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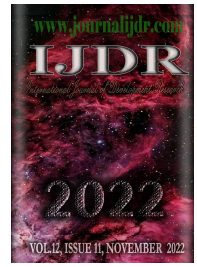
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RESEARCH ARTICLE

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## MIGRATION, TRAFFICKING IN PERSONS AND SLAVE LABOR IN ITALY

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### ABSTRACT

The article deals with the enslavement of refugees and migrants, through human trafficking and exploitation network by the Mafia, in Italy, pointing to the restriction of freedom in broad sense, due to economic misery, social lack of protection and state inertia in adopting effective measures to contain this type of manipulation of labor. The study is based on the analysis of Brazilian and Italian journalistic and academic articles, foreign literature, international standards and reports, issued by the government and international organizations, demonstrating the need to improve mechanisms for prevention and confrontation of human trafficking to slave-like labor and prostitution. The research was guided by the following question: was the amendment of the Italian criminal legislation, in 2016, to combat the enslavement of workers by the Mafia, effective?

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## INTRODUCTION

The article deals with the enslavement of refugees and migrants, through human trafficking and exploitation network by the Mafia, in Italy, pointing to the restriction of freedom in the broad sense, due to economic misery, social lack of protection and state inertia in adopting effective measures to contain this type of exploitation of labor. The study is based on the analysis of Brazilian and Italian journalistic and academic articles, as well as foreign literature, international standards and reports issued by the government and international organizations, demonstrating the need to improve mechanisms for preventing and combating trafficking in persons to work analogous to slavery and prostitution. The research was guided by the following question: was the amendment of the Italian criminal legislation, in 2016, to combat the enslavement of workers by the Mafia, effective?. The article was divided as follows: introduction; *caporalato* and irregular migration: the Italian model; enslavement of refugees and migrants in southern Italy; amendment of the Italian criminal law in 2016 and conclusion. In October 2021, after an official ten-day visit to Italy, the United Nations - UN Working Group on Business and Human Rights called for an end to the "cycle of exploitation of migrant workers", claiming inhumane working conditions that jeopardize the health and safety of workers. The UN group visited cities and regions of the country, such as Rome, Puglia, Basilicata, Lombardy and Tuscany, and came to the conclusion that companies do not adequately comply with human rights standards.

The official visit coincided with the meeting of G20 leaders, in the same month in Rome, and also with the review of the national plan regarding business and human rights in Italy<sup>1</sup>. The United Nations Guiding Principles on Business and Human Rights were approved in June 2011 by the UN Human Rights Council. The thirty-one Principles agreed have three pillars: PROTECT, obliging States to protect human rights; TO RESPECT, forcing companies to respect human rights and REPAIR, demanding the need for adequate financial contributions, in the event of non-compliance with these rights by companies. The Principles, developed from pre-existing human rights norms and after years of debate, represent a historic moment in the consolidation of normative parameters applicable to the conduct of companies in relation to human rights. (UN, 2011). In 2021, the UN Guiding Principles on Business and Human Rights completed ten years and experts released a report with an assessment of the effective impact of the directives, showing advances in the observance of human rights by companies, but also gaps and challenges to be overcome. In the opinion of experts, there is still a lot of corporate abuse, in all sectors and regions, which leaves workers and communities highly vulnerable and with little perspective of protection, accountability of offenders and repair of the damage caused.

<sup>1</sup> SBT NEWS. ONU entre com pedido pelo fim da exploração de migrantes na Itália. Available in: <<https://www.sbtnews.com.br/noticia/mundo/182921-onu-entra-com-pedido-pelo-fim-da-exploracao-de-migrantes-na-italia>>. Accessed on October 29, 2022.

Among the challenges to be surmounted, problems related to migrants were also mentioned, such as discrimination, xenophobia, violence, sexual exploitation, among others (UN, 2021). Until mid-July, Italy received 34,013 forced migrants in 2022 and, in the same period, pursuant to the International Organization for Migration - IOM, 828 people died or disappeared crossing the Mediterranean.<sup>2</sup> The refugee and migrant crisis in Europe has been a frequent topic in the national and international press. In 2015, for example, the sinking of a vessel in the Mediterranean left 800 dead, including women and children.<sup>3</sup> In 2016, the documentary “Fire in the Sea” (*Fuocoammare*), by Italian director Gianfranco Rosi, was awarded the Golden Bear at the Berlin International Film Festival. The documentary deals with the “drama of immigrants and refugees who risk their lives on the dangerous crossing of the Mediterranean”. The award was dedicated by the director, both to local residents for their solidarity, and to “all those who were unable to reach” the Island of Lampedusa, in Sicily, which has become a symbol of the drama of immigration to the country, for being “the first port of call for hundreds of thousands of immigrants from Africa and the Middle East”, who are trying to make a new life on the European continent<sup>4</sup>.

According to the European Union for Border Control, in 2016, Italy received a record number of immigrants, with a growth of 20%, totaling 181 thousand people. The country, in recent years, has suffered an intense flow of trafficked foreigners, which has led to calls for the European Union to adopt measures of shared responsibility.<sup>5</sup> Despite all the attempts to improve this situation, as we have seen, the problems persist and have been aggravated by the health and humanitarian crisis resulting from Covid-19. In 2020, there was an outbreak of coronavirus among rural workers and the containment measures decreed by the local government of Mondragone, in the Campania region, southern Italy, generated violent protests and motivated the dispatch of the army by the Ministry of the Interior. Most of the workers are Romanian and are in the country irregularly. With the confinement, they stopped receiving payments and were subject to the penalties imposed by the Camorra Mafia, which usually traffics and exploits them.<sup>6</sup> Italy is one of the four largest nations in Western Europe, but in terms of gross domestic product growth, it has been running a deficit in the Eurozone for years. In the period “between 1999 and 2021 it grew by only 7.9%, far below the growth of other European countries such as Germany, France and Spain”. There is also the debt problem, “at around €2.7 trillion, the second largest in the Eurozone after Greece in terms of its GDP”. In spite of the above, “the country is the biggest beneficiary of the economic recovery plan launched in Europe after Covid-19, with 191.5 billion euros” and counts on this money to rebuild its economy, but, for that, it will have to submit to a series of austere measures imposed by the European Union<sup>7</sup>.

<sup>2</sup> ANSA BRASIL. Centenas de migrantes forçados chegam ao sul da Itália. Available in: <[https://ansabrasil.com.br/brasil/noticias/italia/noticias/2022/07/24/centenas-de-migrantes-forcados-chegam-ao-sul-da-italia\\_bc59ed98-70b0-45df-bf10-23a4b63c2bcb.html](https://ansabrasil.com.br/brasil/noticias/italia/noticias/2022/07/24/centenas-de-migrantes-forcados-chegam-ao-sul-da-italia_bc59ed98-70b0-45df-bf10-23a4b63c2bcb.html)>. Accessed on October 29, 2022.

<sup>3</sup> FOLHA DE SÃO PAULO. Naufrágio no Mediterrâneo deixou 800 imigrantes mortos diz ONU. Available in: <<http://www1.folha.uol.com.br/mundo/2015/04/1619196-naufragio-no-mediterraneo-deixou-800-imigrantes-mortos-diz-onu.shtml>> Accessed on October 30, 2022.

<sup>4</sup> EL PAÍS BRASIL. Urso de Ouro para o documentário ‘Fuocoammare’, de Gianfranco Rosi. Available in: <[https://brasil.elpais.com/brasil/2016/02/20/cultura/1455990217\\_856076.html](https://brasil.elpais.com/brasil/2016/02/20/cultura/1455990217_856076.html)> Accessed on October 29, 2022.

<sup>5</sup> UOL NOTÍCIAS. Itália pede combate aos comerciantes de escravos do Mediterrâneo. Available in: <<https://noticias.uol.com.br/ultimas-noticias/afp/2015/04/22/italia-pede-combate-aos-comerciantes-de-escravos-do-mediterraneo.htm>> Accessed on October 29, 2022.

<sup>6</sup> EL PAÍS BRASIL. Surto do coronavírus em terras da Camorra desata uma rebelião de trabalhadores rurais. Available in: <<https://brasil.elpais.com/internacional/2020-06-26/surto-do-coronavirus-em-terras-da-camorra-desata-uma-rebeliao-de-trabalhadores-rurais.html>> Accessed on October 29, 2022.

<sup>7</sup> UOL NOTÍCIAS. Instabilidade política reaviva temor de crise da dívida na Itália. Available in: <<https://economia.uol.com.br/>>

After the death of workers from exhaustion on Italian farms, in 2016 the country changed its penal legislation in order to punish exploiters and intermediaries. Despite the above, the measure was not enough to attenuate the serious problem of the enslavement of refugees and migrants or to transform this situation of indifference and inhumanity, as the UN working group on the Guiding Principles on Business and Human Rights found.

**CAPORALATO AND IRREGULAR MIGRATIONS: the Italian model:** In accordance with the legal concept in Italy (art. 18 DL 276/2003), *caporalato* is an activity of abusive intermediation of labor for exploitation, which involves various types of violence and human rights violations, mainly in relation to irregular migrants. The activities to which migrants are directed are those that do not require high qualifications, such as farming, construction and domestic work. (BARQUÍN, 2022, p. 142,153). The United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides for the protection of the human rights of these workers without any distinction or discrimination, as well as defending them from inhuman or degrading treatment, enslavement, servitude and forced labor (arts. 10 and 11, items 1 and 2, UN, 1990). The precarious situation of Bulgarians working on the plantations in Mondragone was not just a result of the Covid-19 pandemic. In 2018, journalists from the Italian website *Avvenire* investigated the exploitation of the work of these immigrants (men, women and children). The report found that workers were subjected to working hours of up to 12 hours a day, that payments were extremely low and that they did not have access to toilets, food and protection from the sun. In addition, they observed that part of the women was recruited into prostitution networks.<sup>8</sup> International trafficking for the exploitation of labor and prostitution by the Italian Mafia has a close relationship with drug trafficking and covers several countries, including Brazil<sup>9</sup>.

In 2016, the Brazilian Penal Code was also amended by Law 13.344, of October 6, to prevent and repress trafficking in persons committed in the national territory against a Brazilian or foreign victim and abroad against a Brazilian victim, besides providing attention to victims. By means of this amendment the art 149-A was included in the Penal Code, which defines trafficking in persons as: “agency, enticement, recruiting, transporting, transferring, purchasing, housing or receiving a person, through serious threat, violence, coercion, fraud or abuse”, for the purposes of, among others, submission to work in conditions similar to slavery; servitude and sexual exploitation (BRAZIL, 2016). In 2021, the Brazilian government reported having identified “441 victims of human trafficking, 221 men, 139 women, 51 boys and 30 girls”, but there is no specification of victims for enslavement and sexual exploitation. For five years, it was proved that traffickers exploit national and foreign victims in Brazil and that they also exploit Brazilian victims in other countries. Traffickers lure Brazilian transgender men and women into sexual exploitation in Spain and Italy. Transgender women are the most vulnerable in Brazil. In conformity with a study carried out in 2019, “90% of transgender women in Brazil work in prostitution and of those in Rio de Janeiro, more than half are at high risk for human trafficking”. There is a great demand for transgender women for prostitution in Brazil and the rates of violence to which they are subjected are high, such as charges for protection fees and per diems in accommodation, physical violence, submission to forced prostitution and lack of food when they cannot earn their living enough to keep. Traffickers lure “Brazilian transgender women with offers of sex reassignment surgery, while planning to exploit them in sex trafficking, when they

noticias/afp/2022/07/18/instabilidade-politica-reaviva-temor-de-crise-da-divida-na-italia.htm> Accessed on October 29, 2022.

<sup>8</sup> MIGRA MUNDO. A situação dos imigrantes na Itália como sinal de declínio de uma sociedade – parte 2. Available in: <<https://migramundo.com/a-situacao-dos-imigrantes-na-italia-como-sinal-de-declinio-de-uma-sociedade-parte-2/>> Accessed on October 29, 2022.

<sup>9</sup> VEJA. Polícia Federal mira quadrilha que traficava mulheres para exploração sexual na Itália. Available in: <<https://veja.abril.com.br/coluna/radar/pf-mira-quadrilha-que-trafficava-mulheres-para-exploracao-sexual-na-italia/>> Accessed on October 29, 2022.

are unable to pay the costs of the procedure.” (BRASIL, 2022). With regard to human trafficking for prostitution in Italy, the case of Nigerian women, aged between 13 and 24, stands out. The increase in cases of sexual exploitation of migrants coming from Nigeria to the country was the subject of a report by the International Organization for Migration - IOM, with situations of abuse since the trip. There is great difficulty in protecting girls and women, who are afraid to report the aggressions they have suffered and retaliation against family members who stayed in their country of origin.<sup>10</sup> The Italian Mafia is responsible for human trafficking and controlling the work on the plantations of southern Italy, with immense profit. As shown by the report *Agricoltura e lavoro migrante in Puglia*, prepared by the *Federazione Lavoratori Agroindustria (FLAI)* and the *Confederazione Generale Italiana de Lavoro (CGIL)*, tomato harvesting in Puglia is a business that generates between 21 and 30 million euros a year, result of the enslavement of almost 50,000 workers who live in conditions similar to slavery, in 55 ghettos spread across the region.<sup>11</sup> The exploitation of migrant labor by the Mafia takes place in Calabria, Campania, Sicily, etc., with estimates that it is responsible for the evasion of billions of euros in fees and contributions to the public coffers. This type of work does not only involve foreigners, but all those who need work to survive.<sup>12</sup>

In the midst of the opening of markets, European companies, among them the Italian ones, began to suffer the effects of competition and the demands of the common market, including the phenomenon of transferring factories to countries with lower labor costs and the adoption of self-employment and other forms of precarious work. The bankruptcy of Lehman Brothers, based in the United States, considered one of the largest investment banks in the world, in 2008, exacerbated the financial problems of several countries and in the European Union. The crisis made countries invest in strategic sectors, which deepened the budget deficit they already had and required the adoption of austerity measures, when the deregulation of work came to be defended with greater emphasis.<sup>13</sup> The idea of “Flexicurity” became part of the debates between all the Employment Ministers of the countries that made up the European Union and intended to reconcile the irreconcilable: the flexibility of the labor market and the security of workers against unemployment, which embittered the number than 16 million Europeans in 2007 (DALLEGRAVE NETO). As Amelia Torrice explains, the problem was addressed by the European Commission in the 2006 Green Paper on the modernization of work, for the abandonment of rigid tutelage in labor relations, but with promises of guarantees of continued training, in a public-private partnership system, in order to forge a supposed professional capacity, able to immediately meet the demand for work from companies and with an increase in social security benefits in the event of job loss. With the worsening of the crisis, in March 2010, the European Commission proposed several measures for the recovery of the economy (TORRICE, 2016, p. 18). In Italy, as in other EU countries, there was an effective break with the discourse of maintaining flexibility with security, with numerous legislative changes that made labor relations precarious, until the consolidation of the labor reform with the *Jobs Act*, implemented by Legislative Decree No. 81, of June 15, 2015. As highlighted by Roberto Mania, it is not labor market reform that creates occupations. Italy demonstrates this, with growth in occupancy rates always lower than in Europe.

There was a deep division in the country, an imbalance between workers with fixed-term employment contracts, due to the absence of assurances and indefinite, with greater protection. The precariousness was formalized, but the precarious were not protected, as promised (MANIA, 2014, p. 98-99). Luciano Gallino presented a study about the human and social cost of flexible work. In the introduction, he states that despite the negative results, economists, jurists, politicians, businessmen and industrial associations continue to support the urgent need in Italy to adopt greater flexibility in work, to enable, in times of globalization, competition with other advanced countries and that, therefore, there is a general interest on the part of the community in increasing flexible jobs. It so happens that, in conformity to the author, not only the work has become precarious but the life of the citizen, which directly reflects on the family, the community and society as a whole. The worker has no perspective on life, as he does not know when and what type of work he will have in a few months. The contracts are short term and market dependent. Thus, there is no way to make a long-term life project, but depending on the place, how much the worker will be earning and for how long. Families became impoverished, which imposed work on everyone to ensure a common livelihood. Young people do not get a good education and, over the years, they will enter the ranks of unemployed workers. Insecurity makes workers fearful, allowing further exploitation. The entire context outlined directly affronts most of the International Labor Organization's tutelages, aimed at decent work (GALLINO, 2014, p. 7-11). The work outside the legislation had an accelerated growth with the great migratory phenomena, especially the clandestine ones. Conveniently tolerated, accepted and stimulated by private interests, pursuant to Salvatore Tropea, this type of work has become one of the endemic plagues in Italy (TROPEA, 2014, p. 106).

Enzo Nocifora discourses about what he called *schiavistico* and *paraschiaivistico* work, dealing with the super-exploitation in the Italian labor market, especially involving immigrants in agriculture, stating that the problem has become endemic not only due to the effects of globalization, the opening of markets, the crisis world economy, the export of industrial work, but due to factors that directly involved industrial society and its internal transformations, particularly due to the fragmentation of guarantees at work and collective disarticulation (NOCIFORA, 2014, p. 5). Francesco Carchedi dealt with the work of foreigners seriously exploited in agriculture, who do not find parity of treatment and opportunities, as an advanced process and of a completely structural nature. He referred, in particular, to workers who are hired seasonally, for a few weeks, and to those who come in with the promise of being successively hired, which later proves to be misleading. The author mentioned the situation of those who are in a position of manifest social and economic vulnerability: either because their permanence permit in the country, linked to the employment contract, has expired and they are struggling to reacquire it; or because they were asked for their passport or identity document to submit them to non-accepted work rules; or because it is a contingent of irregular workers or segments subjected to vexatious or enslaving employment. These different categories of foreign workers have, in relation to occupational positions, differentiated socioeconomic *status* that varies from forms of work regularly formalized or not, but specifically regulated by oral agreements directly established between entrepreneurs and workers; as well as irregularly defined forms of work between labor intermediaries, cables and foreign workers. Francesco Carchedi asseverates that, these modalities of occupational engagement can determine objectively unworthy and seriously exploitative working conditions. The intermediation of labor, moreover, is an illegal act, but nevertheless, this seems to be widespread in fields with high labor intensity to satisfy peaks and incremental jumps in the production/processing of agro food products. Agricultural production, due to its structural configuration, is present throughout the national territory, but in different phases of the year in conformity to the typology of the crop, the local climate/sub-climate and the morphology of the territory. From the intertwining of such factors, constant production processes are determined throughout the agro food year and centralized production processes, instead of in a few particular months.

<sup>10</sup> ONU NEWS. OIM na Itália alerta sobre casos de migrantes exploradas sexualmente. Available in: <<https://news.un.org/pt/story/2017/07/1591431>> Accessed on October 29, 2022.

<sup>11</sup> PROJETO COLABORA. Refugiados viram escravos na Itália. Available in: <<http://projetocolabora.com.br/inclusao-social/os-escravos-do-tomate-2/>> Accessed on October 30, 2022.

<sup>12</sup> LA STAMPA. Lavoro nero, 77 miliardi di pil sommerso l'anno. Available in: <<http://www.lastampa.it/2016/11/19/economia/lavoro-nero-miliardi-di-pil-sommerso-lanno-7WZdF1r1n86Jw1zDoRuxK/pagina.html>> Accessed on October 30, 2022. Author's translation.

<sup>13</sup> GLOBO. Veja o que mudou 5 anos após a quebra do Lehman em 'pontos-chave'. Available in: <<http://g1.globo.com/economia/noticia/2013/09/veja-o-que-mudou-5-anos-apos-quebra-do-lehman-em-pontos-chave.html>> Accessed on October 30, 2022.

It follows that, different components of immigrant workers, in order to have a continuous occupation, move from one food district to another, from one Province/Region to another, on the basis of the occupational possibilities that such district can objectively guarantee. It is a reticular mobility that unfolds in multiple directions along territories and places with a food vocation, from the North to the Center and from the Center to the South and vice versa (CARCHEDI, 2014, p. 84). The outlined panorama hides the neglect of the State and the indifference of society. Violence, invisibility, lack of protection, fear and human rights violations are striking in such work.

**ENSLAVEMENT OF REFUGEES AND MIGRANTS IN SOUTHERN ITALY:** The prohibition of the use of forced or compulsory labor, in all its forms, is currently considered a mandatory norm in international human rights law. Such forms of work are considered serious violations of human rights, universally condemned and their prohibition has reached *jus cogens* status, accepted by the international community of States as a norm that does not admit of derogation (art. 53 of the Vienna Convention on the Law of Treaties, UN, 1969). Despite all efforts, forced or compulsory labor continues to exist in many countries and thousands of people around the world are subjected to it. There is also, on a global scale, the maintenance of workers in debt bondage, through the trafficking of human beings for the purpose of sexual and labor exploitation, involving not only adults but also children, which has been the result of renewed international concern. (ILO, 2014, p. 1). Although forced labor persists in traditional practices with traces of slavery and debt bondage, new forms of submission have emerged, motivating the updating and renewal of international commitments assumed. In accordance with the International Labor Organization - ILO, there are about 21 million people who are victims of forced labor worldwide, with an estimate that each year contemporary forms of slavery generate gains of 150 billion dollars for the private economy. To better address these contemporary methods of slavery, in June 2014, the ILO adopted a new Protocol, linked to Convention No. 29, of binding character<sup>14</sup>. Protocol to Convention No. 29 strengthened the international legal framework against forced labor by introducing new obligations related to prevention, protection of victims and access to compensation, in the event of material or physical damage, for example. Furthermore, it requires governments to take measures to better protect workers from fraudulent or abusive recruitment practices, especially migrant workers. The immigrants are involved in a complex network of enticement and trafficking. They arrive at the Italian plantations indebted with the expenses of the trip; they earn meager wages and do not have decent working and living conditions. Geographically isolated, refugees from the civil war or victims of economic misery, they are enslaved in the midst of the immensity of agricultural fields in the *Puglia* region, surviving in cardboard or plastic shacks, erected in hidden and difficult to access ghettos<sup>15</sup>. Without employment alternatives, workers are subjected to unworthy living and working conditions. At the same time, an illegal system of settlement of the ghettos by drug trafficking persists, in order to maintain the surplus of labor and assures maximum profitability, through the exploitation of work analogous to slavery.

State investment is insufficient. There is no basic sanitation, regular garbage collection and abundant drinking water. Public funding of some non-governmental organizations that provided humanitarian aid in the ghettos was suspended. Over the years the problem has increased and only the removal of people from the place, with a decent replacement in the labor market and in society will be able to solve the drama of those who live subjugated to marginality and exploitation. Based on the research *Agromafie e caporalato*, there are at least 80 zones spread across the country that practice the same rules of exploitation of work and that force people to live in subhuman

<sup>14</sup> OIT. Novo protocolo para combater formas modernas de trabalho forçado. Available in: <<http://www.oit.org.br/content/oit-adota-novo-protocolo-para-combater-formas-modernas-de-trabalho-forcado>>. Accessed on August 12, 2015.

<sup>15</sup> SPARK. Bem-vindo à Itália. Textos e fotos de Riccardo De Luca. Available in: <<https://spark.adobe.com/page/vKrN3r7wVWffU/>> Accessed on October 29, 2022.

conditions. Also grounded on the survey, 430,000 people work illegally in Italian camps, of which 100,000 live in conditions of exploitation and vulnerability. Of the total, 80% are immigrants. The same rules apply to everyone: no guardianship and guaranteed rights, no contract, 12 hours of daily work, remuneration 60% lower than that established by law for work in the field, and it all depends on the foremen. They are the ones who set the cost of transportation, tent rental, food and bottled water. In addition to economic exploitation, physical and psychological violence is added. The only difference between Italians and immigrants is that nationals return to their homes, while foreigners are forced to live in ghettos<sup>16</sup>.

**AMENDMENT TO ITALIAN CRIMINAL LEGISLATION IN 2016:** As mentioned before, most of the workers enslaved in the plantations of southern Italy are foreigners, but Italians suffer the same practice. The death of Italian Paola Clemente from heat and exhaustion in an Andria vineyard shook the country in 2015. Paola worked 170 kilometers away from her home. She left the house at 2 am and did not return until 3 or 6 pm, depending on the season. Paola's case was not isolated. Other workers exploited by the Mafia in Italy's countryside also died. There is a schedule of spoliation of women and immigrants in agriculture, with terrible and exhausting working conditions, legal violations, and Mafia interference in the labor supply, wild exploitation and reduction of workers to the condition of slaves.<sup>17</sup> There are not enough investments in the south of the country. There is a shortage of decent occupations and extreme economic need for families, which has been exacerbated by overpopulation, after the massive arrival of immigrants. In addition, the Mafiosi act without due repression by the authorities. The expert committee of the International Labor Organization - ILO analyzed situations in which, taking advantage of the vulnerability of workers, there was a demand for work under threat of losing a job or receiving payment below the minimum wage, understanding that, in such cases, it is not just about bad working conditions, but about the real imposition of work, challenging the protection of Convention No. 29 on forced labor (ILO, 2014, p. 9). The Law, of August 2016, contains provisions foreseeing the fight against enslavement and exploitation of work in agriculture, aiming at the elimination of violence in the countryside and the retributive realignment of the agricultural sector. The legal diploma amended the Italian Penal Code, imposing criminal sanctions on those responsible for exploratory work and on intermediaries, due to the use of the workers' state of need, containing a prediction for aggravation of the penalty in cases of violence and threat. The rule provides as indications of exploitation, the payment of wages in divergence with the collective agreements, in addition to the disrespect of the working day and the rest provided for in such instruments, without due payment, the disrespect of safety standards in the workplace and maintenance of surveillance, for example. As part of the penalties, there is also provision for the possibility of confiscation of assets and the extension, to enslaved, of the purposes of the Fund destined for victims of trafficking in persons, considering the similarity of situations and the same mechanisms of enticement.<sup>18</sup> Despite the above, the modification in legislation did not represent a change in the framework of exploitation of migrant workers. As a product of civil wars and economic crises, the transit of immigrants and non-inclusive immigration policies favor the enslavement of workers and the profitability of traffickers and exploiters of such labor. In agreement with Paola Scevi, the Italian Constitution assumes freedom as proper to the human person individually considered and in its fullness, as an individual patrimony and also in relation to social groups where their personality is expressed.

<sup>16</sup> PROJETO COLABORA. Italianos são escravizados. Available in: <<http://projetocolabora.com.br/inclusao-social/italianos-tambem-sao-vitimas/>> Accessed on October 30, 2022.

<sup>17</sup> COLLETTIVA. Ricordando Paola Clemente, morta di lavoro, morta di fatica. Available in: <[https://www.collettiva.it/copertine/lavoro/2022/07/13/news/paola\\_clemente-2239225/](https://www.collettiva.it/copertine/lavoro/2022/07/13/news/paola_clemente-2239225/)>. Accessed on October 30, 2022. Author's translation.

<sup>18</sup> *La Repubblica*. Il ddl contro il caporalato è legge: sei anni a chi sfrutta i lavoratori. Available in: <[http://www.repubblica.it/economia/2016/10/18/news/ddl\\_caporalato\\_diventa\\_legge-150058824/](http://www.repubblica.it/economia/2016/10/18/news/ddl_caporalato_diventa_legge-150058824/)> Accessed on October 30, 2022. Author's translation.

Thus, freedom cannot do without the removal of factual, social and economic impediments that hinder the realization of human personality and dignity. With the recognition of individual freedom and its protection by art 13, several other freedom rights are recognized in the Constitution for the person, such as the right to freedom of thought, movement, association, etc. The protection of *status libertatis* precedes and conditions all rights of liberty and comprises individual liberty in a broad sense. Faced with such a situation, the attacks on the *status libertatis*, which translate into the reification and annihilation of the personality, entail the denial of the centrality of the human person, of their development, of the exercise of their rights and the fulfillment of the duties of solidarity (SCEVI, 2014, p. 9-10). As Giancarlo Saccoman comments, the Italian Constitution assures workers a series of rights (adequate remuneration, maximum working hours, weekly rest, annual vacations, etc.), which prevent work from being reduced to a mere component of production costs and, to the Workers' Statute the function of enforcing the Constitution in the confrontation with the employers' power was recognized. But with the elimination of reintegration, which was the cornerstone on which the Statute was founded, employers were given the right to override the higher law and work was turned into merchandise, hunting down workers' rights and attacking the power union negotiation, going back to the time before the Statute (SACCOMAN, 2014, p. 35-36). The author also observes that such policies reflect in a highly negative way on social protection systems, compromising social security systems and favoring xenophobic pressures to exclude immigrants, as has been discussed in Germany, France and Great Britain. In accordance to him, the situation results in social *dumping*, which is worsening social protection and the European labor market, while policies should be adopted to reinforce social cohesion and certify rights for all (SACCOMAN, 2014, p. 106-107).

The principles enshrined in ILO Conventions No. 29 and 105, relating to forced labor, have been widely accepted by the member States and received virtually universal support, becoming an inalienable part of the fundamental rights of human beings, with incorporation in various international instruments, both universal and regional (ILO, 2014, p. 1). With the adoption of the Declaration on Fundamental Principles and Rights at Work in 1998, this was reinforced with the commitment of ILO member States to respect, promote and apply the four fundamental rights and principles, including the abolition of all forms of forced labor, independently of whether they have sanctioned the relevant Conventions. In 2022, the International Labor Organization approved the inclusion of the fifth fundamental principle, which is the protection of the working environment (safety and health), making ILO Conventions No.155 and 187 also fundamental.<sup>19</sup> The first fundamental condition for the abolition of forced labor is the existence of legislation that clearly defines it, prohibits and applies sanctions to those who commit the crime in the national territory, for the protection of victims, preventing them from being exposed to situations of vulnerability and exploitation, including undocumented migrant workers, which requires international cooperation and collaboration between National Courts. In accordance with Vincent Gaulejac, in poverty and begging, "The individual is exposed to processes of stigmatization, objectification, dependence and loss of identity". Faced with "extreme violence, he is invaded by dehumanization and confusion". The usual references "that allow him to situate in relation to others and himself are weakened or destroyed". The unemployed, the inactive, the exile, the immigrant "all are defined by a fault". In conformity to the author "it is this lack that becomes the main element of their social identity". (GAULEJAC, 2006 p. 103-104). The alteration of the Italian penal legislation was an important step to modify this scenario of enslavement and exploitation of workers, but for the eradication of these practices it is necessary to integrate several diplomas; national and transnational

institutional efforts; effective public policies for the reception and regularization of refugees and migrants, for housing and work; application of international norms for the protection of human rights and the effective fight against human trafficking networks for the super-exploitation of work and international prostitution, as well as the drug trafficking.

## CONCLUSION

Globalization has brought economic policies to Italy and the world with the deregulation of the labor market, increased levels of unemployment and social inequality, leaving thousands of people excluded from the minimum conditions for survival. Analyzing human trafficking and slave labor in contemporary times implies conceiving individual freedom in a broad sense, with the full development of the citizen, endowing him with the autonomous capacity to act and react, according to his choices and wishes. In order to understand the scope of domination, violence and fear in enslaved work, it is important to focus on freedom as autonomy of the will, to recognize the vulnerability of workers as limiting the exercise of this autonomy and freedom as a development to achieve the free condition of an agent of the worker. Migrant workers are victims of human trafficking and enslaving exploitation at work, due to the constant need to move geographically in search of sustenance, which makes them easy targets for recruiters and subject to false promises. Migration takes place within areas where there is work and at appropriate times, harming bonds of affection, coexistence and long-term life projects, besides to making it difficult to track cases. Indebtedness is one of the ways to keep workers "stuck" in their jobs. Moral coercion and the fear of being out of work often spare the use of physical force. For the reasons shown, even if there is not, properly speaking, the physical imprisonment of the worker, indebtedness, affective, economic and geographical isolation limit the freedom of the subject, considered in his individuality, fullness, autonomy and dignity. It is hoped that the amendment of Italian criminal legislation, combined with other national and transnational public policies may, in fact, represent a future change in this inhumane framework of exploitation of workers, which must be the objective of all who are committed to the prevention and combating human trafficking and contemporary slavery.

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