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促进和保护所有人权——公民权利、政治权利、  
经济、社会及文化权利，包括发展权

## 对意大利的访问

### 当代形式奴役包括其原因和后果问题特别报告员的报告<sup>\*</sup> <sup>\*\*</sup>

#### 概要

当代形式奴役包括其原因和后果问题特别报告员于 2018 年 10 月 3 日至 12 日访问了意大利。

在对打击当代形式奴役的规范框架和现有机构间架构的分析中，特别报告员审视了农业部门移民工人遭受的剥削。她承认意大利可靠的立法和体制框架涵盖了农业领域的劳动剥削，但提请注意为该部门移民工人确保体面的工作和生活条件的挑战持续存在。报告最后建议协助政府和其他利益攸关方应对其余挑战。

\* 本报告概要以所有正式语文分发。报告正文附于概要之后，仅以提交语文分发。

\*\* 因提交方无法控制的情况，经协议，本报告迟于标准发布日期发布。



## **Annex**

### **Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her visit to Italy**

#### **I. Introduction**

1. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, visited Italy from 3 to 12 October 2018. The focus of her visit was the labour exploitation of migrant workers in agriculture, owing to numerous expressions of concern received previously in that regard.
2. The Special Rapporteur met with officials from a broad range of government departments, including the Ministry of Foreign Affairs and International Cooperation, the Interministerial Committee for Human Rights, the Ministry of Labour and Social Policies, the Ministry of Justice, the Department for Equal Opportunities of the Presidency of the Council of Ministers, the Labour Inspectorate, the Ministry of Agricultural Affairs, the Ministry of the Interior, including the Carabinieri Corps and the Guardia di Finanza, the National Anti-Mafia Directorate, the Chamber of Deputies and the Senate of the Italian Republic. The Special Rapporteur also met with territorial government authorities in Calabria and Apulia and visited a temporary reception centre for migrants.
3. The Special Rapporteur also met with representatives of trade unions and with private sector stakeholders Confindustria and Confagricoltura. She also held meetings with national and international civil society organizations, such as Amnesty International, Medici per i Diritti Umani, Incipit, Terra!, the Cooperativa Sociale Altereco and the independent human rights defender Marco Omizzolo. She also met with representatives of the European Commission, the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). She visited Rome, Calabria, Apulia and Latina province in Lazio, engaged directly with victims of labour exploitation and visited the informal settlements of San Ferdinando (Calabria) and Borgo Mezzanone (Apulia).
4. The present report was shared with the Government of Italy before its publication and the response of the Government is being issued separately (A/HRC/42/44/Add.2). The Special Rapporteur extends her appreciation to the Government of Italy for the invitation to visit the country and to officials from the various State entities for engaging in a fruitful and meaningful dialogue. She also thanks UNHCR, IOM and the United Nations Regional Information Centre for their comprehensive assistance in the planning and conduct of her visit and wishes to thank the United Nations University Centre for Policy Research for undertaking the background research for the present report. She further expresses her sincere gratitude to all civil society organizations, trade unions, business associations and individuals who took the time to meet with her.

#### **II. Background**

##### **Migrants in the agricultural sector**

5. When looking at the working age population (15–64 years) in Italy, the share of European Union migrants of the active population (employed or unemployed) has doubled, increasing from 2 per cent in 2007 to 4 per cent in 2016, while non-European Union migrants grew from 5 per cent to 7 per cent.<sup>1</sup>

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<sup>1</sup> See IOM Italy briefing, “Migrants’ contributions to Italy’s welfare” (October 2017).

6. Since the 1990s, demand for seasonal agricultural work in Italy has been mainly covered by migrant workers. While the growing presence of migrant workers in the agricultural sector is well known, no comprehensive official figures exist, owing to the incidence of irregular and not declared workers who are not captured by statistics. Nevertheless, it has been established that over the last 10 years, the incidence of migrant workers in the agricultural sector has tripled, increasing from 5.3 per cent in 2007 to 17 per cent in 2018 of the total numbers employed in agriculture.<sup>2</sup> The sharpest increase has been recorded in southern Italy (from 4 to 13 per cent), while in the north it rose from 3 to 6 per cent. The presence of migrant workers in agriculture is highly differentiated across farm size, typology and territorial level.<sup>3</sup>

7. In 2017, migrants accounted for 16.9 per cent of the total number employed in agriculture, of whom almost one third were Indian nationals.<sup>4</sup> In some areas, such as Calabria, migrants from sub-Saharan Africa have “replaced” migrants from European Union countries.<sup>5</sup>

8. According to the Istituto Nazionale della Previdenza Sociale, in 2017 286,940 individuals were registered with regular contracts, about 28 per cent of the total, of whom 151,706 were European Union nationals (53 per cent) and 135,234 were from other countries (47 per cent).

9. Depending on the region and the season, migrants constitute the majority of those working in the fields. The percentage of migrant workers is particularly high in the agricultural areas of southern Italy. In San Ferdinando, Calabria, for example, 88 per cent of the workers employed in agriculture are migrants.<sup>6</sup>

10. The number of non-European Union women migrants working in agriculture reportedly doubled between 2006 and 2016 to 29,456, while the number of men rose from 85,965 in 2007 to 132,415 in 2016.<sup>7</sup> Currently, almost 30 per cent of those working in the agricultural sector are women.<sup>8</sup> The overall number of European Union nationals working in agriculture has also increased. In some districts of southern Italy, the number of women workers from European Union countries, such as Romania, is significant.

11. The agricultural sector is characterized by difficult working conditions, low prestige and low pay; it requires mainly seasonal workers and a supply-and-demand mechanism that is ultra-flexible.<sup>9</sup> It is based on a mode of production that involves multiple actors throughout the supply chain, including multinationals, corporations, large-scale distribution companies, temporary agencies, transport companies and wholesalers, which aim to curtail the costs of production in order to increase profit margins. As a consequence, the rights of workers are often violated and they may be exposed to severe exploitation or slavery.

12. The frequent replacement of workers and the informality of the sector create an enabling environment for exploitation and abuse. Seasonal workers are at high risk of exploitation because their permit for legal stay is often tied to a labour contract, which puts

<sup>2</sup> Ibid.

<sup>3</sup> Silvia Coderoni and others, “Farms employing foreign workers in Italy: an analysis with census micro data”, *German Journal of Agricultural Economics*, vol. 67, No. 3 (2018).

<sup>4</sup> Ministero di Lavoro, Directorate General of Immigration and Integration Policies, “Foreigners in the Italian labour market”, eighth annual report, summary (2018).

<sup>5</sup> Ibid.

<sup>6</sup> Open Society European Policy Institute, “Is Italian agriculture a ‘pull factor’ for irregular migration – and, if so, why?” p. 8 (2018).

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> European Parliament, Policy Department for Citizens’ Rights and Constitutional Affairs, “The vulnerability to exploitation of women migrant workers in agriculture in the EU: the need for a human rights and gender based approach” (May 2018).

those without a contract in a precarious situation, thus increasing their vulnerability.<sup>10</sup> In practice, seasonal workers are often tied to, and often at the mercy of, one employer or one temporary agency and are unable to get access to the social assistance system.

13. Until 2009, regular amnesties were issued for migrants, which allowed them to obtain regular status, better working conditions and opportunities for social inclusion. In that way, usually only the more recently-arrived migrants would work in the agricultural sector. The economic crisis of 2008, however, pushed many migrants into unemployment and, as a consequence, back to agricultural work. In addition, owing to the large numbers of migrants who arrived in Italy between 2015 and 2017, there has been a significant increase in the migrant workforce available in the agricultural sector.

### **III. Normative and institutional framework**

#### **A. International and regional legal framework**

14. Italy has ratified or acceded to all the core human rights instruments and their optional protocols, with the exception of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It is also a party to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

15. Italy has ratified the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. It is also a party to all the International Labour Organization (ILO) fundamental conventions, including the Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour Convention, 1957 (No. 105); the Minimum Age Convention, 1973 (No. 138); the Labour Inspection Conventions, 1947 (No. 81) and 1969 (No. 129); the Worst Forms of Child Labour Convention, 1999 (No. 182); and the Domestic Workers Convention, 2011 (No. 189).

16. As a member of the Council of Europe, Italy is a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which, in its article 4, prohibits slavery, servitude and forced or compulsory labour. The compliance of States with the Convention is monitored by the European Court of Human Rights. To date, the Court has not delivered any judgment finding Italy in violation of article 4. Italy has ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

17. As a member State of the European Union, Italy is bound to adhere to the Charter of Fundamental Rights, which, in its article 5, prohibits slavery, servitude, forced or compulsory labour and trafficking in human beings. A number of European Union directives related to social policies, freedom of movement, migration policies, criminal justice and the rights of victims of crime are also relevant to labour exploitation in European Union member States.<sup>11</sup>

#### **B. National legal and institutional framework**

##### **Legislation**

18. Policies and laws issued both at the level of the European Union and at the national level in Italy are relevant with regard to labour exploitation and migration. For the purposes of the present report, the main focus will be on the relevant Italian legislation and institutional frameworks.

<sup>10</sup> Open Society European Policy Institute, “Is Italian agriculture a ‘pull factor’ for irregular migration – and, if so, why?”

<sup>11</sup> See European Union Agency for Fundamental Rights, *Severe Labour Exploitation: Workers Moving Within or Into the European Union* (2015).

19. The number of non-European Union citizens entering Italy for work is regulated by an annual decree on flows established by the Presidency of the Council of Ministers on the recommendation of the Ministry of Labour and Social Policies. Quotas are issued for seasonal and non-seasonal employment in different economic sectors on the basis of existing labour market needs. In 2017, the quota for non-seasonal work was 18,000 and for seasonal work 12,580, which was significantly less than in previous years.

20. There is no specific legislation criminalizing forced labour but slavery and servitude are prohibited. Article 600 of the Criminal Code includes “forced labour” and “forcing [a] ... person into begging” in its definition of slavery or servitude. The definition of forced labour is not explicit under Italian criminal law but it is addressed in article 603 bis of the Criminal Code which prohibits illicit intermediation and work exploitation (*caporalato* provision). *Caporalato* is the term used to refer to work in the informal economy and to labour exploitation of vulnerable workers, who are mostly irregular migrants from European Union countries and third countries of origin (mainly African and Asian). The Criminal Code punishes the recruitment of workers on behalf of third parties under exploitative conditions, taking advantage of the workers’ state of need and using, hiring or employing workers, including by the means of the intermediation activity of gangmasters or *caporali*.

21. Law No. 199/2016 contains provisions to counter the phenomena of undeclared employment, of exploitative labour in agriculture and the realignment of wages in the agricultural sector. It represents a significant advance, as it broadens the scope of the crime of illegal labour intermediation and work exploitation under the Criminal Code (art. 603 bis). The law includes a penalty of one to six years in jail and a fine of between 500 and 1,000 euros for each worker recruited, for anyone who recruits on behalf of third parties and subjects workers to exploitation. A fine of up to 2,000 euros is applied if the recruitment took place with violence or threats. While farm owners or other stakeholders commissioning recruitment services from *caporali* are not liable under article 603 bis of the Criminal Code, they may be prosecuted for complicity under article 110. Mandatory arrest in flagrante delicto is stipulated in the law, as is confiscation of proceeds and property. Hence, the amendment is a significant addition to the legal and institutional framework to end slavery-like practices in agriculture.

22. The *caporalato* is accompanied by a lack of protection, a denial of fundamental rights and indecent living conditions. The indicators of exploitation mentioned in the Criminal Code have been simplified owing to the law against the *caporalato* and now include: (a) repeated payment of wages excessively below the level fixed by a national or local collective agreement, or disproportionate to the quality or quantity of work performed; (b) repeated violation of regulations concerning working time, weekly days off, compulsory leave and holidays; (c) violation of safety and hygiene requirements in the workplace, irrespective of whether this creates a danger for workers’ health and safety; and (d) degrading working conditions.<sup>12</sup>

23. Law No. 199/2016 targets both illegal gangmasters and employers who exploit workers for criminal liability, regardless of any brokering activity. However, comprehensive data on prosecutions or convictions under the new law were not available at the time of the Special Rapporteur’s visit.

24. In addition to punitive measures, Law No. 199/2016 sets up a framework of inter-institutional coordination, particularly between the Ministries of Labour and Social Policies and of Agriculture, aimed at improving the living conditions of agricultural workers and introducing innovative recruitment policies. It also strengthens support for the Quality Agricultural Work Network, which was implemented in 2016.<sup>13</sup>

25. Legislative Decree No. 231/2001 provides for corporate criminal liability arising from the *caporalato* while Legislative Decree No. 215/2003 ensures non-discrimination and equality for all individuals, regardless of their racial or ethnic origin (art. 1), and allows

<sup>12</sup> Article 603 bis, para. 3.

<sup>13</sup> Law No. 199/2016 of 29 October 2016, “Disposizioni in materia di contrasto ai fenomeni del lavoro nero, dello sfruttamento lavorativo in agricoltura e di riallineamento retributivo nel settore agricolo”.

for civil action to be taken for discriminatory acts committed by members of the public administration on the grounds of race and ethnicity or religion (arts. 4 and 5) and nationality.<sup>14</sup>

26. Italian law differentiates between “illegal immigration” and “irregular migration”. So-called illegal migrants are defined as those who have entered Italy without any authorization, whereas irregular migrants are foreigners who have entered Italy as regular migrants (defined by IOM as migrants who comply with the laws of the country of origin, transit and destination), but who subsequently lose the requisite conditions for staying (A/HRC/23/46/Add.3, para. 18).

27. Legislative Decree No. 24/2014 provides for measures to facilitate access to justice and compensation for victims of trafficking and the introduction of a national monitoring system, such as an independent national rapporteur or equivalent mechanism, to assess and report on trends in trafficking in human beings and measure the results of anti-trafficking actions, including through the collection of statistics in close cooperation with civil society organizations active in this field (A/HRC/26/37/Add.4, para. 23).

28. Under the 1998 Italian Immigration Act, article 22, paragraphs 12 and 12 bis, the employment and exploitation of third-country nationals in an irregular situation is prohibited and it is an offence to employ them unless they have requested a residence permit within the established time frame, or if their permit has expired and they have not applied for it to be renewed, in accordance with the law, or they have had their permit revoked or withdrawn. Workers who have been exploited can obtain a residence permit under article 22, 12-quater, of the Consolidated Immigration Act if they make a complaint and cooperate with criminal proceedings launched against the employer concerned. However, only two permits were issued by the Government in this category in 2018, which indicates that in practice the article 22 provision is rarely used.

29. Minimum wages are established through national collective bargaining and the Constitution guarantees the right to fair pay. The minimum wage and indemnity benefits are negotiated between employers and trade unions and depend on the industry and employees’ qualification levels, among other factors. In agriculture, there is a national collective agreement and local contracts that establish the minimum daily pay (including social security contributions).

30. Under applicable legislation, a maximum of 8 working hours per day is allowed, or the equivalent of 40 hours per week. Overtime up to 8 hours per week or 250 hours per year is allowed, followed by a customized approach in relation to the collective agreements, which are based on the employee’s status and occupation within the company or district.

### **Institutional framework**

31. During the visit of the Special Rapporteur, reference was made to the existing framework regarding labour exploitation. One of the key features is the Interministerial Committee for Human Rights, chaired by the Ministry of Foreign Affairs and International Cooperation and composed of a specific human rights focal point appointed by each of: the Presidency of the Council of Ministers, the Ministry of Justice, the Ministry of the Interior, the Ministry of Education, the Ministry of Labour and Social Policies, the Ministry of Health, the Ministry of Economic Development, the Ministry of Defence, the Ministry of the Environment, the Ministry of Agriculture, the Ministry of Cultural Heritage, the National Office against Racial Discrimination, the High Council of the Judiciary, the National Council for Economics and Labour, the National Institute of Statistics, the Carabinieri Corps, the Revenue Guards Corps, the National Association of Italian Municipalities and the Italian Society for International Organizations. The Committee operates as a key mechanism for integration of the human rights of migrant workers into every agency and ministry. In addition, the national action plan for business and human

<sup>14</sup> See Legislative Decree No. 286/1998 governing immigration and the status of foreign nationals, art. 44.



rights 2016–2021 recognizes the need to end the *caporalato* system and all forms of illegal exploitation of migrant workers as part of the commitment to realizing the Sustainable Development Goals and in particular goal 8 and target 8.7, which involve promoting decent work as an antidote to modern slavery. Equality counsellors promote equal opportunities in the workplace at the regional, provincial and national level.

32. At the time of the visit, the Government was reviewing the national action plan against human trafficking and serious exploitation 2016–2018 and a follow-up plan was being developed.

33. Following the visit, a pilot memorandum of understanding was signed by the Ministers of Labour and the Interior and by the presidents of the five regions in southern Italy most affected by the *caporalato* system. Through a joint partnership and strengthened cooperation at the regional level, holistic reception programmes have been set up, but implementation remains pending. The Government has recently reactivated a multi-stakeholder platform to address labour exploitation in agriculture more effectively. It aims to establish a three-year action plan involving key stakeholders. The regional government of Apulia adopted a decision on an innovative form of agriculture, the *folto* farms. Under this model, workers receive free accommodation, look after 20 hectares of land and receive the harvest, thus rendering them self-sufficient. The pilot project was launched in 2016 and its outcome was being evaluated at the time of the visit.

34. An inter-institutional Committee was established by article 25-quater of Law 136. The Committee is responsible for the development and implementation of a national plan to combat labour exploitation in agriculture through different areas of intervention.

35. The Common Agricultural Policy of the European Union has provided unequal support to the agricultural sector in Italy, favouring mainly northern regions, large farms and the food industry.<sup>15</sup> Consequently, producers have been expected to outbid each other by lowering the price of their products, with the result that labour costs have been cut by employing a cheap workforce. As was reported to the Special Rapporteur, since many rural areas in Italy have been affected by depopulation and abandonment, migrants have increasingly responded to the demand for low-cost and flexible labour.

36. Italy has yet to establish a national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights. The process of establishing such an institution continues to stagnate but the Special Rapporteur hopes for prompt progress in this regard. Government measures adopted in 2019 are not reflected in the present report.<sup>16</sup>

## IV. Main findings

### A. Causes of labour exploitation in the agricultural sector in Italy

37. A number of structural factors which put already vulnerable individuals at risk of being subjected to labour exploitation in agriculture lead to forced labour or to slavery-like conditions. In particular, the systemic prevalence of the *caporalato* system, consisting of illegal recruitment through gangmasters, opens the door to exploitation and abuse. The *caporalato* is historically and socially anchored in the countryside of Italy as a form of irregular and anomalous organization of the agricultural labour market. Based on reports, the system is currently applied in the whole country and not restricted to the south.

38. The *caporalato* is not limited to agriculture, but that is reportedly the sector most affected by it. The types of exploitation are complex and manifold and the consequence of several factors. Intermediaries who may or may not be connected to organized crime act as a link between agricultural entrepreneurs and workers.

<sup>15</sup> See Franco Sotte, “Sessant’anni di Europa e Pac: il nuovo che c’è e il vecchio che è rimasto”, *Agriregionieuropa*, No. 50 (September 2017).

<sup>16</sup> For further information, see the comments provided by Italy.

39. The large number of migrants looking for employment and their conditions of social and physical marginalization and segregation in isolated informal settlements have provided a new dynamic to the old *caporalato* system, which is increasingly structured along national and ethnic lines.

40. The presence and operation of the *caporali* in agriculture, particularly in southern Italy, are one of the main causes and consequences of slavery-like practices, such as debt bondage, servitude and forced labour on farms.

41. Agriculture is often the only sector in which low-skilled workers can find employment. They often accept exploitation that may amount to slavery-like conditions as they feel they have no choice.

42. Intermediaries or *caporali* may be either Italian citizens or third-country nationals of the same origin as the migrant workers. *Caporali* who are part of organized criminal networks often control the entire process from the recruitment of individuals in their countries of origin to employment arrangements in Italy.

43. Firstly, the seasonality of agricultural work leads to temporary demand for workers, often at short notice, while the need for flexibility in the labour market leads to difficulties in matching supply and demand. Public employment centres do not address the needs of employers efficiently and, as a consequence, *caporali* are used to ensure that labour needs are met.

44. Secondly, the context in which the *caporali* operate creates the conditions for exploitation of workers, as it leads to dependency on middlemen, not only as regards access to the labour market but also to other services, such as transport in the absence of a public transportation system. Consequently, the *caporali* become indispensable.

45. Thirdly, value chain dynamics lay the basis for an exploitative system. The increase in large-scale retailing has led to a significant reshaping of the food sector, as major distribution chains control the majority of the agrifood market. Part of this development is also the establishment of large buying centres, consisting of various distribution groups which collectively negotiate with suppliers to obtain better contractual conditions and ensure competitiveness.<sup>17</sup> Those dynamics increase the pressure on suppliers and consequently production is increased and both the land and the workforce are exploited more intensively. The retailers are often foreign-owned companies that impose very low prices on farmers. The lowering of prices for products leads to increased hiring of low-cost workers through *caporali* or middlemen and hence to exploitation. High-value products, such as wine or olives, are often produced under exploitative conditions.

## **B. Forms and manifestations of labour exploitation in the agricultural sector in Italy**

46. According to estimates, around 430,000 workers are at risk each year of being employed through *caporali*, of whom over 100,000 may suffer severe exploitation. The majority are migrant workers from Africa, Eastern Europe, the Balkans, India and Pakistan.<sup>18</sup>

47. There are some regional differences regarding the degree of labour exploitation and the severity of living conditions but the main issues of concern can be generalized. Labour exploitation affects European Union migrants, third-country nationals and a minority of Italian nationals.

48. In some cases, victims of labour exploitation are also victims of trafficking in persons. Women are reportedly often trafficked for sexual exploitation, while men may be trafficked for forced and exploitative labour, mainly in the agriculture and construction

<sup>17</sup> Ibid.

<sup>18</sup> See “The African farm labourers’ rebellion” in European Trade Unions Institute, HesaMag #15, available from [www.etui.org/Topics/Health-Safety-working-conditions/HesaMag/\(offset\)/all](http://www.etui.org/Topics/Health-Safety-working-conditions/HesaMag/(offset)/all).



sectors. Nevertheless, the majority of those working irregularly in the agricultural sector are not victims of trafficking but of labour exploitation. Many of them were smuggled to Italy by sea, others entered Italy as regular migrants. Workers from European Union countries are often recruited in their country of origin on a seasonal basis.

49. According to estimates, close to half (42 per cent) of irregular farm workers are women.<sup>19</sup> In some cases, migrant women who are victims of sexual exploitation are also subject to labour exploitation, working under similar conditions as men for a daily wage of between 15 and 25 euros. Some women live in precarious conditions on farms, with or without their families, which isolates them from the outside world, increasing their dependency on the employers and their vulnerability to sexual exploitation. Women with family responsibilities are particularly vulnerable in this regard, as they may accept exploitative or slavery-like conditions in order to make a living for their children.

50. Romanian and Bulgarian women are particularly affected by both forms of exploitation but in places such as Latina, the *caporali* and employers also force some women workers from India to provide sexual services. Women workers and particularly irregular migrants are forced to comply with these demands in order to keep their jobs and avoid being reported to the judicial authorities.

### **Hazardous work, coercion and underpayment**

51. According to the testimonies received, victims of labour exploitation resulting in slavery are subjected to long working hours of sometimes up to 17 hours a day and some have neither rest days nor paid leave days. They undertake physically arduous and often hazardous work and may be exposed to pesticides without the necessary compliance with occupational health and safety requirements. In some instances, injured workers have been left abandoned near hospitals for emergency treatment by the gangmaster in charge, with instructions not to disclose details of the farm where the accident occurred.

52. Wages are often well below the amounts set under regional or provincial collective work agreements and may be as little as 3 euros per hour. In the places visited by the Special Rapporteur, the salary was generally between 20 and 30 euros a day for 10–12 hours of work. Workers are often paid by piece rather than by the hour, which increases the pressure on them. In Calabria, workers are paid as little as 50 cents for a box of oranges and 1 euro for a box of tangerines. Salaries are on average 40 per cent lower than the minimum wage guaranteed in national collective labour agreements, as a certain percentage of the salary is withheld by the employer and by the *caporale*. In the Gioia Tauro plain of Calabria, for example, workers receive on average 25 euros a day, despite the gross salary being 42 euros a day, based on provincial norms. In Apulia, the employer pays the *caporale* 5 euros for each container of tomatoes (300 kg). For each container, the *caporale* holds back between 50 cents and 1.5 euros, leaving the workers with between 3.5 and 4.5 euros.

53. In Latina, about 30,000 Sikh workers from India are subjected to extreme forms of coercion, including being forced to take performance-enhancing drugs, which is prohibited by their religion but which enables them to work 10–14 hours a day in the fields.

54. Other forms of coercion include physical and sexual violence or threats of violence, the withholding of wages and documents, and threats by traffickers to workers' families in their countries of origin if they refuse to continue doing the exploitative work. For example, a 20-year-old worker from India had not been paid for three months and was severely beaten when he asked for his pay.

### **Dependency on the *caporali***

55. For the reasons mentioned, middlemen exercise a great deal of power and control over the workers they recruit. In addition to transportation, they also provide food, water and housing, for which they commonly retain a high fee: transport from the accommodation to the field costs around 5 euros per day, a sandwich may cost 3 euros and a bottle of water

<sup>19</sup> See Osservatorio Placido Rizzotto/FLAI CGIL, *Agromafie e Caporalato. Quarto Rapporto* (Rome, Bibliotheka Edizioni, 2018).

1.5 euros. The *caporale* controls the employee's daily life with regard to the receipt of a residency permit, social contacts, payment, work time and wages. *Caporali* reportedly withhold 40 to 50 per cent of a worker's daily pay. Consequently, workers are constantly indebted, sometimes to the point that they have to borrow money from their relatives in their home countries.

56. Based on this dependency, many workers have no choice but to continue working in exploitative conditions that may amount to forced labour. Many migrant workers are also subject to bonded labour, particularly migrants who were trafficked to Italy by paying fees as high as 4,000 euros, which they need to pay back once they are in the country. Workers in this situation find themselves trapped in a dangerous system from which it is difficult to escape. Some intermediaries also confiscate workers' documents to increase control over them.

### **Violation of contract provisions, fraudulent practices and corruption**

57. Working relationships in the agricultural sector are often semi-legal or illegal-informal. There is, for example, a practice of employers declaring labour which is not actually carried out in order to claim social security benefits and some employers declare fewer work days than those actually completed by workers.

58. Despite the regular status of migrants living in the Gioia Tauro plain in Calabria, for example, fewer than 3 out of 10 had a work contract.<sup>20</sup> Even those who do have an employment contract and legal residency status are often not protected from exploitation.

59. The fraudulent practices reported included not properly recording the hours and days worked as an employer's way of evading the payment of social security benefits. That has strong detrimental consequences for the workers affected, as they have to work for at least 51 days before they can renew an employment contract. In addition, a worker is at risk of losing not only his or her contract but also his or her stay permit. A minimum amount needs to be reflected on the payslip for the recipient to be eligible to have his or her stay permit renewed. If that is not forthcoming, migrants may pay 500–600 euros or even up to 1,000 euros for a fictitious payslip issued by the employer. In response and to keep their job, workers declare receipt of full pay cheques and then need to reimburse the balance to the *caporale* when in fact they are entitled to a full pay cheque. Even with a contract, workers often do not have access to unemployment benefits.

60. Social security payments may also be hijacked by someone else under the pretext of fake employment, for example if a farm owner and his or her relatives register as workers. Under such circumstances, some have claimed social contributions for work that was carried out by migrant workers. Registering bogus workers who benefit from social security payments undermines existing policies and institutions.

61. Such practices show that migrant workers are exposed to severe forms of blackmail, based on corruption and on a parallel, criminal system that systematically exploits the vulnerability of migrants and their inability to seek justice by filing complaints against the perpetrators.

### **Indecent, hazardous living conditions**

62. The living conditions of migrant workers employed in agriculture are generally dire. Many live in abandoned buildings or tents, some of them set up by local authorities. Others live in informal settlements which have become permanent over the past 20 years.

63. The lack of access to decent housing and the fact that some migrants live in informal settlements is based on a number of factors. Firstly, the large number of migrants and their housing needs continue to be addressed by the governmental authorities as an emergency and, as a consequence, the municipality in charge will put up a tented camp instead of putting in place more long-term structures. In March 2019, some 2,000 migrants

<sup>20</sup> See Doctors for Human Rights. "The wretched of the earth. A report on the working and living conditions of the agricultural labourers in the Piana di Gioia Tauro region" (May 2018).

were forcibly evicted from an informal settlement in San Ferdinando, Calabria, and in April, the informal settlement of Borgo Mezzanone was dismantled. Migrants housed in informal settlements regularly die in fires: in the tent city set up by the authorities of San Ferdinando, a young man from Senegal died in March 2019 and another man died in a fire in Borgo Mezzanone in April.

64. Secondly, informal settlements are practical for the *caporali*, as they are generally located close to the fields and they often recruit workers there. Thirdly, many workers cannot afford to rent an apartment while living on less than the minimum wage.

65. Seasonality as such should not necessarily prevent migrant workers from gaining access to decent housing, although seasonality is often used as an explanation for not putting in place more permanent housing structures.

66. Serious racial discrimination, particularly against migrants from sub-Saharan Africa, also prevents workers from getting access to decent housing. They live in abysmal conditions in informal settlements that are geographically isolated, creating a troubling segregation between them and the local population. In the informal settlements visited by the Special Rapporteur, migrant workers were living in hazardous makeshift shelters with no electricity, water, waste removal or sanitation facilities and had no social protection. The settlements are reportedly controlled by organized crime networks, owing to a complete absence of State authorities. In most such settlements, the majority are young men and about 10 per cent are women who engage in prostitution – a business which is also controlled by criminal groups.

67. Regardless of their status, migrants are entitled to public health care under article 32 of the Constitution. In practice, however, accessing health care is often difficult for migrants, owing to a number of issues, including administrative barriers, overly bureaucratic procedures, a lack of information or marginalization and precarious living conditions. A “sanitary card” is needed to obtain medical assistance but a local residence is required to obtain one, which is difficult for many workers, particularly those working on a seasonal basis. Without a sanitary card, even migrants with a regular residence permit can get access to health services only in an emergency.

68. Laws and regulations concerning the attribution of a local residence permit and exemption from payment for medicines and examinations are not correctly implemented by the local health authorities in many cases. Practices can vary by region and by city, thus arbitrarily excluding many migrants from the regular health-care system.

69. The precarious living and working conditions have a significant impact on the physical and mental health of migrant workers, as they face a continuous battle for survival. Furthermore, the presence of large informal settlements and the conditions found there risk fuelling social tensions, which may increase racism and xenophobia. Incidents such as the killing of the Malian migrant worker, Soumaila Sacko, in Rosarno, Calabria, in June 2018 and the alleged use of air rifles to shoot Indian workers in Latina could escalate unless attention is paid to addressing social integration and ending the impunity of perpetrators.

70. In places such as Latina, migrants live in ordinary houses within the local community, but they remain marginalized and discriminated against, often by being charged excessive amounts of rent for their housing.

### **Connection between migration status and vulnerability to labour exploitation**

71. During her visit, the Special Rapporteur witnessed migration policies having a direct impact on the vulnerability of migrants to exploitation, forced labour and slavery.

72. Labour exploitation is a long-standing issue in Italy, regardless of migration flows. In agriculture, however, the numbers of migrant workers employed have increased, while entry permits have been drastically reduced over the last decade. Currently, about one third of the estimated 1 million agricultural workers are migrants. The shortage in the number of available workers has increasingly been met by workers with regular residence permits from European Union and non-European Union countries, irregular migrants and asylum seekers.

73. Within the European Union, migration policies have become increasingly restrictive since 2015, when the European Agenda on Migration was launched. Until 2017, Italy continued to receive thousands of migrants but in the middle of 2018, the newly elected Government of Italy closed its borders to maritime arrivals. Currently, there are very limited opportunities for migrant workers to reach Italy through regular channels and to find regular work.

74. In the absence of adequate, sufficient and safe migration channels, irregular migration through smuggling and trafficking in human beings remains the principal option for those attempting to reach Italy. Given the lack of opportunities for regularizing their status, the asylum system has become the only vehicle for gaining temporary legal status for many migrants whose labour is in demand. The mismatch between regular migration pathways and labour demand, based on inadequate asylum procedures, reception systems and integration measures exposes migrants to exploitation and abuse. Migrants with an irregular status are trapped in a seasonal circuit of employment for years.<sup>21</sup> At the same time, exploitation affects both regular and irregular migrants equally.

75. A residence permit can only be renewed if the applicant has an employment contract, which risks pushing migrants further towards irregular channels and thus increasing their vulnerability to exploitation. Migrants who are unable to obtain a residence permit are easily blackmailed. Those who hold a permit are also often exploited through irregular or regular work in agriculture.

76. While asylum seekers wait for determination of their refugee status to be handed down, they are housed in temporary reception centres, which are government centres but managed by private entities. Depending on the region, the examination of an asylum claim, or of an appeal to the courts in the case of a negative decision, can take several months or even years. While housed in temporary accommodation facilities, often in substandard conditions, many asylum seekers are recruited by *caporali*.

77. As of December 2018, Law No. 132/2018 has transformed the former reception centres into the so-called system for the protection of beneficiaries of international protection and unaccompanied minors. These centres only accommodate beneficiaries of international protection and unaccompanied asylum-seeking children.<sup>22</sup> Asylum seekers who were already staying in the former reception centres can remain in the centres of the new system. Asylum seekers who lodged an application after the entry into force of the new law cannot be accommodated in the new centres and can only be accommodated in a so-called first reception centre.<sup>23</sup>

78. Until the entry into force of Law No. 132/2018, beneficiaries of international protection (refugee status and subsidiary protection) were granted a renewable five-year residence permit, while beneficiaries of humanitarian protection were granted a two-year permit. Under the new legislation, humanitarian protection was abrogated and replaced with other types of residence permits that have limited scope and duration and will therefore not provide the same level of protection.

79. The new law does not amend the grounds for granting special residence permits to victims of trafficking, violence or labour exploitation, as already provided for in the Consolidated Act on Immigration. Nevertheless, given that humanitarian permits were issued mainly in cases where international protection had been rejected, the new legislation will lead to an increase in the number of rejected asylum claims and to migrants losing their current status. Consequently, more migrants will become irregular, increasing their vulnerability to exploitation. More people will be likely to move to informal settlements owing to a lack of alternatives. Without a permit, the right to work will be lost and asylum seekers and beneficiaries of humanitarian protection will be excluded from the reception

<sup>21</sup> See Joint Ethical Trading Initiatives, “Due diligence in agricultural supply chains: counteracting exploitation of migrant workers in Italian tomato production” (December 2015).

<sup>22</sup> See European Migration Network, “Annual report on migration and asylum 2018” (May 2019), p. 24.

<sup>23</sup> Ibid.

centres set up under the new system. Consequently, these categories of people will no longer have access to integration programmes, such as language classes and work skills courses, as was the case in the former reception system. Rejected asylum seekers who do not have a right to submit an appeal and do not have access to other forms of protection or to a permit of stay, are requested to leave the country. This hardened approach risks driving migrants into more precarious situations and into the hands of criminal structures as an alternative to being repatriated. The exclusion from reception centres will most likely increase the number of people living in informal settlements.<sup>24</sup>

### **Role of organized crime in labour exploitation in agriculture**

80. Many of the Special Rapporteur's interlocutors mentioned that organized crime penetrates the agricultural sector "from soil to store shelves", meaning from production through supply chains to distribution. Concretely, organized crime is involved in land hoarding, fraud, illegal hiring, labour exploitation and illegal transport.

81. As explained to the Special Rapporteur, the involvement of organized crime in the agrifood sector is because it is highly profitable. The profit margins of products, such as those labelled "made in Italy", have led to increased interest from criminal organizations, as doing criminal business in agriculture is safer than drug trafficking or other illegal activities.

82. The value of the so-called *agromafia* business has almost doubled from 12.5 billion euros in 2011 to more than 22 billion euros in 2018, which accounts for 15 per cent of the total estimated mafia turnover. The Italian mafia is also involved in human trafficking in cooperation with foreign organized criminal networks. Particularly in southern Italy, organized crime is involved in all economic sectors, including agriculture. The regions most affected by the *caporalato* overlap with the regions most affected by mafia crimes. Based on reports received, the *caporali* may well be extorted by the local mafia clans.

83. In the absence of effective local governance and a State presence in regions such as Calabria, people rely on illegal structures, including the *caporali*, to provide basic services. That allows organized crime to penetrate all the operations linked to agriculture, from production to packaging, transportation and distribution.

### **Examples of addressing labour exploitation at the national, regional and local level**

84. Many alternative models to labour exploitation and ensuring the protection of victims and of their rights exist. Most initiatives in this regard are driven by non-governmental actors. In Calabria, for example, the project Incipit, which is part of the Comunità Progetto Sud, identifies and supports victims of trafficking for sexual and labour exploitation while raising awareness of workers' rights.

85. The project Terragiusta is a campaign against labour exploitation in agriculture which was initiated in 2014. Through the non-governmental organization Medici per i Diritti Umani, a professional team provides medical assistance, legal orientation and awareness-raising in relation to labour rights to migrants in informal settlements. Through a mobile clinic, the legal, sanitary and health conditions of migrant workers are assessed and addressed in a holistic way.

86. In Cerignola, Apulia, the non-profit organization Terra! launched an experimental project of social inclusion through agriculture entitled "*IN CAMPO! Senza caporale*" with some local partners, such as the Cooperativa Sociale Altereco. Formerly exploited migrants work on organic farms and have access to decent housing in nearby urban centres. In this way, dignity is returned to the workers by providing a viable alternative to exploitation.

87. In Latina, the sociologist Marco Omizzolo has been defending and promoting decent working and living conditions for Punjabi workers for over a decade. Based on his

<sup>24</sup> See communication from special procedures mandate holders (JAL ITA 2/2018), available from <https://spcommreports.ohchr.org/TmSearch/SearchCode?code=ITA%204/2017;%20ITA%202/2018;%20ITA%204/2018>.

engagement and on the unionization of workers in recent years, wages have slightly increased and workers have become more aware of their rights and redress mechanisms.

88. Trade unions, such as the General Confederation of Labour, the Italian Confederation of Labour, the Italian Union of Labour, the Agronomic Federation and the Unione Sindacale di Base, play a pivotal role in preventing and addressing the exploitation of migrants in agriculture. The legal assistance and other support which the trade unions provide is essential, as they often constitute the only service providers for migrant workers in need. The trade unions negotiate labour conditions through collective bargaining agreements and participate in the national debate on how to end the exploitation of agricultural workers.<sup>25</sup>

89. The Network of Quality Agricultural Work creates incentives for business compliance with quality standards and lawfulness. To date, however, the network remains small owing to various structural factors. In early 2019, the National Labour Inspectorate issued guidance on how to identify victims of labour exploitation, which is a positive step.

90. Other alternative production models are based on sustainable, environmentally friendly agriculture and on small-scale, local production. Such models do not depend on a low-cost labour force, leading to exploitation, and some are based on a lower-scale decentralized distribution system rather than on the large-scale retail trade. Such initiatives are also essential for preventing social tensions between local Italian communities and migrant workers and therefore deserve to be recognized by the national, provincial and municipal governmental authorities, in order to be strengthened and receive the support they need.

#### **Continuing challenges to eradicating labour exploitation in agriculture**

91. With the law against the *caporalato*, the Government has an innovative tool to address the gangmaster system and to restore the dignity of agricultural workers, including migrants. In practice, however, the new legislation has not proven to be effective, as the *caporalato* continues to be widely used and severe irregularities persist, not only in the hiring system but also with regard to labour conditions, payment of wages and other basic elements.

92. The high degree of geographical mobility of migrants across Italy allows labour demand and supply to be matched in the absence of public employment centres, but at a high human cost. This suggests that the Italian economy would benefit from more predictable and efficient legal channels for labour migration.

93. Existing protection schemes for victims of trafficking and exploitation are rarely used, owing to the vulnerability of victims and their fear of reporting what has happened to them. This leads to a vicious cycle, as investigations are most effective and lead to prosecutions if victims and their testimonies can be accessed. Hence, there is an urgent need to address the reluctance of victims to cooperate with the judiciary and to reduce their fear of imprisonment or deportation.

94. Other reasons for the ineffective response to the *caporalato* are the limited incentives for conducting costly, complex and often dangerous transnational investigations. There is also a certain social acceptance of labour exploitation or even forced labour that may be based on racial discrimination. According to multiple interlocutors, such sentiments are fuelled by the public discourse of the Government under the Minister of the Interior, Matteo Salvini.

95. For the effective prevention of labour exploitation of migrants, its root causes must be addressed. Migration laws and policies which lack a human rights-based approach lead to limited access to regular employment and to social exclusion, owing to limited integration measures. Many processes, such as the renewal of stay permits, are overly bureaucratic and slow, which increases the marginalization and precariousness of migrants while they wait for an outcome.

<sup>25</sup> See Joint Ethical Trading Initiatives, “Due diligence in agricultural supply chains”.



96. Labour inspections play a pivotal role in preventing and responding to labour exploitation. The creation of the National Labour Inspectorate in 2017 was important for rationalizing inspections. However, labour inspections are often ineffective and non-strategic for a number of reasons, including that inspectors have limited incentives to inspect farms, as they are badly remunerated and underresourced. Many labour inspectors have to use their own vehicles for inspections. Furthermore, the presence of criminal elements amongst employers and *caporali* exposes them to personal security risks and they therefore often prefer to avoid inspecting farms where the risk of exploitation is highest. As a result, compliant farms are often disproportionately inspected. In some regions, collusion between employers and labour inspectorates has been reported, leading to advance notification of inspections. That has enabled irregular workers and their employers to escape controls, perpetuating impunity.

97. In addition, there are often very few labour inspectors assigned to large geographic areas. In the province of Foggia, for example, 6 out of 31 inspectors are assigned to the agricultural sector, responsible for inspecting a total of 9,000 farms. There are also insufficient incentives to report exploitation due to a legislative framework introduced in 2009 which criminalizes “irregular entry and stay” and encourages labour inspectors to prioritize the detection of irregular migrant workers over monitoring working conditions. That needs to be reversed in order to increase the effectiveness of labour inspections. The Carabinieri Corps plays an important role in inspections owing to its valuable expertise and because it has the resources to detect and prosecute fraudulent and illegal practices.

98. Ensuring that migrant workers have access to decent housing can significantly improve their living conditions and reduce their precariousness, vulnerability to labour exploitation and exposure to organized crime. With some 35,000 empty and available houses in places like Gioia Tauro, alternatives to the informal settlements exist but they are currently not accessible to most migrant workers because of discrimination by locals and because there is no adequate rental system or public transportation to take them to the fields, even if they are allowed to occupy the houses. That creates a vicious cycle which could be stopped with adequate public policies and awareness-raising in the local communities.

99. Instead of decreasing the vulnerability to exploitation and abuse of migrants, it seems likely that Law No. 132/2018 will exacerbate the situation. Among the other implications mentioned above, it reportedly bars asylum seekers from registering at municipal registry offices, which may lead to their exclusion from various health and social services and rights.<sup>26</sup>

#### **Access to justice and right to an effective remedy**

100. Despite the prohibition of slavery as a criminal offence, prosecutions remain exceptional at the national level, particularly as regards the conviction of employers. In 2016, 10 criminal trials began that had not yet been finalized at the time of the Special Rapporteur’s visit. There are multiple barriers to the effective investigation and prosecution of slavery in the agrifood sector, such as impediments to gaining access to victims in the fields and to their testimonies. In particular, irregular migrant workers are deterred from exposing human rights violations for fear of being arrested or deported. That affects the identification of victims and confirms the invisible nature of slavery. Prosecuting the *caporali* alone is not enough if structural gaps are not adequately addressed.

101. Law No. 199/2016 established that victims of labour exploitation could be granted access to article 18 of the Consolidated Act on Immigration, providing victims of violence or severe exploitation with long-term assistance and social integration measures, as well as with a residence permit for social protection in the case of non-European Union migrants, regardless of their cooperation with the judicial authorities.<sup>27</sup> Nevertheless, shortcomings in

<sup>26</sup> See Open Society European Policy Institute, “Is Italian agriculture a ‘pull factor’ for irregular migration – and, if so, why?”, p. 20.

<sup>27</sup> See Letizia Palumbo, “Trafficking and labour exploitation in domestic work and the agricultural sector in Italy”, European University Institute (June 2016).

implementing article 18 remain, as victims who report their exploitative employers to the authorities often do not receive adequate assistance, protection or access to justice.

102. According to a decree of 10 February 2017, exploited third-country nationals are entitled to the same remuneration as that provided for by collective agreements and an amount equal to any tax and social security contributions that the employer would have paid had the person been legally employed, including penalty payments for delays and relevant administrative fines once the employer is convicted. They are also entitled to social security contributions, including in the case of repatriation, and to be informed of their rights.

103. The “dignity decree”, adopted in July 2018 reintroduced the offence of fraudulent administration, imposing a criminal sanction when workers are supplied for the purpose of obtaining a gain to the detriment of those workers. There is a monetary fine of 20 euros a day for a worker who has been a victim of fraud. In this way, the Government has recovered 26 million euros which had not been paid in social security.

#### **Strengthening due diligence in the supply chain**

104. Law No. 199/2016 on the *caporali* system amended the regulation concerning the Network of Quality Agricultural Work, stipulating a structuring of the network into territorial entities aimed at developing active labour market policies and promoting actions to address labour intermediation. However, only 2 per cent of eligible employers (around 3,600 farms) had joined the network at the time of the Special Rapporteur’s visit.

105. Farmers face immense pressure from international retailers to cut prices and reportedly have no choice but to resort to low-cost labour. This issue requires greater transparency, disclosure and due diligence in the global and European Union agricultural supply chains, as well as increased consumer awareness.

106. There continue to be limited transparency and accountability regarding the working conditions of those who harvest food in Italy and the Common Agricultural Policy of the European Union has largely disregarded the conditions of migrant workers.

## **V. Conclusions**

107. **The Government of Italy is taking concrete steps to address the exploitation of migrants in the agricultural sector. The Special Rapporteur noted several positive developments, including the existing solid legal framework which criminalizes the *caporalato* and the elaboration of institutional and policy responses at the regional and national level. The Interministerial Committee for Human Rights plays a key role in this regard. In the national action plan for business and human rights, the Government recognizes the need to end the *caporalato* and all forms of illegal exploitation of migrant workers as part of the country’s commitment to the Sustainable Development Goals and particularly target 8.7.**

108. **The Special Rapporteur commends the Government for the progress made. She firmly believes that if existing laws and policies are implemented effectively, labour exploitation can be ended. Initial positive signs in that regard are already visible. At the same time, the Special Rapporteur remains concerned that labour exploitation in agriculture has been addressed in an insufficiently coordinated, adequate and effective way. The vulnerability of migrants to labour exploitation is also due to the ineffective management of migration, which has allowed for criminal intermediation in job placement in the agricultural sector.**

109. **At the local level, an emergency approach to labour exploitation continues to be applied while structural policies are needed that systematically address recruitment, housing, transportation and decent working conditions. The current situation is not sustainable, nor does it contribute to the fulfilment by Italy of the Sustainable Development Goals.**

110. The Special Rapporteur urges the Government of Italy to prevent labour exploitation more effectively by addressing its root causes, by recognizing migrants as rights holders and by promoting their social inclusion in society. She calls on the Government to protect migrant workers from labour exploitation, regardless of their migration status, and to increase access to regular, decent work. In that regard, the specific needs of women and men must be addressed. The Special Rapporteur remains available to provide any support in the full and effective implementation of her recommendations and she encourages the international community, and particularly the European Union, to provide its support.

## **VI. Recommendations**

### **A. Recommendations to the Government**

#### **Legal and institutional framework for protection from labour exploitation**

111. The Special Rapporteur recommends that the Government:

- (a) Include or strengthen the focus on contemporary forms of slavery and labour exploitation in national anti-trafficking initiatives, for example in the national action plan against human trafficking and labour exploitation that is being developed;
- (b) Strengthen legal and social protection pathways for victims of labour exploitation;
- (c) Strengthen the capacity of the labour inspectorate by allocating additional resources in order to ensure effective inspections of farms, including in remote areas, and increase inspections regarding the payment of social security contributions;
- (d) Ensure that labour inspections are free from corruption and guarantee the safety and security of inspectors and of workers. Labour inspectors should be relieved from any immigration enforcement functions. Furthermore, labour inspections in the agricultural sector should be increased and labour inspectorates should consider cooperating with cultural mediators in order to gain the trust of migrant workers;
- (e) Train labour inspectors in identifying indicators of forced labour and how to secure the protection of exploited migrant workers;
- (f) Establish public local employment centres that match the supply of and demand for workers in the agricultural sector in order to avoid the intervention of intermediaries and to increase the transparency of recruitment processes;
- (g) Provide access to regular labour opportunities for migrants, based on the demand from employers, including in agriculture. To that end, elaborate comprehensive policies in line with the Sustainable Development Goals and in particular target 8.7;
- (h) Strengthen local networks of quality agricultural work and increase incentives for enterprises to protect employees' rights and implement the contractual conditions established by the national and provincial collective labour agreements;
- (i) Improve the effectiveness of criminal investigations and consider expanding the jurisdiction of the anti-mafia directorate over the *caporalato*, as it is often linked to organized crime;
- (j) Ratify the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29);
- (k) Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- (l) Establish a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights by ensuring that it is functionally and financially independent of the Government and vested with the authority to investigate all human rights abuses and violations, including those against all migrants.

### **Living conditions of migrant workers**

112. The Special Rapporteur recommends that the Government:

- (a) Ensure access to basic services for women, men and children living on Italian territory, regardless of their migration status, in accordance with international human rights standards. In particular, physical and mental health care need to be accessible and adequate, regardless of migration status, including for seasonal workers;
- (b) Increase public spending for the integration of migrants at the national, regional and municipal level as a means of preventing labour exploitation, for example by providing language courses and vocational training, regardless of migration status;
- (c) Carry out public awareness campaigns that promote zero tolerance of the exploitation of workers and counter racism and xenophobia, including in rural areas;
- (d) End the physical and social marginalization of migrant workers and ensure they have access to decent and safe housing, regardless of their migration status and of the seasonality of agricultural work. Consider, for example, giving migrant workers access to empty apartments in southern Italy through affordable housing schemes;
- (e) Ensure that any transition from informal settlements to longer-term housing options takes place in a coordinated way and by providing viable housing options to all affected migrants;
- (f) Improve access to local health-care services for all migrant workers, including those with national health cards issued by other regions, and by establishing health-care posts in their proximity;
- (g) Effectively penalize landlords who house migrant workers in inappropriate and unsanitary conditions.

### **Linkages between labour exploitation and migration**

113. The Special Rapporteur recommends that the Government:

- (a) Effectively respect, protect and fulfil the rights of all migrant workers to just and favourable conditions of work, as stipulated in the International Covenant on Economic, Social and Cultural Rights, which Italy ratified in 1978;
- (b) Delink residence permits and labour contracts in order to avoid the dependency of workers on their employers;
- (c) In the light of the discrepancy between the entry quotas established and the actual market demand in agriculture, expand channels for regular migration;
- (d) Continue to grant humanitarian visa or residence permits to migrants with particular vulnerabilities who are not recognized as refugees.

### **Access to justice**

114. The Special Rapporteur recommends that the Government:

- (a) Create stronger incentives for reporting labour exploitation by ensuring that victims are not prosecuted and that they receive adequate protection, assistance and a residence permit for social protection, regardless of their cooperation with the investigating authorities;
- (b) Ensure the effectiveness of complaint mechanisms and access to them, by providing information in languages accessible to migrants and legal assistance to facilitate access to justice and remedies for human rights violations;
- (c) Prosecute perpetrators involved in the criminal infiltration of supply chains.

### Cross-cutting concerns

115. The Special Rapporteur recommends that the Government:

- (a) Apply a non-bureaucratic multi-stakeholder approach to the *caporalato* by clearly defining which entity is responsible for which area (for example, transportation, housing, etc.);
- (b) End the influence of organized crime in agriculture through better governance, for example by ensuring adequate, safe and accessible public transportation systems to and from agricultural fields to avoid dependency on intermediaries;
- (c) Create stronger incentives for employers and other stakeholders, such as trade unions, to participate in the Quality Agricultural Work Network to enhance ethical business in line with the Guiding Principles on Business and Human Rights;
- (d) Actively promote alternative agricultural production models that are based on a sustainable, environmentally friendly agriculture and do not depend on a low-cost labour force and the exploitation of workers;
- (e) Strengthen cooperation and coordination between the central and regional governments to increase the effectiveness of preventing and addressing labour exploitation;
- (f) Establish effective, non-bureaucratic national certification and labelling schemes for agricultural businesses that respect labour rights and standards;
- (g) Address the specific needs of women workers through more direct protection and prevention measures, irrespective of whether or not they disclose that they are victims of human trafficking;
- (h) More effectively address corruption in the administration at various levels to avoid fraudulent practices and ineffective labour inspections.

## B. Recommendations to the European Union

116. The Special Rapporteur recommends that the European Union:

- (a) Address the root causes of labour exploitation in agriculture by assessing the way food is grown, harvested and distributed within European Union member States;
- (b) Ensure that the Common Agricultural Policy after 2020 addresses social inclusion and workers' rights and that supply chains are free from exploitation and abuse;
- (c) Tie funding and subsidies to the Italian agricultural sector to respect for labour rights and standards;
- (d) Raise awareness among consumers and citizens in its member States about the prevalence of labour exploitation in agriculture and about the efforts made by the European Union to prevent and address it.

**C. Recommendations to civil society organizations and trade unions**

117. The Special Rapporteur recommends that civil society organizations and trade unions:

- (a) Increase consumer awareness and advocate for produce that upholds labour standards and rights;
  - (b) Provide information to migrants about their rights and about existing complaint mechanisms;
  - (c) Enhance the provision of legal assistance to migrants who are victims of labour exploitation;
  - (d) Monitor and report on labour exploitation and on contemporary forms of slavery.
-