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**Promotion and protection of all human rights, civil,
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including the right to development**


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

Comments by the State*

* The present document is being issued without formal editing.

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Italian remarks following the draft

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

The Italian Authorities thank the Special Rapporteur on the right to food, Ms Hilal Helver, for sharing in advance the outcome of the visit to Italy to the Ministry of Foreign Affairs and take this opportunity to reiterate their firm willingness to continue cooperating fully and extensively with the ONU and its distinguished Special Procedures, mechanisms mandate-holders.

The Italian authorities would therefore like to draw the attention of the Special Rapporteur on the following proposals for the text of the report (*in italics in red*) and to offer a few comments on the draft version of the report in the Final Remarks and the ADDENDUM.

II. The legal and policy structure of the right to food

(..)

C. The Recognition of the Right to Food at the Regional and Local Level

22. Despite good practices, the fragmentation of the food system explains the current unequal access to adequate food at the national level, and unequal distribution of farmers' markets and organic shops. Moreover, the lack of clear statistics concerning the regions and authorities show a gap that should be filled.

Comments:

The report infers that Italy suffers from “*unequal access to adequate food at the national level*” and attributes such a situation to “*the fragmentation of the food system*”. Unless data, statistics and evidence be provided, such a categorical statement remains not substantiated and therefore factually incorrect. The correlation between “fragmentation” and “unequal access” is not automatic; it should be explained and motivated.

Therefore, we ask you to delete or substantially redraft the sentence “Despite good practices, the fragmentation of the food system explains the current unequal access to adequate food at the national level...”.

III. Poverty, social protection and food aid

24. After the economic crisis hit in 2007/2008, Italy has struggled to recover and many families have gone from middle-income to low-income, in many cases unable to access sufficient quality food. With an unemployment rate of 9,8%¹, the country is affected by consistent poverty rates. Poverty levels have also been exacerbated by the migration influx, which has brought to the country a number of migrants escaping from 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 in this country. Data from 2018 accounts for a total of 5 million people in extreme poverty (8,4%). A highest percentage of families living in absolute poverty can be registered in the south (9,6%) and in the islands (10,8%) as compared to the north-west (9,3%) and north-east and centre (5,3%)². Minors in absolute poverty account for 12,6% of the total population and the incidence of absolute poverty among foreigners is 30,3%.

Comments:

¹ Data for December 2019, published by ISTAT in January 2020.

² ISTAT – La poverta' in Italia 2018.

Verify percentages. The ISTAT report refers to the percentage incidence and not to absolute values:

“L’incidenza delle famiglie in povertà assoluta si conferma notevolmente superiore nel Mezzogiorno (9,6% nel Sud e 10,8% nelle Isole) rispetto alle altre ripartizioni (6,1% nel Nord-Ovest e 5,3% nel Nord-est e del Centro).”

A) Reddito di cittadinanza – Guaranteed minimum income

27. To combat extreme poverty and address its root causes, in 2019, the Government introduced the law “Reddito di cittadinanza”, or Guaranteed Minimum Income law³. This is a social welfare provision that guarantees that citizens have an income sufficient to live on, provided they meet certain conditions. Eligibility is typically determined by citizenship *and residence*, as well as other criteria. *Concerning citizenship the request can be made by Italian and European citizens and their third country relatives, as well as by citizens from third countries – depending on the residence permit they have – and by refugees and stateless people.*

Comments:

As highlighted during the meeting, notwithstanding the name Reddito di cittadinanza, citizenship is not an excluding eligibility criteria. In fact, the request can be made by Italian and European citizens and their third country relatives, as well as by citizens from third countries – depending on the residence permit they have – and by refugees and stateless people. Stating that “Eligibility is typically determined by citizenship” is misleading, even if followed by the words “as well as other criteria”.

As far as residence is concerned, the applicant needs a period of 10 years of residence in the country during the whole life, of which the last two years continuously. The tool was designed to benefit those ~~families/households~~ ~~citizens~~ that do not have a job or any sort of income or do have a job and income but it is insufficient to have a decent living standard.

28. The measure, which is also widely present in many other European countries, has resulted in a number of families accessing a temporary source of income that amounts to a maximum of 780 Euros *for one member families, including up to 280 euros in case the beneficiary pays a rent or a mortgage.* The system is designed to reestablish financial independence, including by accessing job opportunities through job centers *and additional social services ensured by Municipalities.* The supply of minimum income is limited in time: *it lasts 18 months, but can be re-applied for any time it is necessary and until the needs are overcome. Actually, the application can be re-submitted after a one-month interruption*

Comments:

People can receive RDC for a maximum of 18 months, but after one month of interruption they can apply again and can receive the benefit if the requirements are still satisfied

~~and is strongly connected with the beneficiaries’ acceptance of the work opportunities identified for them by the job~~ *is conditioned to the participation to a personalised project agreed upon by the beneficiary and the job centres in case poverty is only related to the lack of employment or by the beneficiary and the social centres in case poverty is connected to multidimensional needs.*

~~For some beneficiaries, access to income is also possible only by serving hours of community services.~~ *The conditionality includes the participation to community service project for a minimum of 8 hours per week*

Comments:

The sentence is not coherent with the law provision.

29. According to Italy’s 2020 expenditure programme, this social welfare tool will be slightly amended to redress some of the issues identified in 2019. Although the measure has

³ Italian Official Gazette.

many positive sides, some of the criteria greatly reduce the ability to benefit from this social welfare tool. During her visit, the Special Rapporteur met with some Italians currently in a state of poverty, who emotionally recounted through personal experiences some of the limitations of the minimum income system.

Comments:

We'd appreciate deleting this sentence. It is, in fact a general comment based on the experience of a single person that has not been contextualised nor compared with the law provisions. The evidence is, updated data, that the RDC measure has reached in less than one year implementation more than 936 thousand households (a total of 2,403 thousand individuals). This number does not include the beneficiary household with over 65 years old member (the benefit in their case is called *Pensione di cittadinanza*) and the enrolment of thousands of social workers fully dedicated to the implementation of anti-poverty measures.

As the limits are not clear please substitute with:

30. ~~Regardless of the limitations of the measure~~ *Although the measure could be further improved and made more effective*, the system is a great opportunity to access a support system that, ~~although temporary~~ in the time needed, leads to the end of the reliance on subsidies by providing proper social services job opportunities and initiating a programme for self-sufficiency and economic independence.

B. Food aid and redistribution programmes

33. Italy is the second country in the European Union to pass a national law to regulate the loss and waste of more than 100kg of food per person per year.⁴ The *Legge Gadda* (166/2016) 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 both of the consumers, private actors and the institutions. Public administrations, food actors and data highlight that the law has increased the amount of food available for redistribution.⁵

34. However, redistribution cannot be considered as a valid long-term strategy against food poverty nor an approach that is compatible with the right to food as an entitlement, a legal obligation of the duty to act in a way that reduces unsustainable practices and tackles both poverty and inequality.⁶ Although an important and effective quick fix to food poverty, the *Legge Gadda* should be seen as a temporary solution and implementation of the right to food and the fight against food poverty should not be confused.

Comments:

Limiting the scope of Law 166/2016 (so-called "*Legge Gadda*") to mere redistribution of food and qualifying it as a "*quick fix to fight poverty*" is factually incorrect. It denotes an approximate and rudimentary knowledge of the regulatory and multi-stakeholders situation in Italy in this area. In fact, the Italian legislation provides an excellent framework for permanent solutions in the field of recovery facilitation, tax incentives for the prevention of food waste, correct information to the consumer and wide, permanent consultation of all stakeholders, through the whole food chain and involving public Institutions, private business and charitable bodies.

Therefore, we ask you to delete or substantially revise the sentence "...the *Legge Gadda* should be seen as a temporary solution and implementation of the right to food and the fight against food poverty should not be confused...".

⁴ REDUCE Project (2019).

⁵ Latour G. (2019) Supermarket e ristorante: cresce la solidarietà' anti spreco, *Il Sole 24 Ore*, 8 September.

⁶ FAO (2018) Food loss and waste and the right to adequate food: making the connection, Rome, 48 pp.

35. The Government currently implements a number of programmes to recover surplus production, including in the agricultural sector, which is then redistributed through the main actors operating in the field, which are Caritas, Banco Alimentare, Comunita' di Sant'Egidio and Banco delle Opere di Carita'.

Comments:

The reference to Government programmes is missing basic data, therefore it omits essential information to assess the coordinated efforts at national and local levels to implement in an effective manner EU programmes .

We ask to integrate the report with at least some relevant figures: for instance, in 2019 (1) food recoveries by charitable bodies equaled around 9% of food surpluses; (2) the Banco Alimentare foundation network distributed 90,000 tons of food, of which 40,000 tons from the European FEAD program, 40,000 tons from private donations, 10,000 tons from "food collections" initiatives; (3) food aid was provided to 7,500 local organizations and 1,500,000 people were served.

36. As mentioned by governmental officials during meetings in Rome, most of the food aid programmes were supported by the Fund for European Aid to the Most Deprived (FEAD), which contributed to support EU countries' actions to provide food and/or basic material assistance to the most deprived. FEAD Fund has greatly facilitated the system of food aid in the country.

Comments:

The sentence "most food aid programmes have been supported by the European Aid for the Most Deprived Persons Fund (FEAD) (...)" doesn't seem adequate to represent the value of the Fead's contribution to alleviate the food deprivation in Italy.

As highlighted during the meeting, the FEAD Operational Programme is the programme with the highest level of resources to tackle the severe deprivation in the country. The co-financed Programme consists of EUR 788.932.100 million, of which approximately EUR 699 million is for food distribution over the period 2014-2020. About 10,000 local Partner organisations (non-profit organisations and public bodies) distribute food aid throughout the country and reach 2.300.000 million people in severe poverty.

The Fead Operational Programme not only supplies food, but also provides accompanying measures (the social inclusion initiatives which are implemented alongside the delivery of food and material assistance) to support people in difficulty, including the activation of the local social services network whenever possible.

Moreover, the "main actors operating in the field" (mentioned above in point 35) are the national partner organizations representing the 10.000 local partner at the National Coordinating Round Table established by the Ministry of Labour and Social Policies in order to better manage the implementation of the Programme.

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

39. In the South, the Rapporteur visited the mission Speranza e Carita, established by missionary Biagio Conte who has developed food aid programmes for the city's homeless and poor, as well as a shelter which welcomes poor Italians and migrants. The system includes a farm outside of Palermo, in Tagliavia, where beneficiaries receive training sessions on farming skills and also farm the land, contributing to the production of food that is then distributed to the guests of the Speranza e Carita's shelter.

Comments:

The initiatives mentioned in point 38 and 39 are closely related to the Fead Operational Programme as they receive financial support by the Fund.

(...)

IV. Overview of the agriculture system

40. Currently, about 40% of Italy's territory (127 079 km²) is used for agriculture. seed cultures, mainly cereals, occupy more than half of this surface (7.075.224ha), followed by pastures (3.346.951ha). Italy also features a highly diverse agricultural sector with considerable regional variation in terms of farm structures and production. However, the contribution of the agriculture sector to the country's GDP remains very limited (1.94% in 2018)⁷.

Comments:

In this section, as reported in the note, it seems that there is no use of data available from the Italian Institute for Statistic (ISTAT). The surface used for agriculture indicated is not equal to the one of 12.598.161 hectares issued from ISTAT (updated to 2016). It is recommended to use official data (ISTAT).

The contribution is not "limited", in fact it is similar in other developed countries and is stable over time.

41. According to the performance of the agricultural sector in 2019, agriculture production decreased 1,3% in volume and the overall added value has also decreased by 2,7%. Efforts are being made to increase and strengthen the transformation and value addition industry of agricultural production: the total value of the annual transformed agricultural products amounts to 140 billion euros. The expansion of the value added for food, beverage and tobacco industries was robust in 2018, with an increase of 2.7% in volume and 2.9% expressed in current prices, a positive trend that has continued also in 2019.⁸

Comments:

Conjunctural data only show the high variability in the performance of the agricultural sector, that often suffers from climatic conditions and spread of disease. In addition, it must be noted that, not only in 2018 but also for some years, the agri-food industry represents one of the most performing sectors in the Italian industrial field.

42. Farmers are represented by several major organizations and trade unions, which serve as intermediaries between the farmers and the State. However, several meetings with farmers as well as agriculture researchers revealed that these organizations often fail to properly represent the needs of the farmers and reflect their voices into agricultural law and policy making.

Comments:

The draft report infers that "However, several meetings with farmers as well as agriculture researchers revealed that these organizations often fail to properly represent the needs of the farmers and reflect their voices into agricultural law and policy making...". Unless such a categorical statement be supported by specific evidence, statistics or data, it is a mere conjecture and remains factually incorrect.

The whole system of farmers' representation and trade unions cannot be qualified as "*often failing*" unless the Rapporteur provides clear and convincing evidence. The public should be cautioned before being presented with unsubstantiated statements, not supported by exhaustive analysis, in-depth consideration, and definitely not at the level of a United Nations report.

The report fails to acknowledge that cooperatives of agriculture workers are extremely common in Italy, with over 50% of the overall representation in fundamental sectors such as wineries, dairy (milk and cheese) or fruit and vegetables. Farmers' representation is extremely structured covering different levels and it is widely consulted by public institutions.

⁷ Statista (2018), available at: <https://www.statista.com/statistics/270481/distribution-of-gross-domestic-product-gdpacross-economic-sectors-in-italy/>.

⁸ ISTAT (2020) Stima preliminare dei conti economici dell'agricoltura, anno 2019 – available at https://www.istat.it/it/files//2020/01/Report_Stima_prelim_andamento_economia_agricola-1.pdf.

A. Criminal Activities

Comments:

When describing the agriculture system in Italy, the first section falls under a title called “criminal activities”, well before describing the role of the European Union Common Agricultural Policy (CAP), small holders farming or issues such as the use of pesticides and the climate crisis challenge.

With regard to paragraphs 43-46, note that the Italian Ministry of the Environment is taking measures related to ‘Land of Fires’ in order to limiting or withdrawing the use of specific areas for agricultural and grazing activities.

In november 2018 the Italian Minister of the Environment has also signed a Protocol (“Protocollo d’intesa per un’azione urgente nella Terra dei fuochi”) to provide a concrete response to the phenomenon of waste burning in Campania Region.

43. The infiltration of organized crime in the Italian food system is a major concern, especially for small-holder farmers and food producers. They are threatened and damaged by the infiltration of organized crime in the agricultural and food production sectors.

Comments:

The text suggests a total “infiltration” of criminal organizations into the agri-food system not supported by any references. Unless substantiated by objective data it should be deleted.

This assertion doesn’t mention that Italy already faced the unfair trade practices in 2012 (so please, quote article 62, law decree n.1 January 24, 2012 – converted into Law n. 27 March 24 of the same year), well before the conclusion of the works in the EU, leading to Directive n. 633 only in 2019.

44. The most visible cases are the ‘*Terra dei Fuochi*’ (‘Land of Fires’) in Campania, where contaminating products are dumped in the rural areas, burned or poured into rivers. The severity and long-term consequences of environmental crimes concerning the illegal disposal of waste in agricultural land and the contamination of waters have a significant impact on the planet and people exposed to it. The Special Rapporteur was concerned by this situation, in particular regarding the process of remediation of contaminated land, the support to small-scale farmers who continue to be affected by criminal actions and the citizens whose health has been compromised.⁹

45. Also, in wholesale markets, farmers are forced to accept low prices, pay to sell their products or use monopolistic services (like parking, transport and packaging) provided at high prices. The purchase of land with the proceedings of illegal activities and the forged documents to access the resources of the Common Agricultural Policy even without title; the tens of cases of counterfeit pesticides that are imported or assembled and often sprayed by workers without adequate knowledge and safety measures; the increase in food- frauds and contamination are among the illegal activities. Reports and local realities reveal the increasing presence of criminal organizations across the food chain, from farm to fork, through the two parallel phenomena of money laundering and money dirtying, i.e. the investment of clean capitals into the rigged food system because of the highly lucrative revenues that it can generate.¹⁰

Comments:

Several assertions in this paragraph remain without evidence. Please, provide detailed sources for declarations such as “*purchase of land with the proceedings of illegal activities and the forged documents*” (specify where this happened); “*the tens of cases of counterfeit pesticides that are imported*” (from which countries, indicate the areas or localities where this happened); “*the increase in food fraud and contamination*” (when such an “*increase*”

⁹ Forte I.M. et al (2019) 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*, 1-10.

¹⁰ ISTAT 2020 - Stima preliminare dei conti economici dell’agricoltura, anno 2019.

was found, by whom, compared to what period?). Specify the meaning of the expression “investment of clean capitals into the rigged food system”.

Indeed, note 17 does not support any of the above-mentioned accusations. As no enforcement or judicial authority is quoted in this paragraph, the text should be redrafted or deleted.

46. Also, in wholesale markets, farmers are forced to accept low prices, pay to sell their products or use monopolistic services (like parking, transport and packaging) provided at high prices.

Comments:

This is certainly true in specific situations, but cannot be assumed equally true for the overall agricultural sector.

The purchase of land with the proceedings of illegal activities and the forged documents to access the resources of the Common Agricultural Policy even without title; the tens of cases of counterfeit pesticides that are imported or assembled and often sprayed by workers without adequate knowledge and safety measures; the increase in food- frauds and contamination are among the illegal activities.

Comments:

Data from the Ministry of health and from the Ministry of agriculture (ICQRF) show a reduction, during in the last years, in frauds and contamination (see Annuario CREA, 2018, Vol. LXII, pagg. 297-299)

Reports and local realities reveal the increasing presence of criminal organizations across the food chain, from farm to fork, through the two parallel phenomena of money laundering and money dirtying, i.e. the investment of clean capitals into the rigged food system because of the highly lucrative revenues that it can generate.¹¹

Comments:

The reference in the note is about a document that doesn't seem to have any relation with the above mentioned items.

Please provide detailed sources and quantitative data (from official administrations or Police) to support the statement that “*illegality*” would be under an increasing trend (“*Illegality and the right to food are incompatible and Italy should work harder to revert the recent trend*”).

The report should duly consider that fraud cases involve merely 0,01% of the total value of EU resources allocated to Italy (source ICQRF annual report). Without quantitative or other overall terms of comparison, the whole description becomes misleading.

We ask that the report duly highlight in this section the continued efforts by the Italian competent authorities (ICQRF and others) thanks to a worldwide-acknowledged national control system daily acting in the agri-food sector.

B. Common Agricultural Policy and Italian Agriculture

47. The Common Agricultural Policy (CAP) 2014-2020 was Europe's attempt to respond to the need for a ~~decent~~ *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 focused on increasing agricultural productivity, ensuring ~~decent~~ *reasonable* standard of living for farmers, stabilizing markets, ensuring safe supply flow and guaranteeing fair prices to consumers. The Policy planned to invest around 37.5 billion euros in Italy's farming sector and rural areas, prioritizing jobs and growth, sustainability, modernization, innovation and quality.

48. The CAP tried to strengthen the competitiveness and sustainability of the agricultural sectors in EU countries by providing *income support through* direct payments (subsidies) aimed at stabilizing farm ~~revenues~~ *incomes* and financing ~~projects~~ *programmes* responding

¹¹ ISTAT (2020) Stima preliminare dei conti economici dell'agricoltura, anno 2019.

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

49. The CAP budget delivered a total of EUR 408.31 billion *for the 2014-2020* with EUR 308.73 billion intended for direct payments and market measures (the First Pillar) and EUR 99.58 billion for rural development (the Second Pillar). Italy has flexibility to adapt both direct payments and rural development programmes to its specific needs and is one of the largest recipients of CAP payments, taking in 12% of the total – behind ~~Germany, France and Spain~~ France, Spain and Germany.

Comments:

It should be indicated the source from which the data was obtained

50. The CAP has benefitted agriculture and rural development in Italy. Changes to be made to the revised CAP *after 2020* will, however, include more flexibility for EU countries to transfer and move funds towards agriculture and/or rural development, to make sure the funds are more closely aligned to national priorities and increase attention and support towards small and medium agriculture enterprises

Comments:

It should be indicated the source from which the data was obtained

C. Social agriculture

Comments:

Although the paragraph is called Social agriculture, its content is much wider, not attributable solely to social agriculture.

52. At national level, the Government has carried out several reforms which have impacted the agricultural sector and the agro-processing industry. For example, Italy has approved law 141/2015 to facilitate “social farming” to increase, *among others*, protection towards biodiversity and agro-ecology, and enhancement of the autochthon agri-food value chains. The law has facilitated the establishment and recognition of a number of projects in the agricultural sector with a social value, such as the involvement of youth in agriculture, the rehabilitation of convicts through their participation in agricultural activities and the fight against mafia and awareness raising on the protection of the environmental.¹²

53. Similarly, a number of initiatives are currently ongoing to facilitate and stimulate the growth of the agricultural sector as well as its transformation and value addition industry. In particular, governmental efforts in this direction include: provision of subsidies for the engagement in agriculture of youth and women; awareness raising on the importance of organic agriculture as well as the Mediterranean diet; organisation of events to discuss prevention of soil degradation and desertification; and launch of large events to foster farmers’ participation. Part of the subsidies offered to the agricultural sector also include mechanisms to facilitate the establishment of small and medium enterprises.

54. Particularly, there are fragmented legislations supporting young farmers and regulations.

Comments:

- These measures are “diversified”, rather than “fragmented”;
- Regulations about what?

One of these laws, introduced in 2018, aims at encouraging young farmers that do not own land to engage in the agriculture by working by the side of land-owning or retired farmers of

¹² Rete Rurale Nazionale, December 2017. Report on the Italian social farming.

over 65¹³. The law was also designed to foster the passage of know-how from one farming generation to the other, including training for a period of three years and the division of generated income between the two parties.

55. A commendable effort by the Government to make more land available to youth engaging in agriculture and social farming activities is represented by law 109/96 on the confiscation of goods (including land) from mafia into the national patrimony of the State so that they cannot be the object of sale and privatization but only distributed in concession.¹⁴ Further to this measure, an initiative along the same lines is represented by the Apulia Land Bank,¹⁵ on the mapping and concession of empty private land along with empty public land owned by the Region or regional authorities. The Apulia law also introduced environmental sustainability and organic production as a premium criteria in the process of selection,¹⁶ 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 the integration in sustainable value chains.

Comments:

Since 2014, Italy has put in place initiatives to promote the sale or concession of state-owned land. In 2014 the first decree called “Terrevive” was approved. As of 2016, the initiative “Terrevive” became part of a wider national project, since law 154/2016, art. 16, established the “Bank of the agricultural lands”, with the aim of enhancing public land heritage and bring back to agriculture also the uncultivated areas, mainly encouraging the generational turnover in the sector. The Bank, is managed by ISMEA, the Institute of Services for the Agricultural and Food Market.

Almost all regional governments have enacted laws on “land banks”, with the aim of making public land available through rental or concession operations.

For further information, please see: Povellato A., Vanni F., Nuovi strumenti per le politiche fondiarie. Banca della terra e associazioni fondiarie, in *Agriregionieuropa*, anno 13, n. 49, giugno 2017.

D. Small holders and industrial farming

56. The current agricultural landscape presents an important dichotomy: on one side, the large land holdings and intensive production systems, mostly located in the North, with an average of 80/100 hectares per farm; (ii) on the other side, a large group of smallholder farmers, particularly located in the South, where average farm size is 5 to 8 hectares.

57. Small- scale farms, mostly family farms, represent 98.9% of total farms, thus cultivating 89.4% of the total utilized agricultural area.¹⁷ Family farms play an important role in the urban and rural economy as they contribute to food safety, provide many high-quality products, improve the dynamism of the rural economy, and their interest in the care of the environment fosters the production of local goods.

58. To support locally produced food, across the country, the “Zero km food concept” is being increasingly practiced to ensure that the food is produced, sold and eaten locally, travels zero kilometres and does not go through global trade chains. Nevertheless, small-scale farmers are confronted to an increase of intensive agriculture, the control of the agrifood market by major distribution chains, and the establishment of large buying centres, which increase the pressure on farmers imposing very low prices. Italy’s landscape is characterised

¹³ Contratto di affiancamento (mentorship agreement), as defined by the Budget law 2018, art 1, c. 119-120 L 205/17.

¹⁴ Legge 7 marzo 1996, n. 109 Disposizioni in materia di gestione e destinazione di beni sequestrati o confiscati.

¹⁵ Regional law n. 15/2017 implemented with regional regulation n.16 of 31 October 2018.

¹⁶ Art.7 (3)(g)(h) of regulation 16/2018.

¹⁷ FAO, Family farming knowledge platform. Available at: <http://www.fao.org/family-farming/countries/ita/en/>.

by abandoned farm houses, once belonging to small-holder farmers who failed unable to compete with the pressure imposed by industrial agriculture.

59. 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 the agriculture and rural areas. More consistent and permanent measures should be put in place to protect small and medium size farmers from price fluctuation, as to ensure their survival in the changing agricultural and food production sectors.

Comments:

The stabilisation of income is one of the main CAP goals, with the re equilibrium of the farmers position in the supply chain.

65. Finally, women are also a significant share of the agricultural sector, but are often invisible because they are generally overlooked and, most importantly, not involved in the regional, national and local policies and programmes targeting small holder farmers and agricultural workers. Many policies and plans are still lacking a gender-based approach. Their economic and social rights are also compromised by the disproportionate load of unpaid, unrecognized care, and domestic work that they perform at home.

Comments:

This statement should be proved with specific examples.

E. Workers in the food system

Comments:

It is recommended to better specify which universe the data used is referred to, distinguishing the specific reference to migrants in agriculture from that relating to migrants in general, in order to avoid to report general problems relative to the conditions of migrants to the mere world of agriculture. The way the paragraph is set out suggests that the phenomenon of migrants affects the entire Italian agricultural sector, in all territorial realities and with the same intensity.

66. 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 Italy, sometimes under illegal conditions. Numerous reports indicate that migrant workers endure slavery-like conditions in the olive oil, tomato and grapes industries among others.¹⁸

67. According to the National Institute for Social Protection, migrant workers amount to 35% of the overall workforce of about a million workers. This figure does not include the thousands of migrant workers irregularly employed in the fields and in the greenhouses. The incidence of migrant workers in the agricultural sector has tripled over the last ten years, passing from 5.3% in 2007 to 16.6% in 2017 of the total employment in agriculture.

68. Regardless of sex, age and nationality status, agricultural workers are exploited and underpaid. This is particularly severe for migrant workers, during harvest season, and even more if they are undocumented. 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.

69. According to different sources, the adoption of the 2018 Decree on security and immigration, known as “Salvini Decree”, has led to an increase of the number of undocumented migrant workers, due to the elimination of humanitarian protection and exclusion to asylum seekers from the reception system, accelerating the illegalization of asylum seekers. There are now an estimated 680,000 undocumented migrants, twice as many

¹⁸ NYT, Migrant crisis: Mafia exploits cheap labour in farm ghettos, 25 August 2017.

as only five years ago.¹⁹ 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 for Italy's agricultural sector.²⁰

70. According to testimonies, a migrant worker can receive 2-3 euros per hour compared to Italy's agricultural minimum wage, agreed by the industry, of 7 euros; some of them are paid by piecework, as their only pay, which is illegal in Italy; some are exposed to pesticides and dangerous chemicals; others face contract infringement or not contract at all, as well as terrible working and living conditions. The number of irregular seasonal workers doubles during the harvest season. Some of these migrant workers stated that without the support of organizations such as Caritas they would not be able to survive.

71. Although several laws and trade union contracts have been formulated to regulate the situation of agricultural workers, wages continue to be low (from 5 euro per hour to 50 euros per day for an average of a 6,5 hours workday, depending on the type of production). Furthermore, occupational health and safety for agricultural workers seem to be severely overlooked. According to testimonies, the number of maximum hours of work per day are 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.

72. 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 towns, which are characterized by the absence of electricity, access to water and sanitation, safety and basic services. These towns 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 might happen that African families that 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.

73. In the agricultural sector, women migrant workers are often abused and frequently required by the "masters" to perform sexual acts to be able to improve their working and living conditions, such as better salaries and food.

74. Romanian and Bulgarian 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 34,500 are women and 1.168.000 Romanians work in Italy, of whom over half (57%) are women, and 10% work in agriculture. They can work for up to 12-15 hours a day, and they live in isolated and shanty buildings, with no access to welfare or public services.

Comments:

What is the source used?

INPS DB informs us that in 2017 in Italy 12.342 Bulgarians work in Italian agriculture; 5.529 of them are women. Romanian agricultural workers are 106.393, 39.399 of which are women.

In 2018, in Italy 11.155 Bulgarians work in Italian agriculture; 5.061 of them are women. Romanians agricultural workers are 103.497, 38.320 of which are women.

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

¹⁹ Openpolis foundation and NGO ActionAid, 4 November 2019; Amnesty International, Report on Irregular Migration, 24 January 2019.

²⁰ ICRC, Universal Periodic Review (UPR), NGO Alternative Report (34th Session October-November 2019), 27 March 2019, page 4-5. Available at: <https://www.ihrc.org.uk/wp-content/uploads/2019/03/UPR19marc-italy-finalfinal.pdf>.

abuse and exploitation were unveiled²¹. In Apulia and Sicily, the Special Rapporteur confronted the reality of migrant women who face poor quality of life influenced by exclusion and a widespread culture of illegality. The Rapporteur was informed that, as a follow up to the 2017 arrests, the police forces had been more active in intervening to cease similar situations of abuse.

Comments:

We strongly deny the assertion that “From North to South, hundreds of thousands of workers farm the land or take care of livestock without the adequate legal and social protection”. This is a serious generalization and remains unsubstantiated. Furthermore, affirming that gangmastering (“caporalato”) is “widely diffused and fostered” is totally inappropriate, unless specific criminal accounts or other official references are included.

On the opposite, the report should reflect enhanced efforts by the Italian competent authorities in terms of prevention and enforcement action against cases of gangmastering. Recent official figures concerning the number of arrested persons and seized assets point to an increasing efficiency also thanks to Law 199/2016. Progress in this area is widely recognized by international observers. It should be noted that the competent Ministries (labor, home affairs and agriculture) constantly coordinate their activities at political and operational levels. The same Ministries recently adopted a three-years action plan to prevent and combat reported cases; 10 priority actions have been decided to prevent and combat related crimes; furthermore 85 million euro have been allocated to implement such an action plan. Therefore, we request further consideration of this important matter.

76. From North to South, hundreds of thousands of workers farm the land or take care of livestock without the adequate legal and social protections, salary and under the constant threat of losing their job, being repatriated or being the object of 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 based on the exploitation of the condition of vulnerability of migrant workers. Caporalato appears to be widely diffused and fostered by the lack of appropriate systems of labour market.²⁴

77. With the law 199/2016, Italy has extended the scope of the existing provision against caporalato. The main innovation is that the new article 601bis criminalizes both the intermediary (which was already object of a criminal provision) and anyone (often called ‘*master*’ by the workers) who exploits workers and takes advantage of their state of need – whether or not there has been illicit intermediation.

78. The law represents a step forward in fighting the practice, however it is insufficient to guarantee the human rights of all farmworkers, in particular of the 400,000 undocumented migrants who work in the agricultural system and 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.

79. The end of the humanitarian permits sanctioned by the 2018 Salvini Decree,²⁵ the hardship of obtaining a permit without a residence and a job, the fear of not obtaining the renewal and of self-incrimination, the absence of any alternative, poor legal awareness, the

²¹ The Guardian, March 2017 - Raped, beaten, exploited: the 21st-century slavery propping up Sicilian farming.

²² Osservatorio Placido Rizzotto & FLAI CGIL (2018) IV Rapporto Agromafie e Caporalato (Milan, Hoepli Editore); OXFAM AND TERRA! ONLUS (2018) Human Suffering in Italy’s Agricultural Value Chain (Rome: Oxfam and Terra! Onlus); #FilieraSporca (2016) Spolpati: La crisi dell’industria del Pomodoro tra sfruttamento e insostenibilità. Third campaign report.

²³ IPS News, Agromafia Exploits Hundreds of Thousands of Agricultural Workers in Italy, July 2018. Available at: <http://www.ipsnews.net/2018/07/agromafia-exploits-hundreds-thousands-agricultural-workers-italy/>.

²⁴ Leogrande A. (2018) Uomini e caporali (Milan: Universale Economica Feltrinelli); Omizzolo M. (2019) Sotto Padrone, Milano, Fondazione Giangiacomo Feltrinelli; Palmisano L. (2017) Mafia Caporale, Roma, Fandango Libri.

²⁵ Decree N° 113/2018, converted into law on 1 December 2018, n. 132.

linguistic barrier, the overall environment of criminalization of migrants, the absence of a strong support for reintegration and the dire competition for the few available jobs, are underlying root causes that cannot be tackled with more criminalization.²⁶

80. Bottom-up initiatives like the NO-CAP (No caporalato) label and ‘*In Campo Senza Caporale*’ (On the field without caporale) have to be applauded but strong public support needs to be provided in order to facilitate their scaling up and create the condition for accessible, just and organic food.²⁷ The Special Rapporteur looks forward to seeing the impact of the recent regional law of the Lazio Region (18/2019) on the fight against irregular labour and the exploitation of farmworkers through the institution of funds, and the establishment of an observatory and a digital system for the recruitment of farmworkers. It also establishes the identification of new criteria to define the appropriateness of payments and tasks.

Comments:

Figures included in paragraphs 81 and 83 are grossly exaggerated and not realistic. The text related to the use of pesticides is unacceptable. In fact according to official statistics from the Italian Ministry of Health and EU Commission data, the irregular presence of residues in food is only 0.9% in Italy, i.e. a much lower rate when compared to the 2.5% average rate at EU level. Furthermore, it should be duly reflected that Italian standards with regard to pesticides and fruit preservatives are often stricter in Italy than in other European countries (several products are prohibited in Italy while allowed elsewhere in Europe).

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

81. The annual report of environmental association, Legambiente, has shown that 0.6% of fruit and vegetable products marketed in Italy contain illegal levels of pesticide residues, equivalent to one for every 200 samples analysed. According to 2012 data, products which are contaminated by only one residue amount to 18.3%, while those having multi-residue are 17.1% and an increase in the number of different chemicals which are simultaneously present in a single sample is registered²⁸. Nevertheless, in the latter case, very often the sample is declared to be regular, since the quantity of each residue respects the law limits, however, it could potentially be very damaging for the consumers’ health and the environment. Data points out to the need to develop new laws that address the alarming situation particularly in terms of products containing multi-residue. Preventive measures should be designed by the Government to guarantee the safe consumption of agricultural products by unaware consumers.

Comments:

This reference (legambiente, 2012) is quite old. We suggest the to refer to the last report (Legambiente, 2019)

https://www.legambiente.it/wp-content/uploads/dossier_stop_pesticidi_2019.pdf.

We suggest to re-edit the whole paragraph on the basis of the new reference. We must stress anyway that Legambiente is a NGO and not a Public Body. This can influence the interpretation of complex phenomena like the ones related to the use of pesticides.

Here we propose an alternative text based on the new report (2019):

According to the annual report of environmental association, Legambiente (2019, in 2017 have been performed official controls of residues of plant protection products on 9,939 samples of food, of Italian and foreign origin, labeled as produced from non-organic agriculture. According to the Report, the analyzes show a low percentage of irregular

²⁶ Amnesty International (2019) I sommersi dell’accoglienza.

²⁷ See <http://www.nocap.it>; <http://www.terraonlus.it/in-campo/>.

²⁸ Pesticidi nel Piatto – Legambiente 2012.

samples, equal to 1.3% of the total samples analyzed. As many as 61% of the total samples are regular and without any trace of residue.

Regular foods, however, which show the presence of one or more residues are 34% of the total. Food with a single residue represent 14.7%, while those with residues of several substances 18.4%; for 1% of the samples with residues, the indication of mono or multi-residue is not available.

In line with the trend of past years, fruit is confirmed as the category where the highest percentage of regular samples is concentrated, but with one or more of a residue. Only 36% of the fruit, therefore about a third of the samples analyzed, is totally free of pesticide residues, while over 60% of the fruit is regular, but with one or more of a chemical residue.

In the last 10 years the percentage of products that are irregular in Italy has been growing slightly, going from 1% in 2007 to 1.3% in 2017. This trend is in line with what is highlighted by EFSA in its latest report of 2016, where according to which irregular samples in Europe are equal to 1.5%. In the last 10 years, in Italy the share of regular samples analyzed without residues is equal to 63%, a value significantly higher than the European average (54%).

82. The Ministry of Health and the Ministry of Agriculture highlighted that regular checks take place by the competent authorities and that the fruits and vegetable sector is subjected to rigorous and continuous inspections. Nevertheless, it remains unclear if the levels of pesticides considered safe for consumption by the EFSA and by Italian authorities take into account the multi-residue issue, which seems to be a crucial element in the sample analysis carried out.

83. According to data released by Eurostat in 2016, Italy is 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.²⁹

Comments:

Statistics usually refer to products that are sold in the market, and not to the use in agriculture. Please, quote the right source and check whether it refers to market distribution.

84. In 2016, the Ministry of Health decided to place a number of restrictions on the use of glyphosate, one of the world's most ubiquitous pesticide. The restrictions applied banned the use of glyphosate in areas frequented by the public. These restrictions marked one of the largest bans in the agricultural use of glyphosate and were inspired by the new Implementing Regulation 2016/1313 issued by the European Commission on 1 August, which required Member States to encourage the development and introduction of integrated pest management and approaches or alternative techniques to reduce dependency on the use of pesticides.

85. However, testimonies from agricultural workers working in green-houses provided information that greatly differed from the official statistics. According to them, common practices involved a considerable use of pesticides, including highly dangerous ones, in a variety of products, particularly fruits. In the central part of Italy, investigations carried out by local authorities as well as 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 the Italian borders and then sold them for use in agriculture production.

Comments:

This paragraph has nothing to do with the previous referred to glypho. Relevance of illegal practices cannot rely on the testimony of some workers.

86. A number of companies have publicly reported that dangerous pesticides are currently being sold using counterfeit labelling. An example is the company L.Gobbi³⁰, which confirmed the cease of production of the pesticide Adrop since 2003. However, this pesticide is still being used in agriculture leading to believe that little has been done to prevent the

²⁹ EuroNews, Which EU countries consume the most pesticides?

³⁰ <https://www.lgobbi.it/it/6432-2/>.

production and use of counterfeit dangerous pesticides in many parts of Italy. The respect of the right to food requires a stronger intervention to halt 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.³¹

87. Agricultural workers from different parts of the country have reported that pesticides are abundantly used in green houses, and are applied offering little to no protection and warning of health risks to agriculture workers. A number of cases of intoxication were reported, which included burnt skin while spraying the product, respiratory diseases, genetic disorders and premature births. These latter cases are highly difficult to prove, as in many instances, health hazards are not immediately present, and doctors are not trained to detect such impacts. Workers also reported that employers do not offer protective equipment, leaving to the worker the burden to purchase appropriate working gear.

88. Italy should avoid adopting quick-fix solutions or intensifying conventional farming, the use of pesticides³² or considering the possibility of genetically modified crops. None of these solutions would be compatible with human rights' obligations and sustainability. On the contrary, there is a "need for a major shift from industrial agriculture to transformative systems such as agro-ecology that support the local food movement, protect small holder farmers, respect human rights, food democracy and cultural traditions, and at the same time maintain environmental sustainability and facilitate a healthy diet."³³

Comments:

What has been affirmed is poorly documented, claims should be justified.

Ministerial experts deny the connection (made in the draft report) between the use of pesticides and the spread of *Xylella fastidiosa bacterium* in the Apulia region.

Furthermore, it should be noted that the official document quoted in footnote does not refer to Italy (as it gives universal indications) and contains no connection between the desiccation of the olive trees and alleged "high levels of pesticides and fertilizers in the area".

We therefore ask you to explain the reasons for associating, both in the title and in the text, a serious imported pest such as *Xylella* with contamination from pesticides

89. Pesticides have been employed in the South to deal with the disease, known as the the *Xylella fastidiosa* that affected olive trees in the Apulia region. National policies 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.³⁴

Comments:

There are many national and international studies, that have shown the correlation between dissection of the trees and CoDiRO, the Xf strain associated with Apulian outbreak. One for all, Pilot project on *Xylella fastidiosa* to reduce risk assessment uncertainties, of Institute for Sustainable Plant Protection, National Research Council of Italy, CNR First published in EFSA Supporting Publications.

The short and long-term implications of the desiccation may radically transform the agricultural texture of the region, and it is essential that national, regional and local measures are adopted in full coordination with farmers and with particular attention to the environmental, social and economic impact of the decision.

³¹ A/HRC/34/48.

³² Ministero delle politiche agricole alimentari e forestali (2019), Cimice asiatica, Bellanova alla Ue: "Grave errore la mancata autorizzazione. Serve deroga nazionale per tutela dei nostri agricoltori", Roma, MPAAF.

³³ A/70/287, para 87.

³⁴ Ministero delle politiche agricole alimentari e forestali (2015) Relazione sullo stato di attuazione delle Misure di contrasto alla *Xylella fastidiosa*.

90. As reported by farmers and confirmed by independent researchers, the response to the disease has been mainly to cut existing sick trees or spray massive quantities of pesticides in the affected areas. Financial support should be sufficient and aimed at the most vulnerable actors, while any form of material intervention shall consider the impact on biodiversity, productivity, use of the territory, permanence of small-scale farmers on the land and sustainability. Agro-ecological, organic and natural remedies that keep the olive trees in the ground shall be preferred over chemical interventions and eradication.

Comments:

There is no scientific evidence to support this claim. It is true, however, that it is urgent to proceed with a rapid reconstruction of the arboreal heritage of Salento, to restore a natural biodiversity: the Salento olive trees, attacked *Xylella* were almost exclusively represented by a single variety.

Adopting a sustainable and pro small-scale farmers' approach to the growing number of desiccated olive trees should be the priority to deal with the emergency.

V. Nutrition

A. Obesity

93. In Italy, about 1 in 10 people is obese and more than 1 in 2 men and 1 in 3 women are overweight one of the. Overweight rates are supposed to increase by a further 5% within ten years. However, the most worrying data is linked to children. Nearly one in three children (31 %) aged 8-9 years was either overweight or obese in 2016, but this rate was down slightly from 35 % in 2008.³⁵ ~~Childhood obesity rates are extremely high (36% for boys and 34% for girls), compared with 23% of boys and 21% of girls, on average, in OECD countries.~~

94. Large socio-economic disparities exist in obesity. 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 ones.³⁶

B. ~~Unhealthy vs. healthy food~~

Comments:

These section (paragraphs 95 till 100) is factually incorrect and should be redrafted or deleted. The Third High Level Meeting on the Prevention and Control of Non-Communicable Diseases took place at the margins of the UN General Assembly on 27th September 2008. Several Heads of States and Governments participated and agreed on the text of a positive and balanced document (the Political Declaration), adopted by consensus. Italy, together with Uruguay, had the honor to facilitate the process and lead the preparatory work.

Such a fundamental UN document does not mention terms or expressions such as “*healthy vs. unhealthy foods*”. The UN agreed language refers to “unhealthy diets” and “unhealthy lifestyles”. Several further evidence is contained in official statements published by the Italian Permanent Missions to the UN in New York, Geneva and Rome, as well as press release by the Italian authorities. For instance, https://italiarappginevra.esteri.it/rappginevra/resource/doc/2018/11/statement_ambassador_cornado.pdf; https://italiarappginevra.esteri.it/rappginevra/resource/doc/2018/11/statement_5_november.pdf stating that it has already been agreed by the scientific community and in United Nations

³⁵ Lauria et al. BMC Public Health (2019) 19:618 “Decline of childhood overweight and obesity in Italy from 2008 to 2016: results from 5 rounds of the population-based surveillance system”.

³⁶ OECD, Obesity and the Economics of Prevention: Fit not Fat. Available at: <https://www.oecd.org/italy/ObesityUpdate-2014-ITALY.pdf>.

Resolutions that, in terms of nutrition, there are no healthy or unhealthy foods but rather healthy and unhealthy diets; it is more correct to speak of a correct or incorrect diet.

Italy is strongly in favour of transparent information and food labeling for consumers, in line with relevant EU Regulations (particularly 1169/2011) and current Codex Alimentarius guidelines. On 27 January 2020 Italy notified the European Commission and other EU Member States of draft rules for voluntary front-of-pack food labeling (“NutrInform Battery”). The scheme is based on scientific evidence and experimentation among Italian consumers.

Therefore, we call for redrafting or deleting paragraphs 95 to 100.

95. ~~Unhealthy~~ food choice is one of the main causes of overweight in children and adults. Particularly, it is a category of food that contains excessive salt, sugar and saturated fat, defined as “~~junk food~~”.

96. In Italy, 17,4% of young people, between 11 and 17 years old, eat ~~junk food~~. The consumption is highest in the South (19,4% of daily consumption) but also particularly high in the North-West (16,3%) compared to the 8,9% of the Centre.

97. Low-income populations consume more ~~junk food~~ than do high-income ones, spending a greater percentage of their annual income and exposing them to at higher risk of obesity and chronic diseases. Since 2008, the Ministry of Health conducts a survey of the health condition of primary school children (8-9 years) which, according to the Government, is contributing to reducing obesity among students.³⁷

98. Since 2007, Italy is actively engaged in the fight against childhood overweight and obesity. The Government provides some measures to promote healthy diet (in particular Mediterranean diet) and increase healthy choices ~~food consumption~~ such as the “5 a day” target of fruit and vegetable. The Italian strategy to prevent NCDs and obesity is based on two main programs, strongly inter linked, the Programme “Gaining health: making healthy choices easier” and the “National Prevention Plan”. “Gaining health” is a Government initiative, adopted in 2007 and led by the Ministry of Health, which follows the “Health in all policies” approach, aiming to promote cross-sector actions, to facilitate healthy behaviors, by acting against main modifiable common risk factors (tobacco use, harmful use of alcohol, unhealthy diet and lack of physical activity.) and create healthy environments for making healthy choices easy. The National Prevention Plan implements at Regional and local level the intersectoral approach of “Gaining Health”, under the leadership of the Local Health Services, once again mainly through the promotion of healthy lifestyles including prevention of overweight and obesity-related health problems, developing intervention along the life course.

~~and the “Guadagnare salute: rendere facili le scelte salutari” (“Gaining in health”) campaign, a multi-component intervention for making healthy choices easy. The main objective is to nudge people towards healthier behaviours, which would decrease the likelihood of developing chronic diseases. Since 2007, Italy is actively engaged in the fight against childhood overweight and obesity. (tobacco use, harmful use of alcohol, unhealthy diet and lack of physical activity.)~~³⁸

99. In addition, the Ministry of Health confirmed that ~~taxes on junk foods and sweet beverages had been applied, even if the Special Rapporteur was not able to find specific information on the implementation of fat taxes and their impact. article 1 paragraphs from 661 to 676 of the Law of 27 December 2019 n. 60 established the tax on the consumption of sweetened drinks. This tax will be applied from October 2020.~~

100. ~~Despite these initiatives, the Government still needs to implement some concrete measures to reduce the consumption of junk food such as strict regulation over the advertisement and marketing of such products, especially when addressed to children.~~³⁹

³⁷ ISTAT ~~AND~~ and UNICEF, Bambini e adolescenti tra nutrizione e malnutrizione, 2013, available at https://www.unicef.it/Allegati/Rapporto_ISTAT_Bambini_malnutrizione_1.pdf.

³⁸ Ministry of Health, CCM, Gaining ~~in~~ Health programme.

³⁹ A/71/282 (2016).

Comments:

Italy, with conviction, has started a process of sharing with the industrial sector the improvement of the nutritional characteristics of food products with particular attention to the child population (3-12 years), so as to allow a greater availability of foods with lower levels salt, saturated fats, trans fatty acids and sugars, without neglecting the importance of portion sizes. This has resulted in the drafting of 2 documents, aiming at, on the one hand, directing the marketing of baby food and at, on the other hand, at sharing some objectives for improving nutritional quality, in line with the indications of the EU and the WHO:

"Guidelines for commercial communication relating to food and beverages so as to protect children and their proper nutrition".

http://www.salute.gov.it/imgs/C_17_pubblicazioni_2427_allegato.pdf

"Shared objectives for the improvement of the nutritional characteristics of food products with particular attention to the child population (3-12 years)".

http://www.salute.gov.it/imgs/C_17_pubblicazioni_2426_allegato.pdf

With regard to the document "Shared objectives for the improvement of the nutritional characteristics of food products with particular attention to the child population (3-12 years)", data collection shows a marked improvement in the nutritional characteristics in terms of sugars, saturated fats, sodium, increase in fiber, compared to the recent past. Furthermore, the results point out, in several cases, the exceeding of the objectives set for 2017.

http://www.salute.gov.it/imgs/C_17_opuscoliPoster_376_0_alleg.pdf

VI. School feeding-programmes/ school canteens

107. ~~There is also an urgent need to improve the quality of the food in school canteens and provide local and organic food from local producers.~~

Comments:

The Ministry of Health is actively engaged in defining a global strategy aimed at promoting healthy lifestyles and reducing non-communicable diseases. Among the main relevant problems there are also those related to school catering. In this perspective, in 2010 the "national guidelines for school catering" had been developed.

http://www.salute.gov.it/imgs/C_17_pubblicazioni_1248_allegato.pdf

In 2019, a review of the aforementioned guidelines was completed which are currently on the way to be approved and published.

VII. Italy's contribution to Global Food Policy

109. Italy actively participates in the United Nations mechanisms, is a founding member of the European Union, and one of the members of the G-7, the "Group of Seven" countries that constitute the seven largest advanced economies in the world. These countries represent more than 62% of the global net wealth, more than 46% of the global gross domestic product (GDP) based on nominal values and more than 32% of the global GDP based on purchasing power parity. These figures indicate that Italy's role and impact on agriculture and food systems in the globalized world is significant.

110. Italy is one of the active participants in global policies on food systems, and home to the Rome-based international organizations (FAO, IFAD and WFP) as well as World Committee of Food Security (CFS). Italy contributes 30 million US dollars annually to FAO's budget, one of the largest voluntary contributors, supporting activities to achieve food security and poverty reduction. As an active member of CFS, Italy defends its inclusive human rights-based approach to global food security, and supports all Voluntary Guidelines and Policy documents.

111. The Government promotes healthy diet initiatives at the global level, such as the Mediterranean diet and other traditional diets, which are local, healthy and sustainable. This is a very important initiative especially now that the CFS is working on the implementation of Voluntary Guidelines on Food Systems and Nutrition.

112. In the aftermath of global food prices crises, the G7/G8 countries committed themselves by launching the 2009 L'Aquila Food Security Initiative (AFSI) with the following priorities: dynamic transformation of rural areas; responsible investment; sustainable agriculture, nutrition, food security; and nutrition in areas of conflict and crisis.

113. In 2012, the G8 launched the *New Alliance for Food Security and Nutrition*, a development project aimed at feeding ten food insecure countries in Africa. Its goal was to achieve "sustained and inclusive agricultural growth in Africa" and "bring 50 million people out of poverty by 2022". Italy agreed to pledge 63 million dollars. However, in 2015, it had only disbursed 12 million, 19% of the pledge, highlighting a limited interest of Italian cooperation in this initiative.

Comments:

We deem of extreme importance that data included in the Report are accurate. As indicated in the G7 Biarritz Progress Report 2019 (weblink, pag. 72), the Italian pledge for 2015 was US\$ 131 million with a disbursement rate in that year of US 36 million namely, 24% of the amount pledged. We would welcome that these right figures are reflected in the final version of the Report.

*In addition to the NAFSN launched by the G7 in 2012, you may wish to consider a **more contemporary effort of the G7 in the area of food security and nutrition**. Since the adoption of the "G7 Broad Food Security and Nutrition Development Framework" on broad efforts to lift developing countries out of hunger and malnutrition by 2030 at the Elmau Summit in 2015, reiterated at the G7 Taormina Summit in 2017, the G7 Food Security Working Group has produced on annual basis the official document "Financial Report on Food Security and Nutrition". These annual documents well illustrate the level of commitment paid by Italy (weblink, pages 14-15) to this sector in partner countries both in terms of qualitative and quantitative data as well as in terms of bilateral and multilateral engagement.*

114. Despite all these initiatives, in early years of 2010; there was no structural change in the global economic order to protect developing countries from future economic downturn. As a result, hunger and malnutrition are increasing especially in Sub-Saharan Africa, from where Italy receives most of its new immigrants.

VIII. Conclusions and recommendations

117. Of her many recommendations already contained in the report, the Special Rapporteur urges the Government and other stakeholders to prioritize the following issues:

(...)

(b) Move from a charity-based approach to a 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 ~~the sole actions of~~ food charity organizations.

(..)

(h) Use the Rural Development Plan under the PAC to provide direct support to small-scale farmers in the reduction of the costs of production.

Comments:

This sentence may be misunderstood. If you mean to support small farmers' income through a direct payment, in order to reduce their production costs, it would be more appropriate to refer to the first pillar of the CAP - instead of the Rural Development (second pillar). The latter, in fact, does NOT include measures to support small farmers' incomes.

We ask you to delete the words “*the sole actions*” in relation to food charity organizations. In line with comments already made regarding Paras 34 and 35, we have amply explained that food charity organizations, although relevant, are only co-actors in a much more complex system of food aid which includes several *institutional actors*.

(m) Increase monitoring on the use of banned/illegal pesticides, and establish positive incentives/facilitations for organic farming.

(n) Promote local products and urban farmers’ markets to ensure that consumers can access better quality food; support organic agriculture and agroecology, through financial mechanisms and training programmes

Comments:

We ask you to reformulate the recommendations “...*establish positive incentives/facilitations for organic farming*” and “...*support organic agriculture and agroecology, through financial mechanisms and training programmes*”. In fact:

- organic farming is already a top priority in Italy and all Italian Regions direct relevant CAP resources (under rural development plans) to organic farming specifically;

- the new Italian budget Law instituted a specific national fund for organic agriculture and agroecology (value: 4 million euros for 2020, 5 million for 2021 likewise for 2022);

- a tax on pesticides has been implemented in Italy for over 20 years (Law n. 488, December 23, 1999) with the specific aim to finance scientific research on organic agriculture (value: approx. 5 million euro/year);

- Italy also supports school canteens to grant students of every age appropriate access to organic food. Specific support measures are implemented (with a budget of 10 million euro/year) in favour of families whose children enjoy “organic canteens” (Law n. 96, June 21, 2017 – article 64.5bis).

(p) Consider deploying biological solution to address to the Xylella disease and make specific efforts to preserve and protect the diversity of the different types of olive trees in the Apulia region.

Comments:

Attention must be paid to biological solutions which often have not produced positive results but have contributed to the spread of the bacterium. However, immediate measures must be taken to restore lost rural heritage both for economic and environmental reasons.

Final remarks

While reaffirming the Italian commitment towards the Special Procedures in general, as well as our long time policy of “standing invitation”, as for the specific case of this draft Report we regret to express our disappointment, since it does not seem to give an appropriate picture of the endeavours of our Country in the field of the Right to Food.

Firstly, as outlined above, the Italian Authorities have noted that the oral replies and the additional information provided by them during and after the visit have not been fully considered in your draft Report. In fact, all the concerned Administrations, including the political level, have been fully cooperative and transparent during your visit, and a great deal of paper and research work have been done by quite a number of high-ranking officials. It seems therefore quite surprising to note an insufficient reference to official sources in the draft Report.

Furthermore, several negative assessments on the whole agro-alimentary Italian system appear to be unjustified and very generic, even more so since they are not sustained by specific and relevant data. All this while the approach of the Italian Administrations was aimed to favour a more balanced evaluation of the national and European normative context, along with the operational setting of the Italian agriculture system.

More generally, according to the Italian concerned Administrations, the draft Report suffers from the fact that specific and circumscribed situations have been generalized to represent the entire national agro-alimentary system, which, on the contrary, is a complex and diversified system, with problems of different nature that vary depending of the different cases and circumstances. Moreover, it is a system where a variety of actors operates, with different levels of competences and mandates. All these elements are not taken in due consideration, with the result of depicting the all sector trough on the base of very extreme examples.

Finally, the draft Report does not adequately underline what Italy does to help people in situation of poverty of emergency, as well as the Italian Development Cooperation's specific efforts (see the ADDENDUM 1 below) to foster the implementation of the Right to Food through its targeted and diversified programs.

In conclusion, thanking the Special Rapporteur for the Right to Food for the attention that she will grant to the present Italian document, once again we reaffirm our strong commitment to fully cooperate with the UN Special Procedures.

ADDENDUM 1

ITALIAN DEVELOPMENT COOPERATION EFFORTS TO THE IMPLEMENTATION OF THE RIGHT TO FOOD

As far as the Italian cooperation efforts in the implementation of the right to food, the following document summarizes the most recent commitments, which could be mentioned in your report.

1. Summary

The Ministry of Foreign Affairs and International Cooperation, 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 2018-2019, Italy financed € 45,8 million 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. Finally, Italy contributed in 2019 to the SDG 2 activities of the RBAs in 2019 with € 9,5 million as well as a contribution of € 29,4 million to other agencies/international organizations engaged in ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture.

2. Italian cooperation programming and policy documents

Main reference for our initiatives concerning the right to food should be made to the two Programming and Policy Planning Documents (respectively for 2016-2018 and 2017-2019). These set out strategic guidelines for the Italian development cooperation, geographical and thematic priorities, implementation mechanisms, instruments and financial allocations. The right to food is mentioned in several parts of these documents (On pages 52 and 60 in the 2016-2018 Document and on pages 3 and 12 in the 2017-2019 Document). We provide here some additional information that we hope might be useful for the SR's report.

In general, it is worth reminding that the Ministry of Foreign Affairs and International Cooperation, Directorate-General for Development Cooperation pays particular attention to the role that the agricultural sector and food systems play on people's access to adequate and nutritious food. Relevant issues include land access for young people and vulnerable groups as well as support for small-holder farmers and rural communities, for people disproportionately impacted by hunger, including migrants, and for the urban and the rural poor. Italy 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.

3. Italian humanitarian initiatives in the field of food security and related sectors

The humanitarian initiatives of the Italian Cooperation respond to the needs of the most vulnerable groups of the population - namely refugees, internally displaced persons (IDPs), women and children, people with disabilities - facing particularly harsh conditions in contexts of armed conflicts, prolonged crises and natural disasters aftermath. Food security is among the most urgent needs to be addressed in order to save lives, and as such, the Italian Cooperation devotes a significant share of its resources to this sector, partnering with International Organizations - such as WFP, UNHCR and UNICEF - and Civil Society Organizations.

Food security interventions play a crucial role to achieve results also in other areas, e.g. Italian-financed initiatives supporting meal distribution in schools, in particular for Syrian

refugees, the population of the Sahel region and the Horn of Africa to feed children and prevent school dropout.

As many countries are currently experiencing droughts or heavy floods, far more frequent than in the past and with significant loss of crops, the Italian Cooperation set as a priority the prevention of humanitarian crises through "early warning" and "early action" initiatives. These aim to reduce the risk from disasters and mitigate the consequences of these phenomena, allowing beneficiaries to adapt their agricultural techniques, diversify crops, and therefore improve food production.

Furthermore, an increase in food security could help reduce distress-driven migration, in particular from Sub-Saharan Africa, and address the root causes of famine, support the resilience of local population and empower the most vulnerable people, starting from IDPs and refugees, people with disabilities, children and women.

There is a long list of emergency and humanitarian assistance projects in bilateral and multilateral contexts of the two-year period 2018 and 2019 that best respond to the issues close to the right to food. Among them,

- € 22.8 million for projects targeting people disproportionately affected by the right to food violations, including women, children minorities, refugees and internal displaced persons;
- € 10,5 million for initiatives aimed at protecting small-scale farmers, addressing poverty and supporting the development in rural communities;
- € 8,5 million for projects that deal with the impact of environmental issues, ecosystem protection and climate change on right to food issues;
- € 4 million for crosscutting projects targeting vulnerable populations.

4. Addressing the agricultural sector and food systems in Africa

As far as Africa is concerned, our traditional commitment remains focused on the fight against malnutrition and food waste, with a view to strengthen agro-food systems and value chains. In particular, we focus on the adoption of techniques and practices for farming, transformation and sustainable consumption, the qualitative and quantitative improvement of production, increasing the profit margins of small producers, while also encouraging responsible investment (with the involvement, whenever possible, of the private sector, whose role is increasingly critical in this context). In this sense, clear examples are:

- the "Project for the improvement of agricultural production in central-eastern Mauritania (PAPACEM)", aimed at financing micro-projects promoted by the organizations of producers – almost 30% of which are women – rehabilitating rural and hydrological infrastructures and raising awareness of rural communities on malnutrition;
- the PAPSEN program in Senegal, through which we provided technical and organizational support for rice farmers, with a significant impact on women's economic empowerment and on household food security: in fact, through a mechanism of multiplication of productive techniques (for a leverage effect), 1,095 households were targeted and the approach was able to guarantee self-sufficiency in rice for 18,000 people;
- the realization of four "Integrated Agro-Industrial Parks in Ethiopia, based on the grouping of independent enterprises in clusters to share infrastructures, and services and to contribute to scale-economies in order to transform and prepare agricultural products for export and national commerce.

The Italian development cooperation promotes investments in agricultural innovation through several cooperation projects, among which the co-financing of 2.5 Million Euros to the World Bank project "Tubaniso Agribusiness and Innovation Center" (TAIC) in Mali, a regional incubator and acceleration center for small and medium enterprises in areas of high growth potential, such as rural development, energy and digitalization.

We also support public-private partnerships: one of these is a UNIDO project concerning the coffee value chain in Ethiopia and Mozambique with the “Illy caffè” company and the “Ernesto Illy” foundation, aimed at reinforcing the coffee value chain and facing price volatility, through the provision of technical assistance to producers and the dissemination of innovative industrial practices.

5. Recent initiatives for food security and rural development worldwide

The Italian Cooperation adopts a strongly integrated approach between these fields of action and promotes synergies with other sectors of development (e.g. education, environmental management, governance, infrastructure, healthcare, etc.). In particular contexts such as the Middle East, agricultural development is also an important source of Countries’ internal stabilization, as it offers employment opportunities while promoting the creation of associations and the development of the entrepreneurial sector, often in a cooperative form and a women’s pivotal role.

The most recent initiatives (2019) are:

- In Syria, where the Italian development cooperation financed two different initiatives (developed by CIHEAM Bari and UNDP/FAO) aimed at improving of the livelihood and resilience of the Syrian rural population and their social inclusion through the strengthening agricultural and livestock production while improving their production and conservation skills with a total budget of € 4,5 million;
- In Lebanon, with the "School feeding program", financed through WFP at least 20,000 school-age children, in particular between the ages of four and 15, are guaranteed at least one daily nutritional intake during the school year by a € 2 million contribution. In addition, at least 1,200 students will be guaranteed the same nutritional intake in the summer camps, scheduled to take place in seven Lebanese public schools, lasting three weeks for five weekly days.

Another project in Colombia aims at the improvement of economic and social inclusion, the reduction of poverty and inequality targeting rural populations, main victims of the conflict, in addition to ex-guerrilla fighters and indigenous people. This initiative has been developed by FAO and financed by € 2,4 million.

6. Italy-based Agencies for food security and nutrition

Italy was among the founders of the Group of Friends of the Right to Food. In this context we engaged with FAO’s Right to Food team in Rome in order to promote right to food within RBAs’ activities. Italy have been among the promoters of the International decade of family farming at the UN to reinforce the link between social value of agriculture, cultural experience and food security in line with the 2030 Agenda.

Italy contributed to the SDG 2 activities of the RBAs (FAO, WFP, IFAD and Bioersity International) in 2019 with an overall voluntary contribution of € 9,5 million as well as a voluntary contribution of € 29,4 million to other agencies/international organizations (CIHEAM-IAMB, OIM, UNICEF, UNDP, UNESCO – WWAP, UNHCR, Union for the Mediterranean, UNRWA) engaged in ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture.

The importance of making vulnerable populations and agricultural systems increasingly resistant to a wide range of risks is a priority that, with a commitment from Italy to support the first and second phase of the Platform for Agricultural Risk Management (PARM). PARM, created in 2013 on the recommendation of the G20 and G8 countries, with the mandate to support governments and partners in the process of integrating a holistic approach to managing risks in political planning and investments in the agricultural sector. PARM is hosted and co-financed by IFAD and represents a global multi-donor partnership supported by the EU, Italy, France, Germany (through NEPAD) and IFAD itself. The Platform also benefits from the technical assistance of several international and regional multilateral partners (World Bank, FAO, WFP, and African Risk Capacity-ARC), research (including

Agrinatura) as well as farmers' and private sector organizations. Among the activities carried out in the first phase being completed (2013-2019), the Platform has carried out assessments in the agricultural sector considering various risks (e.g. climatic, agronomic, political, financial), with a methodology capable of assisting the countries in identifying risks objectively and therefore allowing the development of policies and the orientation of investments based on scientific analyzes. PARM also proposed solutions-tools to manage the risks identified in support of investment policies in agriculture in the eight countries of intervention (Cape Verde, Cameroon, Ethiopia, Liberia, Niger, Senegal, Uganda and Zambia).

Italy also promotes the Mediterranean and other traditional diets as a pivot of a model of agricultural development and sustainable nutrition that can contribute to the implementation of the 2030 Agenda. A series of international meetings on the topic, aimed also at protecting and valuing the productions arising from the sustainable agri-food systems, are carried out in collaboration with FAO (“Mediterranean Diet's Principles for Agenda 2030”) while supporting the creation of a wider Alliance for the promotion of the principles of the Mediterranean diet and other traditional healthy diets.

7. The Committee on World Food Security (CFS)

Italy is traditionally deeply committed to CFS that we value as a unique space where all relevant stakeholders for food security and nutrition can raise their voices (Italy has been Vice President of the Committee and EU representative in the CFS Bureau). Italy always supported to the maximum extent the participation of the Special Rapporteur to CFS' work and especially to the Plenary with a role of high level. Italy is following closely the work stream on the elaboration of the voluntary guidelines on food systems and nutrition, a key document for the realisation of the right to food.

ADDENDUM 2

CHANGES INTRODUCED BY THE LAW-DECREE N. 113/2018 (MINISTRY OF INTERIOR)

The following note has the aim to submit the remarks of the Department for civil liberties and immigration-Ministry of Interior on the Report of the Special Rapporteur on the right to food. The observations concern the modifications on the reception of asylum seekers introduced by law-decree 113/2018, mentioned in several paragraphs of the Report.

As far as the right to asylum is concerned, it should be noted that the changes introduced by law-decree 113/2018 have not modified the general system of protections for those who flee persecution for reasons of race, religion, nationality, political opinion; for those who run the risk of death sentences or torture in their country of origin; for those risking their lives because of armed conflicts in their country of origin.

At the same time, those who are in conditions of particular humanitarian need continue to be protected. In this respect, the new legislation ensures forms of protection for humanitarian needs, complementary to international protection.

To this end, article 1 of the aforementioned law-decree has typified the forms of humanitarian protection, providing for “*exceptional cases of temporary protection of the foreigner, in presence of humanitarian needs not allowing repatriation*”, attributable to the following cases:

- Medical treatment;
- Social protection;
- Victims of domestic violence;
- Situations of exceptional calamity;
- Deeds of particular civil value;
- Cases for which the international protection is rejected and the non-refoulement principle must be applied.

Concerning the reception, asylum seekers - including families with minors - are hosted in first reception centres, as referred to in articles 9 and 11 of Legislative Decree 142/2015. In these centres, essential material conditions and services are ensured, such as board and lodging, pocket-money supply as well as health, legal and social assistance, information and linguistic-mediation services. 60 days after submitting the asylum application, Asylum seekers are also enabled to work.

The **holders of international protection** (refugee status or subsidiary protection) are entitled to the reception in the “protection system for holders of international protection and unaccompanied foreign minors (SIPROIMI). Within this system, the beneficiaries are supplied with specific services for social and work integration.

The reception in the SIPROIMI (when other specifically dedicated protection systems are not available) is also open to the holders of the new temporary residence permits of humanitarian nature issued for:

- “special cases” (for social protection, such as victims of trafficking of human beings, victims of domestic violence and serious labour exploitation, referred to in articles 18, 18 bis and 22, paragraph 12-quarter of Legislative Decree 286/1998);
- medical treatment (article 19, paragraph 2, letter d-bis of Legislative Decree 286/1998);
- deeds of particular civil value (article 42-bis of Legislative Decree 286/1998).

Finally, it is important to remark that law-decree 113/2018 also states that the holders of a humanitarian residence permit issued on the basis of the previous discipline, may remain in the reception system until the expiry of the project in which they have been inserted and, if a

final decision on their asylum application has not been issued, they will – upon request – continue the staying in one of the structures referred to in articles 9 and 11. For these persons, upon expiry of the permit for humanitarian reasons, a permit for social protection is issued after the evaluation of the competent Territorial Commission upon existence of the requirements.
