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## Country visit to Italy (3-12 October 2018)

[Italian version](#)

### End of mission statement

#### **Ms. Urmila Bhoola, Special Rapporteur on contemporary forms of slavery, including its causes and consequences**

Members of the press, ladies and gentlemen,

I am addressing you today at the conclusion of my official visit to Italy, which I undertook at the invitation of the Government from 3 to 12 October 2018.

The objective of my mission was to assess the situation of labour exploitation of migrants in the agricultural sector. The following statement outlines my preliminary findings based on the information gathered during my visit. My final report will be presented to the United Nations Human Rights Council in September 2019.

I would like to express my gratitude to the Government of Italy for the invitation to visit and for the hospitality extended to me and my delegation. I am grateful to the representatives of governmental authorities at the national, provincial and community level and to members of parliamentary commissions who took time to meet with me, as well as to interlocutors from civil society organizations, trade unions, employers' organizations, international organizations and the European Commission. I also met with exploited workers themselves and appreciated their openness to speak about their situation with me.

I am equally grateful to the focal point for my visit at the Ministry of Foreign Affairs for all the assistance and support provided.

Over the past ten days, I visited Rome, various places in Calabria, Foggia and Cerignola in Apulia and Latina in Lazio.

Key areas of the legal and institutional framework providing protection against contemporary forms of slavery

Italy has ratified all the core international human rights instruments relating to the rights of workers except for the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Also, ratification of Protocol 29 to the ILO's Forced Labour Convention is still outstanding.

The Italian legal framework provides protection of the human rights of migrant workers and this protection is extended by national and provincial collective agreements. The legal framework provides

protection is extended by national and provincial collective agreements. The legal framework provides comprehensive protection against slavery and servitude and specific forms of labour exploitation. The Criminal Code's article 600 makes it an offence to reduce or hold a person in a condition of slavery or servitude and provides for severe penalties of between 8 to 20 years of imprisonment upon conviction.

Law No. 199/2016 (the anti-*Caporalato* law) which amended the Criminal Code, represents a significant advance in protection against slavery and servitude, including in agriculture. It criminalizes labour exploitation facilitated by *Caporali* or illegal labour brokers as part of the *Caporalato* system. It does so by broadening the crime of illegal intermediation and work exploitation under the Criminal Code (art. 603 bis) and also provides for criminal liability of the employer and the company, including placing the business under judicial management as well as mandatory sanctions such as seizure of assets. I commend the government for this positive and robust measure. However, as I discuss below, full and effective enforcement of the law remains limited. Hence, despite the excellent legal framework it appears that the *Caporalato* system thrives in the agricultural sector in a climate of impunity of criminals and lack of enforcement of the protection of fundamental human rights of migrant workers. The role of the *Caporali* in agriculture in the provinces I visited was reiterated by many interlocutors as the cause and consequence of slavery-like practices such as debt bondage, servitude and forced labour on farms.

Options for legal work are also limited. Annual governmental decrees (Flow Decrees) establish quotas for diverse types of workers on the basis of existing labour market needs. Quotas are reserved for seasonal and non-seasonal employment. In 2017, however, the quota for seasonal work was only 12850. The significant reduction of quotas appears to be at odds with a highly increased need for agricultural workers. As a consequence, employers resort to irregular migrants who work without contracts in highly exploitative conditions amounting to slavery. We were informed for instance that the rigid linkage between a residence permit and the existence of an employment contract risks pushing migrants further towards irregular channels, increasing their vulnerability to exploitation.

It is positive that immigration legislation provides for a stay permit for humanitarian reasons valid for 6 months where the worker brings a complaint against an employer and collaborates with the Ministry of Labour and Social Policy. However, I was informed that many migrant workers are afraid to report employers because they lack knowledge of this protection and fear reprisals if they report. Hence they continue to be subjected to extreme forms of exploitation.

I was also impressed to hear of the latest initiative to develop a comprehensive solution to modern slavery, which resulted in a three year National Action Plan following a recent inter-institutional meeting involving key stakeholders and technical experts held in Foggia. This will assess progress made with implementing the National Action Plan against Human Trafficking and Labour Exploitation of 2016 – 2018 and result in the development of a follow up plan.

In this context it is important to note that the Interministerial Committee for Human Rights operates as a key mechanism for integration of human rights of migrant workers into every agency and Ministry. Also, the National Action Plan for Business and Human Rights recognizes the need to end *Caporalato* and all forms of illegal exploitation of migrant workers as part of Italy's commitment to realising the Sustainable Development Goals and in particular goal 8 and target 8.7 which involves promoting decent work as an antidote to modern slavery.

Challenges with regard to enforcement of the legal framework and in ending slavery-like practices in Italy

Labour exploitation is particularly prevalent in the agricultural sector. Of the approximately 1,3 million agricultural workers, some 405,000 are migrants with either a regular or irregular migration status. Depending on the region and on the season, migrants constitute the majority of those working in the fields.

Migrant workers looking for work during harvest time are predominantly from Africa, but also from Eastern European countries such as Romania and Bulgaria. In some parts of Italy such as in the Province of Latina, there is large community of Indian migrant workers.

During my visit, my attention was drawn to a number of structural factors which put already vulnerable individuals at risk of being subjected to labour exploitation in agriculture which amount to forced labour or to slavery-like conditions. In particular, I witnessed a systematic prevalence of the *Caporalato* system

in which *Caporali* may be either Italian citizens or third-country nationals of the same origin as the migrant workers. They are often part of organized criminal networks which control the entire process from the recruitment of individuals in their countries of origin to employment arrangements in Italy. *Caporalato* is not restricted to agriculture but it is widely used in that sector. Within this system, the types of exploitation are complex and many-fold but they are the consequence of the following main factors:

Firstly, the seasonality of agricultural work leads to a demand of workers during certain periods of the year at often short notice. The need for flexibility in the labour market leads to difficulties in matching supply and demand. Public employment centers do not address the needs of the employers efficiently and as a consequence, *Caporali* or intermediaries are used to ensure that labour needs are met. In this way, they become indispensable.

The context in which *Caporali* operate creates the conditions for exploitation of workers, as it leads to dependency on a middleman not only regarding access to the labour market but also to access other services, such as transport which is limited in the areas we visited. This gives these middlemen considerable power and control over the workers they recruit, as they also provide services such as transportation to the fields, food and water for which they retain commonly some 5 Euros per day. As many workers have no choice but to continue working in slavery-like conditions. They find themselves trapped in a dangerous system from which it is difficult to escape. Some intermediaries also confiscate the workers' documents to increase control over them.

Secondly, migrants and particularly those from Sub-Saharan Africa face serious racial discrimination which impedes them from accessing decent housing. As a result, hundreds of migrant workers live in abysmal conditions in informal settlements which are geographically isolated, creating a worrying segregation between these migrants and the local population. In the informal settlements of San Ferdinando (Calabria) and Borgo Mezzanone (Foggia) which I visited, people live in makeshift shelters and have no access to electricity, water, waste removal, sanitation facilities or healthcare and they have no social protection.

The presence of such large informal settlements and the conditions found there risk fuelling social tension increasing racism and xenophobia. This a worrying issue. More emphasis should be placed on measures to ensure social integration of migrants, for instance through public awareness raising programmes to address racism and xenophobia Incidents such as the killing of Soumaila Sacko in Rosarno on 2 June and the alleged use of air rifles to shoot Indian workers in Latina could escalate unless attention is paid to addressing social integration as well as ending impunity of perpetrators.

In other places such as Latina, migrants live in ordinary houses within the local community but they are nevertheless marginalized and discriminated against, often in the form of excessive rentals for housing being charged. While labour exploitation affects EU migrants as well as third country nationals, there are also a minority of Italian nationals who face labour exploitation.

During my visit, I spoke with many victims of labour exploitation resulting in slavery. They referred to long working hours of sometimes up to 17 hours a day and some had neither rest days nor paid leave days. Not only do they do physically arduous work but they are often involved in hazardous work and exposed to pesticides without the necessary compliance with occupational health and safety requirements. Workers who are injured at work were in some instances left near hospitals for emergency treatment by the *Caporali*, with strict instructions not to disclose details of the farm where the accident occurred. Often, wages are well below the regional or provincial collective work agreements and may be as little as three Euros per hour or 50 cents per box of oranges harvested in Calabria.

Several workers experienced abuse and violence or threats of harm if they complained about their working or living conditions. We met a 20-year-old farm worker from India who had not been paid for three months and was severely beaten every time he asked for his pay.

Apart from exploitative working conditions, workers often also face violation of contract provisions. Many work without a contract and even those who do have one often find their hours are not correctly recorded because the employer evades social security payments, and also registers bogus workers who benefit from social security payments. Unless the worker meets the threshold of the minimal hours required to Italy to renew the work contract, he or she is at risk of losing the stay permit and the work contract.

Multiple fraudulent practices as referred to above have been reported to me over the past days, undermining existing policies and institutions.

Irregular migrants are at greater risk of being exploited, as they are in an even more vulnerable situation and hence, they earn less and they generally do not complain about abusive conditions out of fear of being arrested or even deported.

Migrant women are often victims of trafficking for sexual exploitation but are also in some cases subjected to labour exploitation. Although I was told that Romanian and Bulgarian women are particularly affected by both forms of exploitation, instances in Latina and other areas where *Caporali* and employers force women workers from India to provide sexual services were also brought to my attention. Women workers and particularly irregular migrants are forced to comply with these demands in order to keep their jobs and avoid reporting to the judicial authorities. The specific vulnerability of women workers needs to be addressed through more directed protection and prevention measures irrespective of whether or not they disclose that they are victims of human trafficking. The proposed regional healthcare protocols are significant to provide a safe space for women victims and should be encouraged.

The creation of the National Labour Inspectorate in 2017 is important as it rationalizes inspections. However, we were informed that currently labour inspections are often ineffective for a number of reasons: inspectors have limited incentives to inspect farms, as they are badly remunerated, often they have to use their own vehicles for the inspections and the presence of criminal elements amongst employers and *Caporali* exposes them to personal security risks. Also, collusion between employers and Labour Inspectorates in some regions has been reported, as well as advance notifications of inspections. In the province of Foggia, for example, out of 31 inspectors there are six labour inspectors assigned to the agricultural sector, responsible to inspect a total of 9,000 farms. In this sense, Labour Inspectorates are significantly under-resourced and need to be strengthened in order to increase the effectiveness of their performance. It is commendable that the Guardia di Finanza plays an important role in inspections, as they have valuable expertise and resources to detect and prosecute these fraudulent and illegal practices.

Another key issue is to address labour exploitation in agriculture in global and European supply chains whereby the food harvested and processed in Italy is exported to countries in Europe and elsewhere. I was informed by representatives of employer organisations that farmers face immense pressure from international retailers to cut prices and have no choice but to resort to low cost labour. This is an issue that requires greater transparency, disclosure and due diligence in the global and EU agricultural supply chains, as well as increasing consumer awareness. In this context, the Quality Agricultural Work Network is an important initiative, although it is disconcerting that only 2% of eligible employers have joined it.

Despite the clear criminal prohibition against slavery and the available tools, prosecutions remain exceptional at the national level, particularly in regard to convictions of employers. I was informed by the Ministry of Justice that in 2016 ten criminal trials began that have not yet been finalised. Barriers to effective investigation and prosecution of slavery – with particular reference to the agri-food sector – include impediments to accessing victims in the fields and their testimony, including the reluctance of victims themselves to cooperate for fear of further harm or deportation. This affects identification of victims which confirms the invisible nature of slavery.

Good practices which mitigate forced labour

During my visit to various locations over the past days, I came across many positive alternative models to end severe labour exploitation and ensure both the protection of victims and prevention of future violations of their fundamental human rights.

In Calabria, for example, I was impressed by the project *Incipit* which is part of the *Comunità Progetto Sud*. In coordination with relevant institutions, it identifies and supports victims of trafficking for sexual exploitation and for labour exploitation while also raising workers' awareness of their rights.

I was equally encouraged by the invaluable work carried out by *Medici per i Diritti Umani* (Doctors for Human Rights) which provides health care to migrant workers who otherwise would face serious

limitations in this regard.

Moreover, I have been particularly inspired by the determined action of trade unions such as the General Confederation of Labour (CGIL), the Italian Confederation of Labour (CISL), the Italian Union of Labour (UIL) and the Unione Sindacale di Base (USB) in preventing and addressing labour exploitation of migrants in the agricultural sector. Their support services provided to migrant workers are essential and I salute them for their tireless dedication and bravery.

In Cerignola (Apulia), I met with partners of the Cooperative Altereco and the project *Terra!* which in a holistic approach engage in sustainable agriculture while the rights of formerly exploited workers are protected and promoted. In this way, dignity is returned to the workers by providing a viable alternative to exploitative conditions.

In the province of Latina, I met with the sociologist Marco Omizzolo who for over a decade has been defending and promoting decent working and living conditions of Punjabi migrant workers. Based on his engagement and on unionisation of the workers in recent years, wages have slightly increased and workers have become more aware about their rights and about redress mechanisms.

I call upon the provincial authorities to support these initiatives, as they are also essential for preventing social tensions between local Italian communities and migrant workers.

Key issues for the Italian government to consider

I urge the provincial and central governments to consider implementation of the following measures which would prevent and address labour exploitation in agriculture:

- Establish local public employment centers which are tasked with matching supply and demand of workers in the agricultural sector. In this way, the intervention of intermediaries will be avoided and the transparency of recruitment processes increased;
- Ensure public transportation systems in rural areas, particularly during harvesting seasons in order to avoid dependency on intermediaries;
- Create stronger incentives for reporting labour exploitation, inter alia by increasing the protection of victims and ensuring access to complaint mechanisms, to justice and to an effective remedy regardless of the workers' migration status;
- Strengthen the Labour Inspectorates by allocating additional resources in order to ensure that inspections are effective, free from corruption and by also guaranteeing the safety and security of inspectors. Also, labour inspections could benefit from cooperation with cultural mediators in order to gain the trust of migrant workers;
- Ensure access to basic services including adequate healthcare, housing and sanitation to everyone living in the Italian territory, regardless of their migration status, in accordance with international human rights standards;
- Ratify P029 (Protocol of 2014 to the Forced Labour Convention) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Ensure greater transparency in agricultural supply chains and increase participation of employers and other key stakeholders such as trade unions in the Quality Agricultural Work Network in order to convert it into a multi-stakeholder platform to ensure ethical business that is committed to human rights implementation and due diligence;

In conclusion I wish to reiterate that laws alone are not enough to protect all workers from forced labour and other forms of modern slavery. They have to be bolstered by action, supported by political will and enhanced with the necessary material and human resources in order to be effective. This focus on law enforcement has to be accompanied by effective protection and prevention measures.

I thank you for your attention and once again extend my gratitude to all stakeholders and individuals who contributed to the successful mission. I look forward to engaging further with the Government of Italy on these and other issues related to my mandate.

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