



National and International Law on gender violence and Asylum/migration

European Legal Framework

TRAFFICKING IN HUMAN BEINGS

[Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA](#)

(3) This Directive recognises the gender-specific phenomenon of trafficking and that women and men are often trafficked for different purposes. For this reason, assistance and support measures should also be gender-specific where appropriate. The 'push' and 'pull' factors may be different depending on the sectors concerned, such as trafficking in human beings into the sex industry or for labour exploitation in, for example, construction work, the agricultural sector or domestic servitude.

(12) The levels of penalties in this Directive reflect the growing concern among Member States regarding the development of the phenomenon of trafficking in human beings. For this reason this Directive uses as a basis levels 3 and 4 of the Council conclusions of 24- 25 April 2002 on the approach to apply regarding approximation of penalties. When the offence is committed in certain circumstances, for example against a particularly vulnerable victim, the penalty should be more severe. In the context of this Directive, particularly vulnerable persons should include at least all children. Other factors that could be taken into account when assessing the vulnerability of a victim include, for example, gender, pregnancy, state of health and disability. When the offence is particularly grave, for example when the life of the victim has been endangered or the offence has involved serious violence such as torture, forced drug/medication usage, rape or other serious forms of psychological, physical or sexual violence, or has otherwise caused particularly serious harm to the victim, this should also be reflected in a more severe penalty. When, under this Directive, a reference is made to surrender, such reference should be interpreted in accordance with Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (1). The gravity of the offence committed could be taken into account within the framework of the execution of the sentence.

(25) Member States should establish and/or strengthen policies to prevent trafficking in human beings, including measures to discourage and reduce the demand that fosters all forms of exploitation, and measures to reduce the risk of people becoming victims of trafficking in human beings, by means of research, including research into new forms of trafficking in human beings, information, awareness-raising, and education. In such initiatives, Member States should adopt a gender perspective and a child-rights approach. Officials likely to come into contact with victims or potential victims of trafficking in human beings should be adequately trained to identify and deal with such victims. That training obligation should be



promoted for members of the following categories when they are likely to come into contact with victims: police officers, border guards, immigration officials, public prosecutors, lawyers, members of the judiciary and court officials, labour inspectors, social, child and health care personnel and consular staff, but could, depending on local circumstances, also involve other groups of public officials who are likely to encounter trafficking victims in their work

Art. 1 This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of trafficking in human beings. It also introduces common provisions, taking into account the gender perspective, to strengthen the prevention of this crime and the protection of the victims thereof.

COUNCIL DIRECTIVE 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities

Art. 9

2. Member States shall provide necessary medical or other assistance to the third-country nationals concerned, who do not have sufficient resources and have special needs, such as pregnant women, the disabled or victims of sexual violence or other forms of violence and, if Member States have recourse to the option provided for in Article 3(3), minors.

Article 10 Minors

If Member States have recourse to the option provided for in Article 3(3), the following provisions shall apply:

(a) Member States shall take due account of the best interests of the child when applying this Directive. They shall ensure that the procedure is appropriate to the age and maturity of the child. In particular, if they consider that it is in the best interest of the child, they may extend the reflection period.

(b) Member States shall ensure that minors have access to the educational system under the same conditions as nationals. Member States may stipulate that such access must be limited to the public education system.

(c) In the case of third-country nationals who are unaccompanied minors, Member States shall take the necessary steps to establish their identity, nationality and the fact that they are unaccompanied. They shall make every effort to locate their families as quickly as possible and take the necessary steps immediately to ensure legal representation, including representation in criminal proceedings, if necessary, in accordance with national law.

DIRECTIVE 2009/52/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals



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Art. 2 (i) (i) 'particularly exploitative working conditions' means working conditions, including those resulting from gender based or other discrimination, where there is a striking disproportion compared with the terms of employment of legally employed workers which, for example, affects workers' health and safety, and which offends against human dignity.

CRIME VICTIMS

[DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA](#)

(9) Crime is a wrong against society as well as a violation of the individual rights of victims. As such, victims of crime should be recognised and treated in a respectful, sensitive and professional manner without discrimination of any kind based on any ground such as race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health. In all contacts with a competent authority operating within the context of criminal proceedings, and any service coming into contact with victims, such as victim support or restorative justice services, the personal situation and immediate needs, age, gender, possible disability and maturity of victims of crime should be taken into account while fully respecting their physical, mental and moral integrity. Victims of crime should be protected from secondary and repeat victimisation, from intimidation and from retaliation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice.

(18) Where violence is committed in a close relationship, it is committed by a person who is a current or former spouse, or partner or other family member of the victim, whether or not the offender shares or has shared the same household with the victim. Such violence could cover physical, sexual, psychological or economic violence and could result in physical, mental or emotional harm or economic loss. Violence in close relationships is a serious and often hidden social problem which could cause systematic psychological and physical trauma with severe consequences because the offender is a person whom the victim should be able to trust. Victims of violence in close relationships may therefore be in need of special protection measures. Women are affected disproportionately by this type of violence and the situation can be worse if the woman is dependent on the offender economically, socially or as regards her right to residence

(38) Persons who are particularly vulnerable or who find themselves in situations that expose them to a particularly high risk of harm, such as persons subjected to repeat violence in close relationships, victims of gender-based violence, or persons who fall victim to other types of crime in a Member State of which they are not nationals or residents, should be provided with specialist support and legal protection. Specialist support services should be based on an integrated and targeted approach which should, in particular, take into account the specific needs of victims, the severity of the harm suffered as a result of a criminal offence,



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as well as the relationship between victims, offenders, children and their wider social environment. A main task of these services and their staff, which play an important role in supporting the victim to recover from and overcome potential harm or trauma as a result of a criminal offence, should be to inform victims about the rights set out in this Directive so that they can take decisions in a supportive environment that treats them with dignity, respect and sensitivity. The types of support that such specialist support services should offer could include providing shelter and safe accommodation, immediate medical support, referral to medical and forensic examination for evidence in cases of rape or sexual assault, short and long-term psychological counselling, trauma care, legal advice, advocacy and specific services for children as direct or indirect victims.

(56) Individual assessments should take into account the personal characteristics of the victim such as his or her age, gender and gender identity or expression, ethnicity, race, religion, sexual orientation, health, disability, residence status, communication difficulties, relationship to or dependence on the offender and previous experience of crime. They should also take into account the type or nature and the circumstances of the crime such as whether it is a hate crime, a bias crime or a crime committed with a discriminatory motive, sexual violence, violence in a close relationship, whether the offender was in a position of control, whether the victim's residence is in a high crime or gang dominated area, or whether the victim's country of origin is not the Member State where the crime was committed.

(57) Victims of human trafficking, terrorism, organised crime, violence in close relationships, sexual violence or exploitation, gender-based violence, hate crime, and victims with disabilities and child victims tend to experience a high rate of secondary and repeat victimisation, of intimidation and of retaliation. Particular care should be taken when assessing whether such victims are at risk of such victimisation, intimidation and of retaliation and there should be a strong presumption that those victims will benefit from special protection measures.

(61) Any officials involved in criminal proceedings who are likely to come into personal contact with victims should be able to access and receive appropriate initial and ongoing training, to a level appropriate to their contact with victims, so that they are able to identify victims and their needs and deal with them in a respectful, sensitive, professional and non-discriminatory manner. Persons who are likely to be involved in the individual assessment to identify victims' specific protection needs and to determine their need for special protection measures should receive specific training on how to carry out such an assessment. Member States should ensure such training for police services and court staff. Equally, training should be promoted for lawyers, prosecutors and judges and for practitioners who provide victim support or restorative justice services. This requirement should include training on the specific support services to which victims should be referred or specialist training where their work focuses on victims with specific needs and specific psychological training, as appropriate. Where relevant, such training should be gender sensitive. Member States' actions on training should be complemented by guidelines, recommendations and exchange of best practices in accordance with the Budapest roadmap.

(64) Systematic and adequate statistical data collection is recognised as an essential component of effective policymaking in the field of rights set out in this Directive. In order to facilitate evaluation of the application



of this Directive, Member States should communicate to the Commission relevant statistical data related to the application of national procedures on victims of crime, including at least the number and type of the reported crimes and, as far as such data are known and are available, the number and age and gender of the victims. Relevant statistical data can include data recorded by the judicial authorities and by law enforcement agencies and, as far as possible, administrative data compiled by healthcare and social welfare services and by public and non-governmental victim support or restorative justice services and other organisations working with victims of crime. Judicial data can include information about reported crime, the number of cases that are investigated and persons prosecuted and sentenced. Service-based administrative data can include, as far as possible, data on how victims are using services provided by government agencies and public and private support organisations, such as the number of referrals by police to victim support services, the number of victims that request, receive or do not receive support or restorative justice.

Article 9 Support from victim support services

(b) targeted and integrated support for victims with specific needs, such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships, including trauma support and counselling

Article 22 Individual assessment of victims to identify specific protection needs

3. In the context of the individual assessment, particular attention shall be paid to victims who have suffered considerable harm due to the severity of the crime; victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics; victims whose relationship to and dependence on the offender make them particularly vulnerable. In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence, exploitation or hate crime, and victims with disabilities shall be duly considered.

Article 23 Right to protection of victims with specific protection needs during criminal proceedings

(d) all interviews with victims of sexual violence, gender-based violence or violence in close relationships, unless conducted by a prosecutor or a judge, being conducted by a person of the same sex as the victim, if the victim so wishes, provided that the course of the criminal proceedings will not be prejudiced

[COUNCIL DECISION on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence](#)

The Union has competence particularly in the area of anti-discrimination and gender equality under Article 157 TFEU, which is relevant under Chapter I and, in relation to sexual harassment — covered by Article 40 of the Convention — in matters on employment and occupation and access to and supply of goods and services, and competence as well as secondary legislation under Articles 82 and 84 TFEU for measures in Chapter IV and Chapter VI which deal with protection and support for victims and investigation, prosecution, procedural law and protective measures. As far as sexual exploitation of women and children is concerned, Article 83(1) TFEU provides a legal basis for action. The EU is competent for certain matters in the areas of



asylum and migration which are the subject of Chapter VII of the Convention under Articles 78 and 79 TFEU. Residence status of mobile EU nationals and their third-country spouses, as well as the status of third-country nationals who are long-term residents and their spouses, is a matter of EU competence in accordance with Articles 18, 21, 46, 50, 78 and 79 TFEU. As regards aspects of consular protection (see Article 18(5) of the Convention), EU competence follows from Article 23 TFEU. Finally, the Union has competence under Articles 81 and 82 TFEU on cross-border civil and criminal matters, which is relevant for measures included in Chapter VIII on international cooperation²⁰. This chapter also includes obligations on data protection, which is an area falling under Union competence in accordance with Article 16 TFEU.

[COUNCIL DECISION \(EU\) 2017/866 of 11 May 2017 on the signing, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to asylum and non-refoulement](#)

[The signing, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to asylum and non-refoulement is hereby authorised, subject to the conclusion of the said Convention \(1\).](#)

ASYLUM PROCEDURES

[DIRECTIVE 2013/32/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 on common procedures for granting and withdrawing international protection \(recast\)](#)

(29) Certain applicants may be in need of special procedural guarantees due, inter alia, to their age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or as a consequence of torture, rape or other serious forms of psychological, physical or sexual violence. Member States should endeavour to identify applicants in need of special procedural guarantees before a first instance decision is taken. Those applicants should be provided with adequate support, including sufficient time, in order to create the conditions necessary for their effective access to procedures and for presenting the elements needed to substantiate their application for international protection.

(32) With a view to ensuring substantive equality between female and male applicants, examination procedures should be gender-sensitive. In particular, personal interviews should be organised in a way which makes it possible for both female and male applicants to speak about their past experiences in cases involving gender-based persecution. The complexity of gender-related claims should be properly taken into account in procedures based on the concept of safe third country, the concept of safe country of origin or the notion of subsequent applications.

Article 10 Requirements for the examination of applications

3. Member States shall ensure that decisions by the determining authority on applications for international protection are taken after an appropriate examination. To that end, Member States shall ensure that:



(d) the personnel examining applications and taking decisions have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious, child-related or gender issues

Article 15 Requirements for a personal interview

3. Member States shall take appropriate steps to ensure that personal interviews are conducted under conditions which allow applicants to present the grounds for their applications in a comprehensive manner. To that end, Member States shall:

(a) ensure that the person who conducts the interview is competent to take account of the personal and general circumstances surrounding the application, including the applicant's cultural origin, gender, sexual orientation, gender identity or vulnerability;

[DIRECTIVE 2013/33/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 laying down standards for the reception of applicants for international protection \(recast\)](#)

Article 18 Modalities for material reception conditions

3. Member States shall take into consideration gender and age-specific concerns and the situation of vulnerable persons in relation to applicants within the premises and accommodation centres referred to in paragraph 1(a) and (b).

4. Member States shall take appropriate measures to prevent assault and gender-based violence, including sexual assault and harassment, within the premises and accommodation centres referred to in paragraph 1(a) and (b).

Article 11 Detention of vulnerable persons and of applicants with special reception needs

1. The health, including mental health, of applicants in detention who are vulnerable persons shall be of primary concern to national authorities.

Where vulnerable persons are detained, Member States shall ensure regular monitoring and adequate support taking into account their particular situation, including their health.

2. Minors shall be detained only as a measure of last resort and after it having been established that other less coercive alternative measures cannot be applied effectively. Such detention shall be for the shortest period of time and all efforts shall be made to release the detained minors and place them in accommodation suitable for minors.

The minor's best interests, as prescribed in Article 23(2), shall be a primary consideration for Member States.



Where minors are detained, they shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age.

3. Unaccompanied minors shall be detained only in exceptional circumstances. All efforts shall be made to release the detained unaccompanied minor as soon as possible.

Unaccompanied minors shall never be detained in prison accommodation.

As far as possible, unaccompanied minors shall be provided with accommodation in institutions provided with personnel and facilities which take into account the needs of persons of their age.

Where unaccompanied minors are detained, Member States shall ensure that they are accommodated separately from adults.

4. Detained families shall be provided with separate accommodation guaranteeing adequate privacy.

5. Where female applicants are detained, Member States shall ensure that they are accommodated separately from male applicants, unless the latter are family members and all individuals concerned consent thereto.

Exceptions to the first subparagraph may also apply to the use of common spaces designed for recreational or social activities, including the provision of meals.

6. In duly justified cases and for a reasonable period that shall be as short as possible Member States may derogate from the third subparagraph of paragraph 2, paragraph 4 and the first subparagraph of paragraph 5, when the applicant is detained at a border post or in a transit zone, with the exception of the cases referred to in Article 43 of Directive 2013/32/EU.

[DIRECTIVE 2011/95/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted](#)

(30) It is equally necessary to introduce a common concept of the persecution ground 'membership of a particular social group'. For the purposes of defining a particular social group, issues arising from an applicant's gender, including gender identity and sexual orientation, which may be related to certain legal traditions and customs, resulting in for example genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant's well-founded fear of persecution

Article 4 Assessment of facts and circumstances

3. The assessment of an application for international protection is to be carried out on an individual basis and includes taking into account:



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(c) the individual position and personal circumstances of the applicant, including factors such as background, gender and age, so as to assess whether, on the basis of the applicant's personal circumstances, the acts to which the applicant has been or could be exposed would amount to persecution or serious harm;

Article 9 Acts of persecution

2. Acts of persecution as qualified in paragraph 1 can, inter alia, take the form of (f) acts of a gender-specific or child-specific nature.

Article 10 Reasons for persecution 1. Member States shall take the following elements into account when assessing the reasons for persecution

Depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of sexual orientation. Sexual orientation cannot be understood to include acts considered to be criminal in accordance with national law of the Member States. Gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;

Article 20 General rules

3. When implementing this Chapter, Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

[DIRECTIVE 2008/115/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals](#)

Article 5 Non-refoulement, best interests of the child, family life and state of health

When implementing this Directive, Member States shall take due account of:

(a) the best interests of the child;

(b) family life;

(c) the state of health of the third-country national concerned, and respect the principle of non-refoulement

Article 10 Return and removal of unaccompanied minors

1. Before deciding to issue a return decision in respect of an unaccompanied minor, assistance by appropriate bodies other than the authorities enforcing return shall be granted with due consideration being given to the best interests of the child.



2. Before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return

CONVENTIONS AND EUROPEAN STRATEGIES

[Convenzione di Ginevra 1951](#)

[Convenzione europea dei diritti dell'uomo 1950](#)

[International Covenant on Civil and Political Rights. Adopted by the General Assembly of the United Nations on 19 December 1966](#) [Optional Protocol to the above-mentioned Covenant. Adopted by the General Assembly of the United Nations on 19 December 1966](#)

[Protocollo addizionale della Convenzione delle Nazioni Unite contro la criminalità organizzata transnazionale per prevenire, reprimere e punire la tratta di persone, in particolare di donne e bambini](#)

[La Convenzione del Consiglio d'Europa sulla prevenzione e la lotta alla violenza contro le donne e la violenza domestica](#)

[CONVENZIONE DEL CONSIGLIO D'EUROPA SULLA LOTTA CONTRO LA TRATTA DI ESSERI UMANI E RELAZIONE ESPLICATIVA](#)

[The Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#)

[INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS UNITED](#)

[Convention on the Rights of the Child](#)

ITALIAN LAWS

Art. 3 [Costituzione Italiana](#)

Tutti i cittadini hanno pari dignità sociale [XIV] e sono eguali davanti alla legge, senza distinzione di sesso [292, 371, 481, 511, 1177], di razza, di lingua [6], di religione [8, 19], di opinioni politiche [22], di condizioni personali e sociali.



E` compito della Repubblica rimuovere gli ostacoli di ordine economico e sociale, che, limitando di fatto la liberta` e l'eguaglianza dei cittadini, impediscono il pieno sviluppo della persona umana e l'effettiva partecipazione di tutti i lavoratori all'organizzazione politica, economica e sociale del Paese.

Protezione di vittime di tratta

[Art. 18 del Testo Unico Immigrazione, adottato con D.Lgs. 286/98.](#)

1. Quando, nel corso di operazioni di polizia, di indagini o di un procedimento per taluno dei delitti di cui all'articolo 3 della legge 20 febbraio 1958, n. 75, o di quelli previsti dall'articolo 380 del codice di procedura penale, ovvero nel corso di interventi assistenziali dei servizi sociali degli enti locali, siano accertate situazioni di violenza o di grave sfruttamento nei confronti di uno straniero, ed emergano concreti pericoli per la sua incolumità, per effetto dei tentativi di sottrarsi ai condizionamenti di un'associazione dedita ad uno dei predetti delitti o delle dichiarazioni rese nel corso delle indagini preliminari o del giudizio, il questore, anche su proposta del Procuratore della Repubblica, o con il parere favorevole della stessa autorità, rilascia uno speciale permesso di soggiorno per consentire allo straniero di sottrarsi alla violenza ed ai condizionamenti dell'organizzazione criminale e di partecipare ad un programma di assistenza ed integrazione sociale

[DECRETO LEGISLATIVO 4 marzo 2014, n. 24](#)

Art. 4

1. I minori non accompagnati vittime di tratta devono essere adeguatamente informati sui loro diritti, incluso l'eventuale accesso alla procedura di determinazione della protezione internazionale.

Vittime di violenza domestica

[Art. 18 bis del Testo Unico Immigrazione, adottato con D.Lgs. 286/98.](#)

Quando, nel corso di operazioni di polizia, di indagini o di un procedimento per taluno dei delitti previsti dagli articoli 572, 582, 583, 583-bis, 605, 609-bis e 612-bis del codice penale o per uno dei delitti previsti dall'articolo 380 del codice di procedura penale, commessi sul territorio nazionale in ambito di violenza domestica, siano accertate situazioni di violenza o abuso nei confronti di uno straniero ed emerga un concreto ed attuale pericolo per la sua incolumità, come conseguenza della scelta di sottrarsi alla medesima violenza o per effetto delle dichiarazioni rese nel corso delle indagini preliminari o del giudizio, il questore, con il parere favorevole dell'autorità giudiziaria procedente ovvero su proposta di quest'ultima, rilascia un permesso di soggiorno ai sensi dell'articolo 5, comma 6, per consentire alla vittima di sottrarsi alla violenza.



Mutilazione Genitale

[Legge 9 Gennaio 2006, n°7 Disposizioni concernenti la prevenzione e il divieto delle pratiche di mutilazione genitale femminile](#)

Disturbi psicologici

[Decreto 03 aprile 2017](#)

Linee guida per la programmazione degli interventi di assistenza e riabilitazione nonché per il trattamento dei disturbi psichici dei titolari dello status di rifugiato e dello status di protezione sussidiaria che hanno subito torture, stupri o altre forme gravi di violenza psicologica, fisica o sessuale. (17A02804)

Asilo

[Legge 142/2015](#)

Art.17

17.

Accoglienza di persone portatrici di esigenze particolari

1. Le misure di accoglienza previste dal presente decreto tengono conto della specifica situazione delle persone vulnerabili, quali i minori, i minori non accompagnati, i disabili, gli anziani, le donne in stato di gravidanza, i genitori singoli con figli minori, le vittime della tratta di esseri umani, le persone affette da gravi malattie o da disturbi mentali, le persone per le quali è stato accertato che hanno subito torture, stupri o altre forme gravi di violenza psicologica, fisica o sessuale o legata all'orientamento sessuale o all'identità di genere, le vittime di mutilazioni genitali.

2. Ai richiedenti protezione internazionale identificati come vittime della tratta di esseri umani si applica il programma unico di emersione, assistenza e integrazione sociale di cui all'articolo 18, comma 3-bis, del decreto legislativo 25 luglio 1998, n. 286.

Minori Stranieri

[Legge 7 aprile 2017, n. 47](#)

Art. 17

1. Al comma 2 dell'articolo 13 della legge 11 agosto 2003, n. 228, è aggiunto, in fine, il seguente periodo: 'Particolare tutela deve essere garantita nei confronti dei minori stranieri non accompagnati, predisponendo un programma specifico di assistenza che assicuri adeguate condizioni di accoglienza e di assistenza psico-sociale, sanitaria e legale, prevedendo soluzioni di lungo periodo, anche oltre il compimento della maggiore età^a.

2. In caso di minori vittime di tratta si applicano, in ogni stato e grado del procedimento, le disposizioni dell'articolo 18, commi 2, 2-bis e 2-ter, del decreto legislativo 18 agosto 2015, n. 142, e dell'articolo 76, comma 4-quater, del testo unico di cui al decreto del Presidente della Repubblica 30 maggio 2002, n. 115, anche al fine di garantire al minore un'adeguata assistenza per il risarcimento del danno.



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3. Per le finalità di cui al comma 2, è autorizzata la spesa di 154.080 euro annui a decorrere dall'anno 2017.

4. All'attuazione delle restanti disposizioni contenute nel presente articolo, si provvede nei limiti delle risorse umane, finanziarie e strumentali disponibili a legislazione vigente e comunque senza nuovi o maggiori oneri per la finanza pubblica.