pubblico e tutela dei diritti fondamentali*, in *Il Progetto*, No. 15/16, 1997, p. 30.
- Venturini A. *Le migrazioni nei paesi Sud europei. Un'analisi economica*, Dipartimento di Scienze Economiche, Università di Bergamo, Bergamo, 1996.
- Vicarelli G. *Cittadine del mondo: aspetti di vita e lavoro delle donne immigrate nelle Marche*, Ancona, 1992.
- . *Le mani invisibili. La vita e il lavoro delle donne immigrate*, Ediesse, Roma, 1994.
- Vigna P.L. *Metodi investigativi, cooperazione internazionale, Atti del Convegno internazionale Traffico di esseri umani. Alla ricerca di nuove strategie di intervento*, Roma, 24-25 ottobre 2000.
- Virgilio M. *Le "nuove" schiavitù e le prostituzioni*, in *ASGI Diritto, Immigrazione e cittadinanza*, n.3/2000, pp. 39-52.

Zanfrini L. *Leggere le migrazioni. I risultati della ricerca empirica, le categorie interpretative, i problemi aperti*, Fondazione CARIPLO–ISMU, Franco Angeli, Milano, 1998

———. *Programmare per competere. I fabbisogni professionali delle imprese italiane e la politica di programmazione dei flussi migratori*, Unioncamere, Fondazione Cariplo ISMU, Franco Angeli, Milano, 2001

———. *Immigrazione straniera in Italia, Luci ed ombre*, in *Aggiornamenti Sociali*, No. 4/1997, p. 17.

Zincone G. *Immigrati: quali politiche per l'integrazione?*, in *Il Mulino*, No. 1/2000.

Interviews

Jamila Bengoumi, Department of Social Affairs, Presidency of the Council of Ministers.

Sergio Briguglio, expert on migration law.

Daniela Bua, IRES - Confederazione Generale Italiana del Lavoro (CGIL).

Francesco Carchedi, Associazione Parsec.

Celina Frondizi, Associazione Candelaria.

Jociara Lima de Oliveira, Commission of Equal Opportunities, Associazione Candelaria.

Maria Grazia Giammarinaro, Chief of Legal Office, Commission of Equal Opportunities, Presidency of the Council of Ministers.

Cataldo Motta, Public Prosecutor, Procura della Repubblica, Lecce.

Vaifra Palanca, Commission for the integration of migrants, Presidency of the Council of Ministers.

Ferruccio Pastore, Centro Studi di Politica Internazionale (CESPI).

Pilar Saravia, Unione Italiana del Lavoro (UIL), Associazione Nodi.

Italian Websites containing references to legislation, figures and praxis in the field of immigration:

ANOLF: www.anolf.it/attualita.htm ARCI: www.arci.it/solidarieta/neroenonsolo/;

ASGI: www.stranieri.it/;

CARITAS Roma: www3.chiesacattolica.it/caritasroma/;

CARITAS Servizio migranti: www.arpnet.it/~migranti/;

CSER Centro Studi Emigrazione di Roma: www.scalabrini.org/~cser/;

Centro Studi Immigrazione di Verona: www.cestim.org;

CENSIS: www.censis.it/;

CGIL: www.cgil.it/;

CISL: www.cisl.it/pol.migratorie/;

Comune di Firenze (Municipality of Florence): www.comune.firenze.it/servizi_pubblici/stranieri/stranieri.htm;

Comune di Roma Municipality of Rome): www.comune.roma.it/info_cittadino/schede/index6.htm;

Dipartimento Affari Sociali della Presidenza del Consiglio (Department of Social Affairs, Office of the President of the Council of Ministers): www.affarisociali.it;

IRES: www.ires.it/cedis/sito/index.html;

INPS: www.inps.it/Doc/Extracomunitari/default.htm;

National Institute for Statistics (ISTAT): www.istat.it;

Lunaria: <http://lunaria.org/immi/default.asp?show=main>;

Ministero Affari Esteri (Ministry of Foreign Affairs): www.esteri.it/attivita/italstra/index.htm;

Stranieri in Italia: www.stranieriinitalia.com/;

Sito Archivio Sergio Briguglio: [//briguglio.frascati.enea.it/immigrazione-easilo/index.html](http://briguglio.frascati.enea.it/immigrazione-easilo/index.html);

UIL: www.uil.it/.