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**Поощрение и защита всех прав человека,
гражданских, политических, экономических,
социальных и культурных прав, включая
право на развитие**

Посещение Италии

Доклад Специального докладчика по вопросу о праве на питание*

Резюме

Специальный докладчик по вопросу о праве на питание Хилал Элвер совершила официальную поездку в Италию 20–31 января 2020 года по приглашению правительства страны. В настоящем докладе она проводит оценку осуществления права на достаточное питание в стране и представляет рекомендации правительству и другим соответствующим заинтересованным сторонам.

* Резюме доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на английском языке.



Annex

Report of the Special Rapporteur on the right to food on her visit to Italy

I. Introduction

1. The Special Rapporteur on the right to food, Hilal Elver, conducted an official visit to Italy from 20 to 31 January 2020, at the invitation of the Government. The main objective of the visit was to assess the enjoyment of the right to adequate food, good practices and challenges, and to engage in a constructive dialogue with all stakeholders. It was also aimed at providing useful and practical recommendations to the Government.

2. The Special Rapporteur would like to express her gratitude to the Government of Italy for its openness and support in facilitating her visit and engaging with her in an open and constructive manner. She is especially grateful to the Ministry of Foreign Affairs and International Cooperation for its instrumental support both before and during the visit in smoothly coordinating the preparation of the official programme and organizing all the meetings requested.

3. During her 11-day visit, the Special Rapporteur visited Rome, the capital, as well as selected cities within the regions of Lazio, Lombardy, Tuscany, Piedmont, Apulia and Sicily. She spoke at length with local authorities, representatives of civil society organizations, academics, migrant workers, traders, food producers, small-scale farmers and agricultural workers. She also talked with people who are food insecure and vulnerable.

4. The Special Rapporteur expresses her deepest gratitude to everyone who took the time to meet with her and who shared their personal experiences. Their testimonies and contributions were vital to the success of this visit and helped the Special Rapporteur to understand the situation of the implementation of the right to food in Italy.

II. Legal and policy structure of the right to food

A. International level

5. The right to adequate food was first recognized in the Universal Declaration of Human Rights in 1948. Article 25 establishes the right to food as a vital element for people's health and well-being. Since then, the right to adequate food was reiterated in article 11 of the International Covenant on Economic, Social and Cultural Rights.

6. Italy has signed and ratified almost all international treaties in the area of human rights, including the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. However, it still needs to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, despite the position of the European Union not to comply with it.

7. As a party to the International Covenant on Economic, Social and Cultural Rights since 1978, Italy has made a commitment to undertake the appropriate steps, with due consideration given to its available resources, to ensure the realization of the right to an adequate standard of living, including access to adequate food, as set out in articles 2 (1) and 11 of the Covenant.

8. As an active member of the Human Rights Council, Italy issued a standing invitation to all special procedures in 2001 and, since then, it has facilitated several visits of special rapporteurs. Italy also went through three cycles of the universal periodic review, in 2010, 2014 and 2019.

9. Italy has demonstrated its commitment and active role in engaging with international human rights mechanisms, which is commendable.

B. National level

10. The Constitution of Italy does not explicitly recognize the right to adequate food. However, this right has been protected through broader human rights principles, as well as through adherence to the international treaties that Italy has signed and ratified. Article 117.1 of the Constitution recognizes that international human rights treaties have primacy over national legislation. This implies that the right to food could be applicable even if the Constitution did not include a direct reference to it.

11. The Constitution contains other pertinent provisions in order to realize the right to adequate food, such as article 32 on the right to health, article 36 on the right to work, and article 38 on the right to social protection and assistance. However, it is highly recommended to have an explicit provision to ensure that rights holders can access justice in case of a violation of their right to food.

12. Although there is no framework law on the right to food at the national level, Italy has several sectoral laws relevant to agriculture, rural development and food safety, as well as European Union legislation.

C. Regional and local levels

13. In Italy, legislative power is co-exercised by the State and the regions. The implementation of the right to food is closely linked to the actions of all levels of authority, from the State to the city councils (art. 117 of the Constitution). These multiple levels of implementation could have a positive impact by bringing flexibility to regions and local authorities so they can go beyond national policies and principles. The downside of this system is the loss of the necessary united policies, given the development of diverse economies and food systems in different regions.

14. The Human Rights Council highlighted the fact that the principle of shared responsibility requires strong coordination (see A/HRC/30/49). Furthermore, in its general comment No. 4 (1991) on the right to adequate housing, the Committee on Economic, Social and Cultural Rights noted that States parties should take steps to ensure coordination between ministries and regional and local authorities in order to reconcile related policies with the obligations under article 11 of the Covenant (para. 12). However, in Italy there is a lack of coordination among authorities and a lack of integration of regional policies, and no regional food council has been established to promote the right to food.

15. Having city-level policies on the right to food was actively promoted during Expo 2015, held in Milan with the theme “Feeding the planet, energy for life”. The right to food was promoted as the philosophical foundation of the event, to avoid the wholly commercial meaning of expos.

16. In 2015, the Regional Council of Lombardy passed a law on the recognition, protection and promotion of the right to food. Two other regions (Piedmont and Abruzzo) amended their regional charters to introduce a reference to the right to food, and several city councils began the discussion of implementing urban and metropolitan food policies.¹

17. Milan was also one of the first cities in Italy to adopt a food policy, which is considered to be a good example of a metropolitan food policy, obtained through coordination between the city council and the main food actors. The five-year plan was launched in 2015, encompassing several important food-related social, economic, environmental and cultural dimensions.

18. Yet, according to civil society organizations, neither the plan nor its implementation further applied a human rights-based approach. The food council has still not been operational and there is little evidence of interactions with peri-urban and rural areas. Moreover, the effectiveness of the food policy of Milan was challenged by the conflict of competence between State, regional and local authorities in some crucial areas (such as

¹ T. Ferrando and others, *The Right to Food in Italy between Present and Future* (2018), pp. 11 and 14.

infrastructure, health and school feeding), as well as the true participation of all the food system actors.

19. Inspired by Expo 2015, small and medium-sized towns in the south of Italy have been taking initiatives in favour of the redistribution of common land to locals and have supported local and alternative systems of food distribution.²

20. Some regional initiatives have had a larger impact. For instance, Tuscan Regional Law No. 50/97 on the protection of local varieties is one of the few examples of legislation in Europe to protect and enhance genetic resources for food and agriculture, in line with the aims of the International Treaty on Plant Genetic Resources for Food and Agriculture. This law was followed by the enactment of similar laws in the regions of Lazio, Umbria, Friuli Venezia Giulia, Marche and Emilia Romagna encouraging conservation and providing incentives towards the sustainable use of autochthonous genetic resources.

21. At the municipal level, another effect of this initiative is the Roman school meals system, which was implemented in 2000. To improve the quality of food consumed in public school canteens, the city of Rome introduced procurement policies that created an “economy of quality” and were capable of delivering the economic, environmental and social benefits of sustainable development.

22. Despite good practices, the fragmentation of the food system might have an adverse impact on the unequal implementation of the right to food at the national level. Moreover, inadequate statistics on the right to food for the regions and authorities make monitoring difficult.

III. Overview of the agricultural system

23. Italy features a highly diverse agricultural sector with regional variation in terms of farm structures and production. A total of 12,598,161 hectares of the country’s land is dedicated to agriculture-related activities, of which 74.4 per cent is dedicated to cropping, while 25.7 per cent is made up of pastures. The contribution of the agricultural sector to the country’s gross domestic product (GDP) is relatively low, and similar to that of other developed countries (1.94 per cent in 2018).³

24. In 2019, agriculture production decreased 1.3 per cent in volume and the gross value added decreased by 2.7 per cent as a result of climatic conditions and the spread of diseases. Efforts are being made to increase and strengthen the transformation and value addition industry of agricultural production.⁴ Overall, the agrifood industry is one of the best performing sectors in Italian industry.

A. Common Agricultural Policy and Italian agriculture

25. The Common Agricultural Policy for 2014–2020 was the attempt of Europe to respond to the need for a reasonable standard of living for 22 million farmers and agricultural workers and a stable, varied and safe food supply for its 500 million citizens. The Policy was focused on increasing agricultural productivity, ensuring a reasonable standard of living for farmers, stabilizing markets, ensuring a safe supply flow and guaranteeing fair prices to consumers. Through the Policy, investments of approximately 37.5 billion euros were planned for the farming sector and rural areas of Italy, prioritizing jobs and growth, sustainability, modernization, innovation and quality.

26. The Common Agricultural Policy is an attempt to strengthen the competitiveness and sustainability of the agricultural sectors in countries of the European Union by providing income support through direct payments (subsidies) aimed at stabilizing farm incomes and

² Ibid., pp. 11 and 15–16.

³ Statista, “Italy: distribution of gross domestic product (GDP) across economic sectors from 2009 to 2019”. Available at www.statista.com/statistics/270481/distribution-of-gross-domestic-product-gdpacross-economic-sectors-in-italy/.

⁴ National Institute of Statistics, “Stima preliminare dei conti economici dell’agricoltura” (2019).

financing programmes responding to country-specific needs through national (or regional) rural development programmes. The Policy also provides a number of market measures and other elements to facilitate organic production and better labelling.

27. The Common Agricultural Policy budget delivered a total of 408.31 billion euros for 2014–2020, with 308.73 billion euros intended for direct payments and market measures (the first pillar) and 99.58 billion euros for rural development (the second pillar). Italy has the flexibility to adapt both direct payments and rural development programmes to its specific needs and is one of the largest recipients of payments through the Policy, taking in 12 per cent of the total – behind France, Germany and Spain.⁵

28. The Common Agricultural Policy has contributed to agricultural and rural development in Italy. Changes to be made to the revised Common Agricultural Policy after 2020 include more flexibility for European Union countries to transfer funds towards agriculture and/or rural development, to make sure the funds are more closely aligned to national priorities, and to increase attention and support towards small and medium-sized agricultural enterprises.⁶

B. Smallholders and industrial farming

29. The current agricultural landscape presents an important dichotomy in Italy: on one side, the large landholdings and intensive production systems, mostly located in the north, with an average of 80–100 hectares per farm; and on the other side, a large group of smallholder farms, mostly located in the south, where the average farm size is 5 to 8 hectares.

30. Smallholder farms, which are mostly family farms, represent 98.9 per cent of total farms, cultivating 89.4 per cent of total utilized agricultural area.⁷ Family farming plays an important role in the urban and rural economy as it contributes to food safety, provides many high-quality products and improves the dynamism of the rural economy, and the interest in the care of the environment fosters the production of local goods.

31. Across the country, the “zero km food” concept is being increasingly practised to ensure that the food is produced, sold and eaten locally, travels zero km and does not go through global trade chains. Nevertheless, smallholders are being confronted with an increase in intensive agriculture, the control of the agrifood market by major distribution chains and the establishment of large buying centres, all of which increase pressure on farmers to lower their prices. In Italy, the landscape is characterized by abandoned farmhouses, once belonging to smallholders, who failed because they were unable to compete with the pressure imposed by industrial agriculture.

32. Defining fair agricultural prices greatly impacts farmers, who are otherwise unable to obtain fair prices for their work and are forced to move out of agricultural and rural areas. More consistent and permanent measures should be put in place to protect smallholders and medium-scale farmers from price fluctuation, in order to ensure their survival in the changing agricultural and food production sectors.

33. Italian agriculture is struggling with the low prices paid by buyers, which often reverberates to working conditions and environmental practices, but also leads to suicides and to an increase in farmers’ bankruptcies. As a remedy, a bill was approved by the Chamber of Deputies to ban double-race auctions for the purchase of agricultural goods, which was the most significant example of the power imbalance between producers and buyers. The Special Rapporteur would welcome the imminent approval of the law by the Senate.

⁵ European Union, Beneficiaries of CAP Funds database. Available at https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/financing-cap/beneficiaries_en.

⁶ European Union, “Future of the Common Agricultural Policy”. Available at https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/future-cap_en.

⁷ Food and Agriculture Organization of the United Nations, Family Farming Knowledge Platform. Available at www.fao.org/family-farming/background/en/.

34. Low prices are paid for agricultural products not only at double-auction. For example, large distributors heavily influence prices along food value chains,⁸ forcing producers either to lower their prices and pay service tax to big distributors, or to be excluded from the main food distribution channels, where Italians purchase 70 per cent of the food they consume.⁹

35. Parliament will have the opportunity to address the issue of bargaining power imbalances in a broader way when transposing into national law the European Union Directive on unfair trading practices in business-to-business relationships in the agricultural and food supply chain, as provided for in its article 9.¹⁰ The legislative process must be organized to allow wide and transparent public consultations with farmers' associations (in particular those representing smallholders) to map all the unfair practices that are currently used in the food system and that go beyond the limited list contained in the Directive.

36. Another initiative would be to support urban markets where farmers can bring their products directly to the consumers without passing through big supermarkets. This option reduces costs for farmers, ensures better quality for consumers and represents a more sustainable food purchase. A study carried out on food markets in Rome highlighted the great potential that farmers' markets have to foster the right to food for sellers, as well as for buyers. However, concerted efforts should be made by local administrations to facilitate the development of farmers' markets and highlight their inherent value and importance.¹¹

37. Although family farmers face significant challenges, the number of subsistence farmers has increased. Since Italy ratified the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, efforts have been made to develop and approve a series of framework laws to provide smallholder farmers with full recognition and protection.¹² Smallholders who use agriculture as their main form of livelihood and practise organic and agroecological farming are still waiting for the approval of the proposed laws, which will hopefully be enacted in the near future.

38. Women make up a significant share of the workforce in the agricultural sector but are often invisible because they are generally overlooked and, most importantly, not involved in regional, national and local policies and programmes targeting smallholders and agricultural workers. Many such policies and programmes are still lacking a gender-based approach.

C. Social farming and agroecology

39. At the national level, the Government has carried out several reforms that have impacted the agricultural sector and the agroprocessing industry. For example, Law No. 141/2015 was enacted to facilitate "social farming" in order to increase the protection of biodiversity and agroecology, and the enhancement of autochthonous agrifood value chains. The law has facilitated the establishment and recognition of a number of agricultural projects with social value, such as the involvement of youth in agriculture, the rehabilitation of convicts through their participation in agricultural activities, the fight against the Mafia and awareness-raising on the protection of the environment.¹³

40. Similarly, there are a number of ongoing initiatives to facilitate and stimulate the growth of the agricultural sector, as well as its transformation and its value added. In particular, government efforts in this area include the provision of subsidies for the engagement in agriculture of youth and women, awareness-raising on the importance of organic agriculture and the Mediterranean diet, the organization of events to discuss the prevention of soil degradation and desertification, and the launch of large events to foster the

⁸ See F. Ciconte and S. Liberti, *Il Grande Carrello: Chi Decide Cosa Mangiamo* (Rome, Editori Laterza, 2019).

⁹ Terra! Onlus, "#ASTEnetevei: grande distribuzione organizzata – dalle aste on-line all'inganno del sottocosto" (2017).

¹⁰ Transposition must take place before 1 November 2021.

¹¹ Terra! Onlus, "Magna Roma" (2018).

¹² See www.agricolturacontadina.org/.

¹³ Rete Rurale Nazionale, "Report on Italian social farming" (2017).

participation of farmers. Part of the subsidies offered to the agricultural sector also include mechanisms to facilitate the establishment of small and medium-sized enterprises.

41. There are various pieces of legislation supporting young farmers. Law No. 205/2017, introduced in 2018, is aimed at encouraging young farmers who do not own land to work with landowning or retired farmers over 65 years of age. The law was also designed to foster the transfer of knowledge from one farming generation to the other, including through a three-year training period and the division of generated income between the two parties.

42. A commendable effort by the Government to make more land available to young people engaging in agriculture and social farming activities is the enactment of Law No. 109/1996 on confiscating good, including land, from the Mafia and placing them into the hands of the State so that they cannot be the object of sale and privatization but only distributed in concession. Established by article 16 of Law No. 154/2016, the Banca Nazionale delle Terre Agricole (“bank of agricultural lands”) constitutes a comprehensive inventory of the agricultural land that becomes available also following the abandonment of production and early retirement, collecting, organizing and advertising the information necessary on the natural, structural and infrastructural characteristics of such land and the terms and conditions for its sale and purchase. The bank, managed by the institute of services for the agricultural and food market, operates at the national level and encourages generational turnover in the sector. Almost all regional governments have enacted laws on “land banks”, with the aim of making public land available through rental or concession operations.¹⁴ A regional law in Apulia also introduced environmental sustainability and organic production as a premium criterion in the beneficiary selection process,¹⁵ applying a more prominent right to food approach to land distribution. These initiatives need to be further expanded and elaborated, particularly to make sure that the time of each land concession is sufficient to incentivize medium- to long-term agricultural practices and integration into sustainable value chains.

D. Workers in the food system

43. The agricultural system, although now partly mechanized, still strongly relies on agricultural workers, particularly during harvest season. In the south, farmers still employ seasonal workers from Eastern Europe, Africa and workers living in Italy who are sometimes undocumented. Numerous reports indicate that migrant workers endure difficult conditions in the olive oil, tomato and grape industries, among others (see A/HRC/42/44/Add.1).

44. According to the national institute for social protection, migrant workers comprise 35 per cent (about 1 million workers) of the total workforce. This figure does not include the thousands of migrant workers irregularly employed in fields and greenhouses. The migrant workforce is concentrated in specific sectors, particularly those in which labour law enforcement is difficult to implement and training sessions are not especially needed. The incidence of migrant workers in the agricultural sector has tripled in recent year, from 5.3 per cent in 2007 to 16.6 per cent in 2017.¹⁶

45. Regardless of sex, age, nationality or immigration status, agricultural workers are exploited and underpaid. In Italy, this is particularly severe during harvest season, and even more if workers are undocumented.

¹⁴ Andrea Povellato and Francesco Vanni, “Nuovi strumenti per le politiche fondiarie. Banca della terra e associazioni fondiarie”, *Agriregionieuropa*, year 13, No. 49 (June 2017). Available at <https://agiregionieuropa.univpm.it/it/content/article/31/49/nuovi-strumenti-le-politiche-fondiarie-banca-della-terra-e-associazioni>.

¹⁵ See art. 7 (3) (g) and (h) of Regional Regulation No. 16/2018 in the Apulia region of Italy.

¹⁶ Islamic Human Rights Commission, “Universal periodic review (UPR) NGO alternative report (34th session October–November 2019)”, 27 March 2019, p. 4. Available at www.ihrc.org.uk/wp-content/uploads/2019/03/UPR19marc-italy-final-final.pdf.

46. According to various sources, the adoption in 2018 of the Decree on security and immigration, known as the “Salvini decree”,¹⁷ has led to an increase in the number of undocumented migrant workers, due to the elimination of humanitarian protection and the exclusion of asylum seekers from the reception system, which accelerates their illegalization. There are now an estimated 680,000 undocumented migrants, twice as many as only five years ago.¹⁸ In Apulia and Sicily, migrant labour is a flourishing business. According to labour unions, 300,000 irregular workers continue to generate billions of euros a year in profit in the country’s agricultural sector.¹⁹

47. According to testimonies, a migrant worker can receive between 2 and 3 euros per hour, while the country’s minimum wage for agricultural workers is 7 euros; some migrant workers are paid only for piecework, which is illegal in Italy. Some are exposed to pesticides and dangerous chemicals, while others face contract infringement or have no contract at all, as well as difficult working and living conditions. Some migrant workers stated that, without the support of organizations such as Caritas, they would not be able to survive.

48. Although several laws and trade union contracts have been formulated to regulate the situation of agricultural workers, wages continue to be low (from 5 euros per hour to 50 euros per day for an average workday of 6.5 hours). Furthermore, occupational health and safety for agricultural workers seems to be severely overlooked. According to testimonies, the maximum number of hours of work per day is often not respected, minimum wage is frequently not paid, even if agreed before the start of the harvest season, and living and working conditions are poor. This is particularly severe for migrant workers, especially if undocumented and without a valid permit, leaving them unable to report any abuse.

49. During harvest season, large groups of workers move from one part of the country to another to fill the market demand for labour. In particular, migrant workers, who are never provided with housing by their employers, need to arrange temporary settlements, which are characterized by the absence of electricity, access to water and sanitation, safety and basic services. These settlements occupy large portions of land, frequently remain standing for months (if not years) and continue to exist long after the harvest season is over. The products collected during the harvest season are sold in national, European and international markets. As reported by agricultural workers, it is possible that African families who provided funds to family members to allow them to travel to Italy to look for better job opportunities and living conditions are the same purchasing the expensive Italian agricultural products sold abroad and harvested by these exploited migrant workers.²⁰

50. According to testimonies, as in many other countries, women migrant workers are abused and required by “masters” to perform sexual acts to be able to improve their working and living conditions, such as better salaries and food.

51. In Italy, Bulgarian and Romanian women have been identified as the main groups of agricultural workers, whose working, living and health conditions are particularly worrisome. According to official data, about 55,000 Bulgarians work in Italy, of whom 63 per cent are women, and 1,168,000 Romanians work in Italy, of whom over 57 per cent are women, and 10 per cent work in agriculture. They can work for up to 12 to 15 hours a day, and they live in isolated and neglected buildings, with no access to welfare or public services.

52. In 2017, several arrests were made of farm owners in the south, when the appalling living conditions of Romanian women workers were discovered and cases of sexual abuse

¹⁷ Decree No. 113/2018 of 4 October, which was enacted, with amendments, as Law No. 132/2018 on 1 December 2018.

¹⁸ See www.infomigrants.net/en/post/20642/680-000-irregular-migrants-in-italy-after-security-decree-study-finds and www.infomigrants.net/en/post/22340/undocumented-migrants-in-italy-double-after-security-decree-amnesty.

¹⁹ Islamic Human Rights Commission, “Universal periodic review (UPR) NGO alternative report”, pp. 4–5.

²⁰ A. Jinkang, “Contemporary slavery: the exploitation of migrants in Italian agriculture”, PhD dissertation, University of Palermo, 2020. Available at <http://roderic.uv.es/bitstream/handle/10550/75415/PHD%20THESIS%20ALAGIE%20JINKANG%2018-06-2020.pdf?sequence=1&isAllowed=y>.

and exploitation were unveiled.²¹ In Apulia and Sicily, the Special Rapporteur confronted the reality of migrant women who face a poor quality of life influenced by exclusion and a widespread culture of illegality. The Special Rapporteur was informed that, as a follow-up to the arrests in 2017, police forces had been more active in intervening to cease similar situations of abuse.

53. In various places, some agricultural workers are not able to obtain adequate legal and social protections, and are subject to physical, sexual and moral violence.²² It is in this environment that the practice of *caporalato*,²³ or gangmastering, has found fertile grounds to provide illegal intermediation between workers and farmers, which is based on the exploitation of the vulnerability of migrant workers.²⁴

54. With Law No. 199/2016, Italy has enhanced efforts to prevent, and enforce action against, cases of gangmastering. Its new article 601bis criminalizes both the intermediary and anyone who exploits workers (often called “master” by the workers) and takes advantage of their state of need, whether or not there has been illicit intermediation. Recent official figures show an increasing efficiency of Law No. 199/2016. The competent ministries (labour, home affairs and agriculture) coordinate their activities at political and operational levels and have recently adopted a three-year action plan to prevent and combat reported cases. Ten priority actions have been agreed upon to prevent and combat related crimes, and 85 million euros has been allocated to implement the action plan.

55. This law represents a step forward in fighting the practice; however, it is insufficient to guarantee the human rights of all farm workers, in particular undocumented migrants who work in the agricultural system and who are kept in a condition of invisibility and fear because of the current system of migration law and the “law and order” attitude towards migrant workers.

56. The end of permits based on humanitarian grounds, as sanctioned by the Salvini decree, the difficulty in obtaining a permit without a residence or a legal job, the fear of not being able to renew a permit based on humanitarian grounds, the fear of self-incrimination, the absence of any alternative, little awareness of the law, linguistic barriers, the overall environment of the criminalization of migrants, the absence of strong support for integration and the intense competition for the few available jobs are underlying root causes that cannot be tackled with more criminalization alone.²⁵

57. In addition to government legislation fighting against the *caporalato* system, bottom-up initiatives, such as “NOCAP” (“no *caporalato*”) and “*In campo senza caporale*” (“in the field without *caporale*”), have to be widely supported.²⁶ The Special Rapporteur looks forward to seeing the impact of the recently enacted Lazio Regional Law No. 18/2019 on the fight against irregular labour and the exploitation of farm workers, and the establishment of an observatory and a database for the recruitment of farm workers. The law sets out new criteria for defining the appropriateness of payments and tasks.

²¹ Lorenzo Tondo and Annie Kelly, “Raped, beaten, exploited: the 21st-century slavery propping up Sicilian farming”, *Guardian*, 12 March 2017.

²² Osservatorio Placido Rizzotto/FLAI CGIL, *Agromafie e Caporalato. Quarto Rapporto* (Rome, Bibliotheka Edizioni, 2018); Oxfam International and Terra! Onlus, *Human Suffering in Italy's Agricultural Value Chain* (Oxford, Oxfam GB, 2018); and Terra! Onlus, “Spolpati: la crisi dell'industria del pomodoro tra sfruttamento e insostenibilità – third campaign report” (2016).

²³ Maged Srour, “‘Agromafia’ exploits hundreds of thousands of agricultural workers in Italy”, *Inter Press Service*, 27 July 2018.

²⁴ Alessandro Leogrande, *Uomini e caporali* (Feltrinelle Editore, 2016); Marco Omizzolo, *Sotto Padrone* (Milan, Fondazione Giangiacomo Feltrinelli, 2019); and Leonardo Palmisano, *Mafia Caporale* (Fandango Libri, 2017).

²⁵ Amnesty International Italia, *I Sommersi dell'Accoglienza* (2019). Available at <https://immigrazione.it/docs/2020/amnesty-i-sommersi-dellaccoglienza.pdf>.

²⁶ See www.nocap.it and www.terraonlus.it/in-campo/.

E. Use of pesticides and the *Xylella fastidiosa* disease

58. Data from the Ministry of Health and the European Commission show that the irregular presence of residues in food is 0.9 per cent in Italy, a much lower rate when compared to the average European Union rate of 2.5 per cent. Between 2007 and 2017, there was no decrease in the presence of residues of one or multiple pesticides in the food analysed. The percentage in fact remains somewhat stable at 17 per cent for produce found to have residues of only one pesticide, and at 18 per cent for those found with multiple residues of pesticides simultaneously present.²⁷ In 2016, Eurostat also released data indicating that Italy was one of the biggest consumers of pesticides in the European Union, together with Spain, France and Germany. The findings raise concerns about the impact of the use of pesticides on people's health.²⁸ However, Italian standards with regard to the use of pesticides and fruit preservatives are often stricter than those of other European countries (several products are prohibited in Italy while allowed elsewhere in Europe).

59. With regard to pesticides, one concerning element is the issue of multi-residues: often, the sample is declared to be safe, since the quantity of each residue is within the legal limits; however, multi-residues could be harmful to consumers' health and to the environment. There is a need to develop new laws that address the alarming situation, particularly in terms of products containing multi-residues. The Ministry of Health and the Ministry of Agriculture, Food and Forestry Policies highlighted the fact that regular checks took place by the competent authorities and that the fruit and vegetable sector was subjected to rigorous and continuous inspections. Nevertheless, it remains unclear if the European Food Safety Authorities and the Italian authorities take the multi-residue issue into consideration when determining the levels of pesticides considered safe for consumption, which seems to be a crucial element in pesticide-residue analysis.

60. According to some testimonies of agricultural workers working in greenhouses, pesticides are used for a variety of products, particularly non-organic fruits and vegetables, with little to no protection or health risk warnings for agricultural workers. A number of cases of toxicity were reported, which included burned skin while spraying the product, respiratory diseases, genetic disorders and premature births. These last three types of cases are highly difficult to prove, as in many instances the side effects on health are not immediately present, and doctors are not trained to detect such impacts. Workers also reported that employers did not offer protective equipment, leaving it up to the worker to purchase appropriate work gear.

61. In the central part of Italy, investigations carried out by local authorities and by independent researchers discovered the use of counterfeit pesticides. The production of such pesticides was under the control of criminal organizations that imported them from outside the country, processed and packaged them with counterfeit labels within Italy and then sold them for use in agricultural production. An example is the company L.Gobbi, which confirmed the cease of production of the pesticide Adrop in 2003,²⁹ but it can still be found as a counterfeit pesticide.

62. In 2016, the Ministry of Health placed a number of restrictions on the use of glyphosate, one of the world's most ubiquitous pesticides. The use of glyphosate was banned in public areas, which was one of the largest bans on the agricultural use of the pesticide. The restrictions were inspired by the new European Commission Implementing Regulation 2016/1313 of 1 August 2016, which encouraged member States to develop and implement integrated pest management or alternative techniques to reduce dependency on the use of pesticides.

63. Respect for the right to food requires a stronger intervention to halt the import, production and use of illegal pesticides that have negative effects on workers and consumers' health, along with a reliable system of sanitary support for anyone directly exposed to toxic products (for further information, see A/HRC/34/48). In Italy, representatives from the

²⁷ Legambiente, "Stop pesticidi", 18 February 2019.

²⁸ Sallyann Nicholls, "Which EU countries consume the most pesticides?", Euronews, 15 October 2018. It should be noted, however, that statistics usually refer to products that are sold on the market and not specifically pesticides used in agriculture.

²⁹ See www.lgobbi.it/it/6432-2/.

relevant ministries have indicated that preventive measures were being implemented to eliminate such practices. Additional efforts, such as vigorous monitoring and having sufficient human and financial resources, would be helpful.

64. Italy should avoid intensifying conventional farming or considering the possibility of genetically modified crops.³⁰ There is a need for a major shift from industrial agriculture to transformative systems such as agroecology that support the local food movement, protect smallholders, respect human rights, food democracy and cultural traditions, and at the same time maintain environmental sustainability and facilitate a healthy diet (A/70/287, para. 87).

65. When *Xylella fastidiosa* affected olive trees in the region of Apulia, farmers and researchers in the region claimed, unlike the Ministry of Agriculture, Food and Forestry Policies, pesticides had been employed in the south to deal with the disease. National policies on, and decisions taken in the context of, the “*Xylella* emergency” have not led to a clear assessment of the link between the presence of the bacteria, the desiccation of the trees, and other circumstances such as climate change, monoculture, and high levels of pesticides and fertilizers in the area.³¹ The short- and long-term implications of the desiccation may radically transform the agricultural landscape of the region. It is essential that national, regional and local measures be adopted in full coordination with farmers and with attention paid to the environmental, social and economic impacts of the decision.

66. Farmers and independent researchers reported that the Government’s response to the disease had been mainly to cut sick trees or to spray massive quantities of pesticides in the affected areas, which had devastating impacts on smallholders. Financial support should be aimed at the most vulnerable actors, while any form of material intervention should consider the impact on biodiversity, productivity, the use of the territory, the permanence of small-scale farmers on the land and sustainability. Agroecological, organic and natural remedies that keep the olive trees in the ground are preferred over chemical interventions and eradication. Adopting a sustainable and pro small-scale farmer approach to the growing number of desiccated olive trees should be the priority in dealing with the emergency.

F. Criminal activities

67. In some meetings, the infiltration of organized crime into the Italian agricultural and food production sectors was reported to the Special Rapporteur as a major concern for smallholder farmers and food producers.³²

68. The best known example is the “*terra dei fuochi*” (“land of fires”) case in Campania, where contaminating products are dumped in rural areas, burned or poured into rivers. The severity and long-term consequences of environmental crimes involving the illegal disposal of waste on agricultural land and the contamination of waters have a significant impact on the planet and the people exposed to them. The Special Rapporteur is concerned by this situation, in particular regarding the process of remediation of contaminated land, the lack of support for smallholders who continue to be affected by criminal activities, and the citizens whose health has been compromised.³³ In November 2018, the Minister of the Environment signed a protocol on urgent action for the “*terra dei fuochi*” to provide a concrete response to the phenomenon of waste burning in the region of Campania.

69. In addition, in wholesale markets, some farmers reported that they were forced to accept low prices, to pay to sell their products or to use monopolistic services (such as

³⁰ Ministry of Agriculture, Food and Forestry Policies, “Cimice asiatica, Bellanova alla Ue: ‘Grave errore la mancata autorizzazione’. Serve deroga nazionale per tutela dei nostri agricoltori” (2019). Available at www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/14765.

³¹ Ministry of Agriculture, Food and Forestry Policies, “Relazione sullo stato di attuazione delle misure di contrasto alla *Xylella fastidiosa*” (2015). Available at www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/8869.

³² Eurispes, Coldiretti and Osservatorio sulla Criminalità nell’Agroalimentare, “Agromafie: 6° rapporto sui crimini agroalimentari in Italia” (2019).

³³ Iris Maria Forte and others, “Blood screening for heavy metals and organic pollutants in cancer patients exposed to toxic waste in southern Italy: a pilot study”, *Journal of Cellular Physiology*, vol. 235, No. 12 (December 2019).

parking, transport and packaging) provided at high prices. Some of the illegal activities in the agrifood system in Italy include the purchase of land to access the resources of the Common Agricultural Policy (see the following paragraph), the use of counterfeit pesticides that are either imported or assembled and often sprayed by workers without adequate knowledge and safety measures,³⁴ and food fraud and contamination, which are increasing. Reports and local interviews reveal that the presence of criminal organizations across the food chain discourages investments in the sector.³⁵

70. Regarding in particular the illegal access to Common Agricultural Policy funds, according to local authorities, thousands of acres of farmland in the east of Sicily has been fraudulently acquired to qualify for European Union agricultural subsidies. These lands have been taken through illegal practices, including extortion, and have frequently been left unfarmed with the sole purpose of acquiring subsidies. Concerning this practice, a vast investigation was carried out in Sicily, involving 600 police officers, which culminated in 94 arrests on 15 January 2020.³⁶

71. Illegality is economically motivated, thus inevitably linked with attempts to reduce costs, increase prices, destroy environment and social practices, and discourage smallholders from entering the market. In this context, the Government and the local authorities have achieved significant success and seized valuable assets and goods.³⁷ The continued efforts by the competent Italian authorities (the Central Inspectorate for Fraud Prevention and others) to move towards having a worldwide-acknowledged national control system in the agrifood sector are commendable.

G. Climate change

72. The year 2019 was dire with regard to the weather in Italy, not only because it was among the hottest years ever recorded, but also because it reached a new record of 157 extreme events, including cloudbursts, tornadoes, wildfires, droughts and landslides. Climate change is affecting the Italian peninsula, with projections of a loss of 8 per cent of the country's GDP by 2050,³⁸ and the agrifood system will be among the first to suffer.³⁹

73. Desertification, lower yields, fewer hours worked due to extreme temperatures, diseases and the loss of crops are environmental realities that have a socioeconomic impact and mostly affect farm workers employed in greenhouses and in fields,⁴⁰ but also farmers who are exposed to debt, or those who have an insufficient financial buffer and cannot cope with the loss or reduction of their income. In addition, climate change risks to deepen the North-South divide and radically transform the agricultural framework of Italy, with more abandonments of farms, a loss of biodiversity and an increased dependency on imports. Furthermore, the changes in the weather patterns are also leading to an increase of alien species on land and in the sea, with a 96 per cent increase in the last 30 years, with significant consequences for farming and fishing.

IV. Poverty, social protection and food aid

74. Since the economic crisis, Italy has struggled to recover and many families have gone from middle-income to low-income, in many cases are unable to access sufficient quality food. With an unemployment rate of 9.8 per cent,⁴¹ the country is affected by consistently

³⁴ This information is based on an interview with farm workers in the Latina area of the region of Lazio.

³⁵ National Institute of Statistics, "Stima preliminare dei conti economici dell'agricoltura: anno 2019" (2020).

³⁶ "Sicilian mafia ripped off millions in EU farm aid, Italian police say", *Independent*, 15 January 2020.

³⁷ Lili Bayer, "94 arrested in Italy over EU agriculture funding fraud", *Politico*, 15 January 2020.

³⁸ E. Ronchi, *Relazione sullo stato della green economy: 2019* (Fondazione per lo Sviluppo Sostenibile, Rome, 2019).

³⁹ Osservatorio di Legambiente CittàClima, *Il Clima È Già Cambiato* (2019).

⁴⁰ C. Liguori, "Bracciante in nero muore nella serra a Varcaturo, denunciato l'imprenditore", *Il Mattino*, 1 September 2019.

⁴¹ Data for December 2019, published by the National Institute of Statistics in January 2020.

high poverty rates. Poverty levels have also been exacerbated by the migration influx, which has brought to the country a number of migrants escaping war and famine in their country of origin. They, together with those Italian families who have been greatly affected by the consequences of the economic crisis, are the new poor. Data from 2018 indicate there are a total of 5 million people living in extreme poverty (8.4 per cent). The incidence of families living in absolute poverty is higher in the south (9.6 per cent) and in the islands (10.8 per cent) compared to the north-west (6.1 per cent), and north-east and centre (5.3 per cent).⁴² Minors living in absolute poverty account for 12.6 per cent of the total population of 1.8 million families living in absolute poverty, and the incidence of absolute poverty among foreigners is 30.3 per cent.

75. A study published in 2019 suggests that the majority of poor individuals are located in Campania (16.5 per cent), Lombardy (13.3 per cent) and Sicily (12.5 per cent). These are followed by Lazio (7.5 per cent), Veneto (7.4 per cent), Piedmont and Calabria (both 6.6 per cent).⁴³ Some of the regions affected by high rates of poverty are also the wealthiest regions, where the majority of the country's manufacturing industry is located, suggesting that there is an unequal division of income among individuals and the concentration of wealth in the hands of a few.

76. While average salaries seem to have increased slightly in the last two years, the cost of living for an average Italian family is still considerably high. As a result, families have just enough income to cover basic expenses, and in the last few years, a consistent 20 per cent of families have been considered at risk of falling into poverty. The risk is even greater for families with children and single parents.⁴⁴

A. Guaranteed minimum income

77. To combat extreme poverty and address its root causes, in 2019 the Government introduced a law on a guaranteed minimum income.⁴⁵ This is a social welfare provision that guarantees that citizens have an income sufficient to live on, provided they meet certain conditions. A request to access the guaranteed minimum income can be presented by citizens of Italy or the European Union or a relative living in a third country, and by refugees and stateless persons. The applicant must also have been a resident of Italy for at least 10 years, the last two of which on a continuous basis. The tool was designed to benefit those families or households that do not have a job or any sort of income or do have a job or income but it is insufficient to have a decent standard of living.

78. The measure has resulted in a number of families or households accessing a temporary source of income that amounts to a maximum of 500 euros for one-member families, to which 280 euros may be added if the beneficiary pays rent or a mortgage. The system is designed to re-establish financial independence, including by accessing job opportunities through job centres and additional social services ensured by municipalities. The supply of minimum income lasts 18 months, it can be reapplied for any time if necessary, and the application can be resubmitted after a one-month interruption if the eligibility criteria are still in place and the original needs for the request have not been overcome.

79. As specified in the country's budget for 2020, this social welfare tool will be slightly amended to redress some of the issues identified in 2019. Although the measure has many positive sides, some of the criteria may reduce the ability for everyone to benefit from this social welfare tool.

80. Although the measure could be further improved, the system offers a great opportunity for individuals to access a support system that, in the time needed, leads to the end of reliance

⁴² National Institute of Statistics, "Le statistiche dell'ISTAT sulla povertà: anno 2018". Available at www.istat.it/it/files/2019/06/La-povert%C3%A0-in-Italia-2018.pdf.

⁴³ Ibid., "Le spese per i consumi delle famiglie: anno 2018". Available at www.istat.it/it/files/2019/06/Spese-delle-famiglie-Anno-2018_rev.pdf.

⁴⁴ Ibid.

⁴⁵ Italian Official Gazette, "Guaranteed minimum income", 2019. Available at www.gazzettaufficiale.it/eli/id/2019/01/28/19G00008/sg.

on subsidies by providing proper social services and job opportunities and by initiating a programme for self-sufficiency and economic independence.

B. Food aid and redistribution programmes

81. Italy has a number of programmes that facilitate access to food for poor families and individuals. It has always had a strong system for food aid, mainly through the Catholic Church and related religious institutions. However, in the last few years, the Government, many non-governmental organizations and religious organizations have been providing an even larger number of services aimed at food redistribution and aid. In the past years, an average of 50 million euros worth of meals have been distributed as a result of direct initiatives of the Government, and there are currently several programmes operating that collect food for redistribution.

82. When food surpluses occur, the best action to ensure the most beneficial use of edible food resources is to redistribute them for human consumption. Although the primary focus of food waste prevention should be to act at the source by limiting the generation of surplus food at each stage of the food supply chain (that is, production, processing, distribution and consumption), it is still helpful to combine food waste and food donation in a workable system. Food donation not only supports the fight against food poverty, but can be effective in reducing the amount of surplus food sent for waste treatment and ultimately to landfill.

83. Italy is the second country in the European Union to pass a national law to regulate the loss and waste of more than 100 kg of food per person per year.⁴⁶ Law No. 166/2016 on food waste facilitates the collection and donation of food surplus by simplifying donations to non-profit entities, incentivizing innovation and requiring local administrations to provide fiscal incentives. In addition, it promotes reuse and recycling and has a dedicated fund for research, information and awareness-raising activities of the consumers, private actors and institutions. Public administrations, food actors and data highlight the fact that the law has increased the amount of food available for redistribution.⁴⁷

84. This legislation provides a framework for permanent solutions in the field of recovery facilitation, tax incentives for the prevention of food waste, correct information for the consumer, and the permanent consultation of all stakeholders through the whole food chain and involving public institutions, private business and charitable organizations. However, this system alone cannot be considered as a valid long-term strategy against food poverty or an approach that is compatible with the right to food as a legal entitlement.⁴⁸

85. The Government currently implements a number of programmes to recover surplus production for redistribution through the main actors operating in the field, namely Caritas, Banco Alimentare, Comunità di Sant'Egidio and Banco delle Opere di Carità.

86. Most of the food aid programmes are supported by the Fund for European Aid to the Most Deprived, which contributes to the activities of European Union member States to provide the most deprived with food and/or basic material assistance. The Fund has greatly facilitated the system of food aid in Italy. In 2019, (a) food recoveries by charitable institutions were around 9 per cent of food surpluses; (b) the Banco Alimentare foundation network distributed 90,000 tons of food, of which 40,000 tons were from the Fund for European Aid to the Most Deprived, 40,000 tons were from private donations, and 10,000 tons were from “food collection” initiatives; and (c) food aid was provided to 7,500 local organizations and 1,500,000 people were served.⁴⁹

⁴⁶ See www.sprescozero.it/cose-il-progetto-reduce; and T. Ferrando and J. Mansuy, “The European action against food loss and waste: co-regulation and collisions on the way to the Sustainable Development Goals”, *Yearbook of European Law*, vol. 37 (November 2018), pp. 424–454.

⁴⁷ Giuseppe Latour, “Supermarket e ristorante: cresce la solidarietà anti spreco”, *Il Sole 24 Ore*, 8 September 2019.

⁴⁸ Food and Agriculture Organization of the United Nations, *Food Loss and Waste and the Right to Adequate Food: Making the Connection* (Rome, 2018).

⁴⁹ Through the co-financed Fund, a total of 788,932,100 million euros is allotted, of which approximately 699 million euros is for food distribution for 2014–2020. About 10,000 local partner

87. The Special Rapporteur appreciates the many innovative and diverse food distribution and food aid initiatives, such as soup kitchens, creative food distribution programmes and shelters that provide food. In the north of Italy, a creative initiative called “Buon mercato” features a supermarket where poor families can do their food shopping by using points that are assigned to them by the organization on the basis of the family composition and level of income.

88. Another interesting initiative is the “Refettorio Ambrosiano”, established as a pop-up initiative during Expo 2015 in Milan to prevent food waste. Located in a formerly abandoned theatre, which was restored and transformed into a beautiful and modern space, it is now a permanent food kitchen that feeds an average of 100 people per day and offers meals prepared with donated produce from all over the city of Milan.

89. In the south, the Special Rapporteur visited the religious mission Speranza e Carità, established by missionary Biagio Conte, who has developed food aid programmes for the homeless and poor in Palermo, and opened a shelter that welcomes poor Italians and migrants. The mission includes a farm outside of Palermo, in Tagliavia, where beneficiaries receive farming skills training, contributing to the production of food. These initiatives are closely linked to the Fund for European Aid to the Most Deprived, as it receives financial support through the Fund.

V. Nutrition

A. Obesity

90. In Italy, about 1 in 10 people are obese and more than 1 in 2 men and 1 in 3 women are overweight. Nearly one in three children (31 per cent) aged 8 or 9 years were either overweight or obese in 2019, representing one of the highest rates among countries of the Organization for Economic Cooperation and Development.⁵⁰ However, this rate was down slightly from 35 per cent in 2008.⁵¹

91. With regard to obesity, large socioeconomic disparities exist. Women with poor education are 3 times more likely to be overweight than more educated women, and poorly educated men are 1.3 times more likely to be overweight than more educated men.⁵²

B. Unhealthy versus healthy diet

92. Poor choice of foods is one of the main reasons why children and adults are overweight. Food that contains excessive amounts of salt, sugar and saturated fat, defined as junk food, is particularly at fault.

93. In Italy, 17.4 per cent of young people (between 11 and 17 years old) are exposed to junk food. Consumption is highest in the south (19.4 per cent of daily consumption) but also particularly high in the north-west (16.3 per cent) compared to 8.9 per cent in the centre.⁵³ Low-income populations consume more unhealthy food than do high-income ones, spending a greater percentage of their annual income on such foods, which exposes them to a higher risk of obesity and chronic diseases.

organizations distribute food aid throughout the country and reach 2.3 million people in severe poverty.

⁵⁰ Organization for Economic Cooperation and Development, “Obesity and the economics of prevention: fit not fat – Italy key facts”.

⁵¹ Laura Lauria and others, “Decline of childhood overweight and obesity in Italy from 2008 to 2016: results from 5 rounds of the population-based surveillance system” *BMC Public Health*, vol. 19, No. 618 (2019).

⁵² Organization for Economic Cooperation and Development, “Obesity and the economics of prevention: fit not fat – Italy key facts”.

⁵³ National Institute of Statistics of Italy and United Nations Children’s Fund, “Bambini e adolescenti tra nutrizione e malnutrizione” (Rome, 2013).

94. In 2018, the third high-level meeting of the General Assembly on the prevention and control of non-communicable diseases took place on the margins of the seventy-third session of the Assembly. Several Governments participated and agreed on the text of a positive and balanced document (the political declaration), which was adopted by consensus. Italy, together with Uruguay, facilitated the process and led the preparatory work. Since then, the Government of Italy has initiated various policy documents on nutrition.

95. The Government has introduced programmes to increase healthy food consumption, such as the “five a day” fruit and vegetable target and the “*guadagnare salute*” (“gaining health”) campaign, a multi-component intervention for making healthy choices easy. The main objective is to nudge people towards healthier behaviours, which would decrease their likelihood of developing chronic diseases.⁵⁴

96. The Government is in favour of transparent information and food labelling for consumers, in line with the relevant European Union regulations (particularly No. 1169/2011) and current Codex Alimentarius guidelines. In January 2020, Italy notified the European Commission about a draft decree recommending the use of the voluntary front-of-pack food labelling scheme “NutrInform battery”.

97. In addition, the Ministry of Health confirmed that Law No. 60 of 27 December 2019 established a tax on sweetened drinks. This tax will be applied from October 2020.

98. Italy has started a process of improving the sharing with the industrial sector the nutritional characteristics of food products, with particular attention paid to children (3–12 years of age), so as to allow for a greater availability of foods with lower levels of salt, saturated fats, trans-fatty acids and sugars, without neglecting the importance of portion sizes. This has resulted in the drafting of two documents aimed at, on the one hand, directing the marketing of baby food and at on the other hand, sharing some objectives for improving nutritional quality, in line with the indications of the European Union and the World Health Organization.⁵⁵

C. Breastfeeding

99. In 2019, Italy published its national dietary guidelines for healthy eating, which contain a section on the importance of breastfeeding and the support provided. The guidelines recommend exclusive breastfeeding for six months as the optimal way of feeding infants, following the recommendation provided by the World Health Organization. In 2012, the Government also held a round table on the promotion of breastfeeding and increasing general awareness of its importance.⁵⁶

100. However, there are insufficient data on exclusive breastfeeding. Italy should provide reliable and updated data on breastfeeding to ensure the development of targeted policies and social protection programmes aimed to support breastfeeding.

VI. School feeding programmes / school canteens

101. The policies around school canteens and feeding children at school are a way of ensuring that children’s right to food is guaranteed in a context where their right to education is also ensured. In addition, school canteens are supporting the fight against child poverty. Improving the food security of Italian children would inevitably require increasing the

⁵⁴ Ministry of Health, National Center for Disease Prevention and Control, “Gaining health”. Available at www.ccm-network.it/pagina.jsp?id=node/846&lingua=english.

⁵⁵ Ministry of Health, “Commercial communications guidelines relating to food and beverages, for the protection of children and their proper nutrition”. Available at www.salute.gov.it/imgs/C_17_pubblicazioni_2427_ulterioriallegati_ulterioreallegato_0_alleg.pdf.

⁵⁶ Ministry of Health, “Tavolo tecnico operativo interdisciplinare per la promozione dell’allattamento al seno (TAS)” (Interdisciplinary round table for the promotion of breastfeeding). Available at www.salute.gov.it/portale/temi/p2_6.jsp?lingua=italiano&id=3894&area=nutrizione&menu=allattamento.

number of schools that offer a complete day at school including school meals for those who cannot afford them.⁵⁷

102. Over 1.2 million children live in absolute poverty in Italy, mostly in the south. Access to school canteens would guarantee a complete meal for the 3.9 per cent of children in Italy who even today do not consume enough protein or have an adequate meal each day, a percentage that increases dramatically to 6.2 per cent in southern Italy.⁵⁸

103. In nine regions, more than 50 per cent of pupils do not have a school canteen service, and the percentage of students who have the service but do not use it vary from 30 to 80 per cent. The disparities of fees among municipalities are huge: tariffs vary from 30 cents in Palermo to 7.20 euros in Ravenna.⁵⁹

104. As stated by various sources, reductions and exemptions applied to tariffs are only for residents, leaving the children of non-residents without access to school canteens. Some municipalities do not even apply exemptions.

105. There is an urgent need to improve the quality of the food in school canteens and to provide local and organic food from local producers. The Ministry of Health is actively engaged in defining a global strategy aimed at promoting healthy lifestyles and reducing non-communicable diseases. In 2010, the national guidelines for school catering were developed,⁶⁰ and a review of the guidelines will soon be published.

106. The Government should support low-income families whose children cannot participate in the school canteen service due to their economic situation, and therefore guarantee one nutritious meal every day for children living in poverty. In addition, it should adopt a national framework for the establishment of school feeding programmes to combat disparities among municipalities and ensure that all students have access to school canteens, despite their families' economic situation, making school canteens a public service, partially supported by public funds.

VII. Contribution of Italy to global food policies

107. Italy actively participates in United Nations mechanisms, and is a founding member of the European Union and a member of the Group of Seven, which constitutes the seven largest advanced economies in the world. These seven economies represent more than 62 per cent of global net wealth, more than 46 per cent of the global GDP based on nominal values, and more than 32 per cent of the global GDP based on purchasing power parity. These figures indicate that the role of Italy and its impact on agriculture and food systems in the globalized world is significant.

108. The level of commitments of Italy to the implementation of global food policies can be found in the Financial Report on Food Security and Nutrition, which was developed in 2015 and renewed yearly by the Group of Eight countries on the Broad Food Security and Nutrition Development Framework to lift developing countries out of hunger and malnutrition by 2030.⁶¹

109. Italy is active in developing global policies on food systems and is home to Rome-based international organizations (the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the World Food Programme), as well as the Committee on World Food Security. In 2015, Italy pledged 131

⁵⁷ Save the Children, *(Non) Tutti a Mensa 2018* ((Not) all at the school canteens 2018). Available at <https://resourcecentre.savethechildren.net/node/16166/pdf/non-tutti-mensa-2018.pdf>.

⁵⁸ *Ibid.*, p. 6.

⁵⁹ Cittadina Attiva, "Presentata IV indagine su 'Tariffe e qualità mense scolastiche'" (Fourth survey on school canteen rates and quality), 8 November 2019. Available at www.cittadinanzattiva.it/primo-piano/scuola/12734-presentata-iv-indagine-su-tariffe-e-qualita-mense-scolastiche.html.

⁶⁰ See www.salute.gov.it/imgs/C_17_pubblicazioni_1248_allegato.pdf.

⁶¹ See *Biarritz Progress Report: G7 Development and Development-Related Commitments*. Available at www.diplomatie.gouv.fr/en/french-foreign-policy/development-assistance/news/2019/article/biarritz-progress-report-on-g7-development-and-development-related-commitments.

million dollars to the Food and Agriculture Organization of the United Nations, with a disbursement rate that year of 36 million dollars. It was one of the largest voluntary contributors, supporting activities to achieve food security and poverty reduction. As an active member of the Committee on World Food Security, Italy demonstrates its inclusive human rights-based approach to global food security and supports all voluntary guidelines and policy documents.

110. Italy was among the founders of the Group of Friends of the Right to Food and has promoted the role of the Special Rapporteur on the right to food at the Committee on World Food Security, as well as the United Nations Decade of Family Farming, to reinforce the link between the social value of agriculture, cultural experience and food security in line with the 2030 Agenda for Sustainable Development.

111. In cooperation with the Food and Agriculture Organization of the United Nations, Italy also promotes the Mediterranean and other traditional diets as a good model of sustainable nutrition that can contribute to the implementation of the 2030 Agenda. This is an important initiative, especially now that the Committee on World Food Security is working to implement the Voluntary Guidelines on Food Systems and Nutrition.

112. The Ministry of Foreign Affairs and International Cooperation, through its Directorate-General for Development Cooperation, engages in multilateral, multi-bilateral, emergency and humanitarian assistance initiatives in order to ensure food security as a basic human right and as a fundamental element of human dignity. In 2018/19, Italy contributed 45.8 million euros in emergency and humanitarian assistance projects that best respond to the issues close to the right to food, as well as a large number of other initiatives addressing the agricultural sector and food systems worldwide, with particular attention to African countries. In 2019, Italy also contributed to the Sustainable Development Goal 2-related activities of the Rome-based agencies, with 9.5 million euros, as well as a 29.4 million euros to other agencies or international organizations engaged in ending hunger, achieving food security and improved nutrition, and promoting sustainable agriculture.

VIII. Conclusions and recommendations

113. **The Special Rapporteur notes that the right to food is of central importance to the success and achievements of the sustainable development efforts of Italy both domestically and overseas.**

114. **Italy has valuable experience and several successful programmes that could be used as a model for other countries. For instance, the programmes on organic agriculture, access to land for young farmers, food waste management; the social welfare system, including the minimum guaranteed income; and the laws and regulations on the prevention and eradication of the *caporalato*, and the fight against fraudulent activities and crimes relating to the food and agricultural system are commendable.**

115. **In addition to her many recommendations stated above to further develop a human rights-based approach to food security and to overcome the challenges of fragmented and complex food systems, the Special Rapporteur urges the Government and other stakeholders to prioritize the following issues:**

(a) **Adopt a comprehensive framework law that has an interdisciplinary focus and human rights-based approach to food security and food sovereignty, and promote a sustainable agricultural system;**

(b) **Move from a charity-based approach to the full implementation of the right to food to eliminate hunger and food insecurity. The State has a duty to protect, respect and fulfil the right to food, and this cannot be achieved by food charity organizations;**

(c) **Adopt a national framework law for school feeding programmes that includes funding to combat disparities among municipalities and ensure that all students have access to school canteens;**

- (d) Take necessary gender-sensitive legal and budgetary measures to ensure that women in the agricultural sector, including migrant workers, fully enjoy their human rights and have access to decent work standards;
- (e) Complement poverty statistics by specific food poverty statistics, which should be elaborated by the National Institute of Statistics and made available to the public;
- (f) Establish strong control mechanisms for Common Agricultural Policy subsidies to ensure that funds are provided to actual farmers;
- (g) Approve the law on double-race auctions, currently pending in Parliament;
- (h) Support the income of smallholders through the direct payment of the first pillar of the Common Agricultural Policy in order to reduce their production costs;
- (i) Approve the law on small-scale farming, currently pending in Parliament, to support smallholders;
- (j) Adopt measures to support migrant workers who face harsh living conditions and regularize their status in the country by, for example, providing work permits, re-establishing humanitarian protection and creating national mechanisms to provide them with access to basic services;
- (k) Revise Law 199/2016 on *caporalati* to include criminal and/or tort responsibility of third parties. Furthermore, consider revising the Criminal Code, which excludes the possibility of self-incrimination for those who denounce exploitation and exploiters in the agrifood chain. Consider also creating a national coordination to assess *caporalati* across the country;
- (l) Repeal the “Salvini decree”, which has de facto fostered a reality outside the law that has benefited criminal organizations, and address the correct treatment of migrants;
- (m) Further increase the monitoring of the use of banned pesticides and establish positive incentives and assistance for organic farming;
- (n) Promote local products and urban farmers’ markets to ensure that consumers can access better quality food. Continue to support organic agriculture and agroecology through financial mechanisms and training programmes;
- (o) Legislate a stronger law-and-order approach to environmental crimes;
- (p) Prioritize the use of a biological solution to address *Xylella fastidiosa* disease and make specific efforts to preserve and restore lost rural heritage, for both economic and environmental reasons, in the region of Apulia;
- (q) Provide a regulatory framework to control the private food sector in the food industry, especially producers of sugary drinks and foods that contain excessive amounts of fat, sugar and salt, and ban unhealthy food advertisements from the media and from school canteens;
- (r) Provide support, through the country’s strategy of international cooperation and development aid, to the countries of origin of main migrant workers living in harsh conditions in Italy to ensure that they can remain in their own countries.
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