

University of Zagreb

European Master's Programme in Human Rights and Democratisation
A.Y. 2021/2022

Caporalato as a violation of fundamental human rights
affecting migrant workers in the agricultural sector in Italy

Author: Tatiana Antoni

Supervisor: Associate Professor Antonija Petričušić

Abstract

This thesis investigates the degrading working and living conditions of migrant workers in the agricultural sector in Italy. Specifically, the present work has investigated two regions – Lazio and Puglia – to comprehend the exploitative conditions of migrant farm workers and to assess whether these represent violations of human rights to the extent of contemporary forms of slavery. Two key interviews have been conducted: firstly, with Professor Marco Omizzolo to understand the vulnerable situations of the Sikh community in the agro-pontino province in Lazio, and secondly with activist Yvan Sagnet, a leading advocate for the rights of African migrants in the Foggia province of Puglia region. This research also assesses the level of accountability of Italian institutions for the lack of progress in contrasting the phenomenon of caporalato and labour exploitation. To combat severe labour exploitation, Italy must increase efforts to enforce labour law effectively to protect migrant workers' rights, guarantee adequate working conditions and promote all their fundamental rights.

Table of Contents

INTRODUCTION -----	6
LITERATURE REVIEW -----	10
RESEARCH QUESTION AND METHODOLOGY -----	11
CHAPTER I: HUMAN RIGHTS STANDARDS – INTERNATIONAL AND NATIONAL LEGAL FRAMEWORK -----	13
UNITED NATIONS -----	13
<i>International Covenant on Economic, Social and Cultural Rights</i> -----	13
<i>International Labour Organisation</i> -----	14
COUNCIL OF EUROPE -----	16
<i>European Convention on Human Rights</i> -----	16
<i>European Convention on the Legal Status of Migrant Workers</i> -----	18
EUROPEAN UNION -----	19
<i>EU Charter of Fundamental Rights</i> -----	19
<i>Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers</i> -----	20
<i>Directive 633/2019/EU on unfair trading practices in business-to-business relationships in the agricultural and food supply chain</i> -----	21
ITALIAN LEGISLATION -----	22
<i>Article 603-bis Criminal Code</i> -----	22
<i>Amendment of article 603-bis: Law 199/2016</i> -----	23
CHAPTER II: CAPORALATO: OVERVIEW AND RECENT DEVELOPMENTS -----	25
UNITED NATIONS SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF SLAVERY, INCLUDING ITS CAUSES AND CONSEQUENCES -----	25
ITALY’S REMARKS ON THE COUNTRY’S MISSION REPORT OF THE UN SPECIAL RAPPORTEUR -----	30
STATEMENT OF THE UN WORKING GROUP ON BUSINESS AND HUMAN RIGHTS AT THE END OF THE VISIT TO ITALY -----	31
CHAPTER III: ROOT CAUSES AND THE SPECIFIC VULNERABILITY OF MIGRANT WORKERS -----	33
ECONOMIC: SUPPLY CHAIN LARGE-SCALE DISTRIBUTION -----	33
LEGAL FRAMEWORK ON IMMIGRATION-----	36
<i>Immigration laws: the connection between migration status and vulnerability to labour exploitation</i> -----	36
<i>Law on citizenship</i> -----	39
SOCIAL ROOT CAUSES-----	40
<i>Reception system</i> -----	40
<i>Racism</i> -----	43
CHAPTER IV: CAPORALATO AS FUNDAMENTAL HUMAN RIGHTS VIOLATION -----	44
RIGHT TO JUST AND FAVOURABLE WORKING CONDITIONS-----	44
RIGHT TO HOUSING -----	50
RIGHT TO HEALTH-----	53
ACCESS TO JUSTICE AND THE RIGHT TO EFFECTIVE REMEDY -----	55
CHAPTER V: ADDRESSING THE CAUSE AND CONSEQUENCES: THE ITALIAN THREE-YEAR ACTION PLAN: STRENGTHS AND WEAKNESSES OF THE CONCEPT OF “PROGRESSIVE REALIZATION” AND ITALIANS’ OBLIGATIONS -----	58
ITALIAN THREE-YEAR ACTION PLAN: OVERVIEW -----	58
THE CONCEPT OF PROGRESSIVE REALIZATION -----	61
ASSESSMENT OF ITALY’S RESPECT FOR ITS OBLIGATION -----	62
CONCLUSION -----	65

Introduction

Labour exploitation consists of illegal forms of intermediation, recruitment, and organisation of labour outside regular employment channels, in violation of provisions on working hours, minimum wages, social security contributions, health and safety working hours, as well as degrading living conditions imposed on workers by taking advantage of their state of vulnerability or need.¹ Where there is also coercion – violence, threats, confiscation of documents, restriction of personal freedom –, labour exploitation takes the extreme form of forced labour.² In Italy, work is not only considered as an instrument for obtaining an income but rather as an "indispensable factor of moral growth and personal fulfilment"³, and "the position of a distinctive sign of the development of an individual's personality"⁴. Work represents an essential character of humanity, the most suitable for expressing the value of the person and his or her dignity. It is a fundamental element of unity and social cohesion, a mechanism of social integration and a channel of citizenship. Therefore, for migrants – except for particular categories, including asylum seekers and refugees – the performance of a work activity that enables them to support themselves and their dependents guarantees compliance with the requirement of economic self-sufficiency. It constitutes a fundamental right in the Italian constitutions and a condition for legal residence in the country of immigration and the possession of rights.

The term *caporalato* refers to the illegal system of labour intermediation and exploitation, also known as gang-mastering, by *caporali*.⁵ Those who are illegal intermediaries recruit labour with the entrepreneurs by matching labour demand and supply, ensuring that the labour force is quickly found when needed, and making up for the lack of transport by bringing the required labour directly to the farms in exchange for a high fee that will be deducted from the daily salary. This intermediation system is more widespread where there is a greater the distance between the companies and the job seekers and where the work organisation is more complex. The illegal management of labour supply and demand and mafia infiltrations in the agro-food industry drive an illegal and underground economy of more than five

¹ Barbara D'Ottavio, 'Profili Penali Del Reclutamento e Dello Sfruttamento Di Manodopera (Il Cd. Caporalato)' (2019) Rivista nuova di diritto del lavoro Lavoro Diritti Europa.

² *ibid.*

³ Costantino Mortati, curated by Giuseppe Di Branca from the Italian Constitution (Bologna, Zanichelli – Roma, Società Editrice del Foro Italiano, 1975) <<https://opac.bncf.firenze.sbn.it:443/bncf-prod/resource?uri=CFI0022021>>

⁴ *Ibid.*

⁵ Alberto Giuliani, 'CAPORALATO', INTERMEDIAZIONE ILLECITA E SFRUTTAMENTO DEL LAVORO.' (UNIVERSITÀ DEGLI STUDI DI PADOVA 2013).

billion euros only in Italy.⁶ The phenomenon includes forced labour practices, planned, and organised by entrepreneurs acting criminally. These latter practices, which are often criminally relevant, are based on the adoption of vexatious economic conditions but also on language and behaviour that lead to the dependence, sometimes complete, of the workforce, also given the workers' need to acquire documents and deal with administrative paperwork that is essential for their administrative regularity. The phenomenon of *caporalato* is the prevalent form of migrant labour exploitation present in the Italian agricultural sector, and the prevalence of short-term employment relationships characterises that and is strongly linked to the seasonality of harvesting. The exploitation is characterised by establishing relationships in which workers are subjected to degrading conditions, violating the regulations provided for their protection, and taking advantage of their vulnerable status.

This research undertaken in this thesis initially aims to provide an overview of the international and national legal framework that sets the basis to counter the practices of forced labour, exploitation and, precisely, the *caporalato* phenomenon and then to analyse its root causes to comprehend better the vulnerable conditions of migrants that leads them to become exploited and reduces their conditions in new forms of slavery. Moreover, the present thesis aims to identify Italy's obligation to respect, protect and fulfil human rights set by international provisions.

The first chapter includes the international and national legal framework, which sets the basis for the legal analysis of the contrast between the exploitation of migrant workers and forced labour at the international level, such as at the UN (ICESCR and ILO), the Council of Europe (ECHR and European Convention on the Legal Status of Migrant Workers) and at the European Union level (the Charter on Fundamental Rights and the two EU Directives. Moreover, at the national level, the two primary Italian laws, art.603 bis of the Penal Code and the amendment, law 199/2016, represent the two main legal instruments to contrast the phenomenon and meet the specific provisions on combating undeclared work, labour exploitation in agriculture and wage realignment in the agricultural sector, *caporalato*.

The second chapter of this research analyses the most significant human rights official document investigating the violation of the *caporalato* phenomenon in Italy as a violation of migrant workers' rights: the UN Special Rapporteur on Contemporary forms of slavery, including its causes and consequences by Mrs Urmila Bhoola. This report has been essential to better comprehend the framework and the expert's view on forced labour, labour exploitation and contemporary forms of slavery, especially against migrant workers. After analysing the report by the UN Special Rapporteur, the thesis delves into

⁶ Eurispes, 'Agromafie Sesto Rapporto Sui Crimini Agroalimentari in Italia' [2019] Minerva.

the Comment by the Italian state regarding the explanation, recommendations and conclusions made by Mrs Bhoola during her visit to the Italian agricultural fields, which represents the only official reply from the Italian Government on the subject to date. The last document included in this opening chapter is the Statement at the end of the visit to Italy by the UN Working Group on Business and Human Rights, which encourages the Italian Government to break the cycle of exploitation of workers and – as previously done by the UN Special Rapporteur – further elaborates the situation of *caporalato* and its violation of human rights and labour rights.

The third chapter investigates the root causes that make migrant workers one of the most affected categories by exploitation in the agricultural sector, looking into their socio-economic and legal vulnerability. This chapter draws from the important report "Agromafie e Caporalato" by trade unions FLAI-CGIL.⁷ The report's findings estimate the exploitation of migrant workers in the agricultural sector in Italy as worth up to € 24.8 billion per year. This money results from exploited work, non-stop labour and harsh working conditions that lead to migrant workers no longer being considered simple workers but contemporary forms of slavery. The trade unions estimate that this complex and alarming phenomenon involves over 400,000 workers in Italy, both Italians and migrants, who suffer from severe exploitation.

The fourth chapter studies the human and labour rights violations caused by the degrading working conditions of forced labour and caporalato. Degrading working conditions are materialised in psycho-physical and work-related stress situations when the performance of work is under indecent treatment and where the migrant workers are subjected to pressurising (constant physical presence of the employer/fiduciary) or degrading methods of surveillance. Labour exploitation is also manifested in cases where the worker is without a contract, the signed contract is not respected, social security contributions are not paid, and the worker's state of need or vulnerability is exploited. Moreover, such working environment leads to degrading living conditions, including being forced to live in unhealthy and overcrowded conditions, such as ghettos and shantytowns. Such conditions include being forced to live in accommodation close to workplaces or accommodation that does not meet minimum standards of liveability in terms of access to electricity, sanitation, and clean water. The example expressed in this thesis is the Borgo Mezzanone shantytown in the province of Foggia, Puglia, where about five thousand migrants live in degrading conditions. Another current violation towards migrant workers indicated in this research is the right to health. Contrarily, the Sikh community does not face the same issues with

⁷ FLAI (Italian Federation of Agroindustrial Workers) and CGIL (The Italian General Confederation of Labor).

housing as the Africans in the Lazio province where there are no ghettos or shantytowns; however, Indian workers face issues with racism in renting houses.

Moreover, both Sikh migrants in the agro-pontino province and Africans in the Puglia region faced limitations with accessing health assistance due to their residence status and precarious living conditions. The last limitation of freedoms to the foreign workers is the access to justice. Many migrants involved in the *caporalato* face issues accessing legal assistance and being worried about denouncing, especially in criminal cases, due to slowness in obtaining justice by the Italian legal trials. There have been ongoing investigations since 2011, such as in the "Sabr" maxi-trial which is discussed in this thesis.

The last, fifth, chapter analyses the Italian state's obligation to protect, respect and fulfil the rights set by the international provisions. After briefly elaborating the concept of *progressive realisation*, the research investigates the most recent Italian institutional action to contrast and prevent migrant exploitation in the agricultural sector. The Plan to Combat Labour Exploitation in Agriculture is a three-year strategy (2020-2022) to be implemented through priority actions aimed at preventing and combating the phenomenon, protecting victims, and supporting their inclusion in society and access to decent work. Given that the three-years action plan is currently entering its last semester, some observations can be made about its effectiveness despite the challenges of the COVID-19 pandemic. This thesis conclusion offers insights and recommendations for future action, based on the findings I collected in the preparation of this topic.

Literature Review

Existing literature has analysed the phenomenon of the *caporalato* and the violation of human rights, especially towards migrant workers (Corrado 2018). This paper contributes to the study of Italian agri-food systems and their transformations, with contributions based on empirical studies dealing with various aspects, processes and contexts related to food production and circulation. The study offers recommendations on how to analyse the agricultural sector in Italy, taking into consideration both large scale distribution but also small producers and the different cultural, political and social dynamics that characterise this sector.

Several authors and experts on the exploitation of migrant workers in the agricultural field in Italy have studied the institutional accountability and the vulnerable conditions of migrant workers (Degano 2020, Caproglio et Rigo 2020). Degano's paper argued for a national and international debate about labour protection and against practices that disregard principles and standards in the current context. This work concludes that both preventive and repressive norms are required to uproot the issue of forced labour in Italy, and that significant investments in the labour market are required to address the complex issues. Furthermore, Caproglio and Rigo's article analyses the effects on the legal status of the migrant labour force produced by the reconfiguration of European and Italian migration policies over the last decade. The study offers a brief reconstruction of the legal apparatus to combat labour exploitation, whose repressive approach appears inadequate in the face of the systemic dimension of exploitation in Italian agriculture.

The key Human Rights document used for this thesis is the report of the “UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences”, Mrs Urmila Bhoola. The Special Rapporteur conducted her field visit to Italy in October 2018 to examine the exploitation of migrant workers in the agricultural sector. Moreover, the report regarding Italy's remarks on the country mission report of the UN Special Rapporteur on contemporary forms of slavery addresses the comments and recommendations made by the Special Rapporteur. Furthermore, as the Report of Mrs Bhoola, the Statement of the UN Human Rights experts on Business and Human Rights is another primary resource used in this thesis, as it contributes to the detailed explanation of the *caporalato* phenomenon in Italy.

Further literature highly relevant for this thesis is the report “Protecting migrant workers from exploitation in the EU: workers' perspectives” by the Fundamental Rights Agency (FRA), the EU Monitoring human rights implementation body. This research on severe forms of labour exploitation is

based on interviews with victims and migrant workers in the European member states who were severely exploited.

The two most important Italian dossiers on the phenomenon of *caporalato* are “Agromafie and caporalato” by the research institute Osservatorio Placido Rizzotto and by the Italian trade union for farmers FLAI-CGIL⁸; and “Sixth Report on Agromafie and agricultural crimes” by Eurispes.⁹ These two publications have significantly contributed to deepening the understanding of severe labour conditions addressed and researched in this thesis.

Further relevant and fundamental literature has been the book “Sotto Padrone” testimony of Marco Omizzolo within the fieldwork and research about the exploitation of Indian workers in the Lazio Region.¹⁰ The book “Ghetto Italia. I braccianti stranieri tra capolarato e sfruttamento” contains the experience of Yvan Sagnet and the degrading working and living conditions described in detail.¹¹

Both Omizzolo and Sagnet on the phenomenon have contributed to expanding the understanding of the *caporalato* in the two different Italian regions, and they have been fundamental for the awareness of the lack of a socio-economic system at the basis of the rise of the forced labour and exploitation of migrant workers, due to the vulnerability caused by this system. Furthermore, the two authors have acknowledged that Italy is not fulfilling the victims’ prevention and protection by providing decent working and living conditions, the right to health and access to justice. Little effort has been done to highlight the violation of human rights with the Italian State’s obligations in this field.

Research Question and Methodology

The broader research question addressed is whether *caporalato* can be considered a violation of fundamental human rights, particularly one affecting migrant workers. Subsequently, the thesis addresses two additional questions: what underlying root causes are making migrants the most vulnerable social group in agricultural exploitation, and how are the Italian institutions responding to this phenomenon.

To fully respond to these questions, the research consisted in conducting a case-study on the situation of exploited migrants in the agricultural field in Italy. To represent this case-study, two research

⁸ OSSERVATORIO PLACIDO RIZZOTTO FLAI-CGIL, ‘Agromafie e Caporalato - Quinto Rapporto’ [2020] Ediesse, Futura.

⁹ Eurispes (n 6).

¹⁰ Marco Omizzolo, *Sotto Padrone. Uomini, Donne e Caporali Nell’agromafia Italiana* (Fondazione Giangiacomo Feltrinelli 2019).

¹¹ Yvan Sagnet and Leonardo Palmisano, *Ghetto Italia. I Braccianti Stranieri Tra Capolarato e Sfruttamento* (2015).

methods were used: desk research of existing sources and academic literature and two semi-structured interviews with informants who are well acquainted with the phenomenon of *caporalato*. My case study paid particular attention to the agricultural field due to its concentration of exploited migrant workers. Namely, I initially identify root causes of this phenomenon in the food economic system characterised by the presence of criminal groups – such as *agromafie* – and the legal and social causes, such as the introduction of discriminatory laws, the reception centres and racism. The case study on *caporalato* assesses an exploitation of the Sikh Indian migrant community in the agro-pontino province (Lazio region) and an exploitation of African migrant workers in the Foggia province (Puglia region). Thus, my thesis has focused on the two exploited migrant communities in two regions where labour exploitation and *caporalato* prevail in the agricultural system.

By adopting a human rights approach, the thesis focuses on the violation of human and labour rights of migrant workers in the agricultural field in Italy. By describing degrading working and living conditions that migrants are facing and living, this work hopes to disclose human rights violations that have been occurring in many Italian regions. Apart from human right violations that are to be presented in this thesis, migrant workers are experiencing violations of economic and social rights. This thesis does not include any reference to women's rights and human trafficking as both these phenomena deserve a specific focus in a separate research work.

My thesis research utilized the method of interviewing two authors and experts on the *caporalato* exploitation of migrant workers in Italy. The first semi-structured interview I conducted in June 2022 with Marco Omizzolo, a sociology professor and activist that advocates against labour exploitation of Indian workers in the agricultural field, especially in the Agro-pontino province in Lazio region. The second interview I conducted with Yvan Sagnet, a former exploited migrant in the agricultural sector in Foggia province in Puglia. My second informant is also a former trade unionist and founder of the NO CAP association involved in contrasting *caporalato* with many field projects. The insight from those two interviews has equipped me with better understanding of degrading working treatments and conditions as well as of new form of slavery that exist in a democratic society.

This thesis was built on existing theoretical literature that allowed me to comprehend the complexity of the phenomenon. Apart from academic literature, I paid particular attention to analysis of reports issued by trade unions and organizations, such as FLAI and CIGL, in order to better comprehend the data about the violation of human rights and its causes and to establish a nexus of the phenomenon to activities of the Italian authorities and their responses to the exploitation of migrant workers. A limitation of the present research is the absence of fieldwork, caused by limited time. The field research

would allow me to interview exploited migrant workers and I consider this would add to a quality of the present research.

Chapter I: Human rights standards – International and National legal framework

United Nations

International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted in 1966, is one of the core treaties of the international law to set the minimum standards of human rights that all the state parties are obliged to respect.

The ICESCR declares the right to work in a general sense in article 6 and fosters the individual socio-economic dimension within the right to work. Its recognition is in article 7 in which everyone shall enjoy their right to just and favourable conditions of work, and in particular the right to safety working conditions.¹² Article 6 on the right to work, a fundamental right, is recognised in several international legal standards. The Covenant is recognised through the right to pay, safety and hygiene at work, paid leave, rest, and the possibility of forming trade unions. The right to work contributes at the same time to the survival of the individuals and their development and recognition within the community.¹³

This Covenant takes on greater consistency with the Optional Protocol, with which it forms the International Bill of Human Rights. According to these norms, labour cannot be at the mercy of the free will of the market but must be treated by specific public policies in security and social welfare. Moreover, article 6 of the ICESCR stipulates the right to every individual to decent work – and the remuneration is a prerequisite of dignity. In fact, the right to work is essential for realising other human rights and forms an inseparable and inherent part of human dignity.

¹² UN Committee on Economic, Social and Cultural Rights, “General comment No. 18: The Right to Work” (2005) UN DOC E/C.12/GC/18

¹³ UN Committee on Economic, Social and Cultural Rights, “Item 3 of the provisional agenda on The Right to Work”, (25 November 2005) UN DOC E/C.12/GC/186

Moreover, article 7 of ICESCR clearly states that everyone shall enjoy just and favourable conditions of work. Favourable conditions which ensure in particular, an equal remuneration without discrimination, fair wages, a decent living, safe and healthy working conditions and a period of rest, paid holidays and limitation of working hours.¹⁴ Following these provisions, migrant workers involved in the *caporalato* system and forced labour must have the same rights of all individuals, and because of their permanent violation of human and labour rights, therefore Italy is not respecting, protecting and fulfilling the international law standards. The *caporalato* undermines the respect for the legal and social status of foreigners in the state parties to the Convention. Italy being part of the ICESCR, shall protect, fulfil, and respect the rights included in the Covenant as prescribed in its obligations.

Another fundamental provision set by the treaty is the right to housing in the article 11(1), in which the States Parties to the present Covenant recognise the right of everyone to an adequate standard of living.¹⁵ The right to housing must be seen as the right to live somewhere in security, peace, and dignity.¹⁶ The Committee's general comments clarify the right to adequate housing characteristics No. 4 (1991), in which everyone shall determine where to live and freedom of movement.

Furthermore, in article 12 to the present Covenant, States Parties recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.¹⁷ The right to health as it is described as an inclusive right, specifically not only to accessing to healthcare but also to the guarantee of health, such as the access to healthy occupational and environmental conditions and safe and potable water and adequate sanitation.

Italy is part of the treaty and has its obligation to realise, the right to work, the right to housing and the right to health. A section in Chapter IV specifically addresses the violation of these fundamental rights and Italy's failure the core obligations set by the ICESCR.

International Labour Organisation

The International Labour Organisation (ILO) was founded in 1919, and it pursues the promotion of human rights and labour rights and social justice setting minimum standards of fundamental labour rights. Eight of its conventions are considered fundamental for protecting all workers' human and labour

¹⁴ Art. 7 ICESCR

¹⁵ Art.11 ICESCR

¹⁶ Ibid.

¹⁷ Art. 12 ICESCR

rights, mainly migrant workers, concerning freedom of association, freedom from forced labour, and non-discrimination in employment and occupation. In fact, the first great merit of these Conventions is to have established the minimum standards for a work performance to be considered legally acceptable, below which enslaved work and forced labour are configured. This was followed by the promotion of certain obligations towards the contracting states, including the recognition of freedom of association and the effective right to collective bargaining, the elimination of all forms of forced or compulsory labour, the abolition of child labour and the elimination of gender discrimination in employment. The international labour standards instruments, both conventions and protocols, are legally binding for the states which ratify them. Italy has ratified all the ILO Conventions; therefore, shall be legally binding to respect the minimum standards entailed in the treaties. As emphasised, the right to work is inseparable from fundamental and inalienable human rights. In this way, it is also protected by international and community norms.¹⁸ Therefore, both the Sikh community and the African community shall be considered a fundamental part of the Italian labour market and be protected by the Italian state not to have their rights exploited.

The ILO Convention No. 143 of 1975 on the Migrant Workers is fundamental for protecting all migrant workers' rights in the ratified countries. In fact, article 1 of the Convention specifies that:

“Each Member for which this Convention is in force undertakes to respect the basic human rights of all migrant workers”.¹⁹

Therefore Italy, which is one of the state parties of the Convention, shall protect the fundamental rights of migrant labourers, such as decent working and living conditions, access to justice and health and safety environment at work. Moreover, in the second part of article 10, the Convention affirms that:

“Each Member for which the Convention is in force undertakes to declare and pursue a national policy designed to promote and to guarantee, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory.”²⁰

¹⁸ Alice Degano, ‘Diritto al Lavoro e La Sua Violazione: Il Caso Del Caporalato’ (Luiss Guido Carli 2020).

¹⁹ ILO Convention No. 143 (n 38) art 1

²⁰ ILO Convention No. 143 (n 38) art 10

In fact, by considering the current exploitation of migrant workers in the Italian agricultural sector, it can be argued that Italy is not fulfilling, promoting, and respecting the freedoms, equal opportunities, and decent treatments to none of the Indian and African workers involved in the *caporalato* phenomenon. The ILO Convention n. 143 of 1975 states in Article 9 that migrant workers:

"Shall enjoy, for themselves and their families, equality of treatment in respect of rights derived from previous employment, in respect of remuneration, social security and other facilities".²¹

Significantly, the exploitation of migrant workers often begins even before their arrival in Italy. For instance, to secure their entry into Italy and the Schengen area, some migrants face severe harassment and to pay large amounts of money; therefore, after their arrival, they are heavily indebted and obliged to accept any form of employment to pay their debts and live in the country²². Finally, the ILO Migrant Workers Recommendation (No. 151) reaffirms the need or equal treatment to:

"Access to vocational guidance and placement services"; "conditions of work, including hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures, as well as social security measures and welfare facilities and benefits provided in connection with employment"; and "conditions of life, including housing and the benefits of social services and educational and health facilities".²³

Therefore, all these rights that are being violated in the form of employment of *caporalato* and exploitation of migrant workers, should be punishable by the law and Italy must enforce the ILO Convention to prevent the phenomena.

Council of Europe

European Convention on Human Rights

Regarding the Council of Europe, the European Convention on Human Rights (ECHR) is a crucial treaty enforced by all state parties. The Convention assumes the importance of having enshrined the prohibition of enslavement, servitude, and the prohibition of forced or compulsory labour as fundamental

²¹ ILO Convention No. 143 (38) art. 9

²² 'Short Overview of the Reception System' (2022).

²³ ILO Convention No. 151 art. 2

elements of democratic societies. The standard provided in Article 4, shows the strict prohibition to all forms of slavery, and forced labour:

“Prohibition of slavery and forced labour”: (1) “No one shall be held in slavery or servitude” (2) “No one shall be required to perform forced or compulsory labour”²⁴.

The prohibition is explicated through the definitions that the Convention provides of situations in which the forced condition is not realised either in the form of an exception to the prohibition or of services required.²⁵ Although the three offences – servitude, slavery and forced labour – seem to share the same premise, in truth it must be emphasised that the prohibition of enslavement or servitude is not restricted even in cases of emergency, as can be seen from Article 15 of the same Convention²⁶. At the exegetical level, according to the case law of the European Court of Human Rights, the definition of slavery under the ECHR is the same as that enshrined in the Geneva Convention of 1926 and, as a rule, the interpretation of these norms must also be framed in the light of the scope of the other international treaties. It is no coincidence that as far as forced or compulsory labour is concerned, since there is no explicit definition in the Convention, the European Court of Human Rights has taken over that contained in the ILO “Forced and Compulsory Labour Convention” of 1930.²⁷ In particular, the Court took care to examine when a work performance can be understood under Article 4 ECHR²⁸, considering that not all forms of labour, even if under intimidation, fall under it, insofar as they depend on the type and amount of work performed and whether it creates a disproportionate burden. It follows that compulsory or forced labour must be understood to mean a service extorted under threat of retaliation and that this is disproportionate, inferring that it is performed contrary to the workers’ will. Therefore, where the agent accepts conditions of work prejudicial to him, these cannot constitute compulsory or forced labour, requiring the presence of further elements. Finally, the Convention does not allow conduct arising from civil duties, emergency situations, military service or the work of persons deprived of their liberty to be included in a case in point, clearly in compliance with the rights and protections guaranteed by the ECHR itself.

²⁴ Art. 4 ECHR

²⁵ Degano (n 18).

²⁶ Art 15 ECHR

²⁷ ILO Convention N.29

²⁸ Art.4 ECHR

European Convention on the Legal Status of Migrant Workers

The European Convention on the Legal Status of Migrant Workers affirms that:

“The legal status of migrant workers who are nationals of Council of Europe member States should be regulated to ensure that as far as possible, they are treated no less favourably than workers who are nationals of the receiving State in all aspects of living and working conditions.”²⁹

Therefore, all migrant workers must be entitled, at the same conditions as nationals to fully access to legal and judicial protection of their persons and property and of their labour rights and interests as fundamental rights for their dignity. Having ratified the Convention, Italy is therefore bound to safeguard and guarantee all the human and labour rights, forms of protection and employment of migrant workers within the Italian agricultural sector, such as nationals. Moreover, very relevant for the Convention is the recognition of the legal situation of migrant workers within the state parties, including recruitment, medical and social assistance, residence and work permits, the reuniting of families, working conditions, the transfer of savings and social security, the expiry of work contracts, dismissal, and re-employment.³⁰

Article 10 of the Convention states that:

“After arrival in the receiving State, migrant workers and members of their families shall be given all appropriate information and advice as well as all necessary assistance for their settlement and adaptation”.³¹

Therefore, while analysing the social reasons that cause the permanent conditions of the vulnerability of migrant workers, it must be underlined that the reception process is fundamental for the correct integration of migrants and their families. Otherwise, there is an evident risk that migrants without social and working inclusion services do not find employment and legal occupation. In fact, Italian state must provide more services to migrant workers who shall be entitled to general education and professional training – as it is stated in Art.14 of the Convention – such as pretraining, schooling, linguistic training and vocational training and retraining to find employments and legal occupation.³² Italy has ratified this Convention and all the core international human rights treaties, and thus must respect the rights of migrant workers, labour rights and human dignity.

²⁹ European Convention on the Legal Status of Migrant Workers (ETS No. 093), Strasbourg 24/11/1977

³⁰ Ibid.

³¹ Art. 10 European Convention on the Legal Status of Migrant Workers

³² Art. 14 European Convention on the Legal Status of Migrant Workers

European Union

EU Charter of Fundamental Rights

The European Union has developed a legal framework that proscribes labour exploitation and promotes equal opportunities and access to the labour market. The Charter of Fundamental Rights of the European Union conveys fundamental personal rights and freedoms enjoyed by the citizens of the EU and legal migrants into one legally binding document. The Charter was declared in 2000 and came into force in December 2009 within the Treaty of Lisbon. The Charter of Fundamental Rights of the European Union prohibits slavery and forced labour at its article 5. This Article clarifies that:

“No one shall be held in slaves and servitude” and that “No one shall be required to perform forced or compulsory labour”.³³

Therefore, by contextualising this provision that prohibits slavery and forced labour, the *caporalato* phenomenon represents a violation of human rights committed in Italy, against the EU standards. Considering the European Union's sphere of labour and human dignity, it is worth mentioning the Charter, Article 31 in which slavery, servitude, human trafficking and forced or compulsory labour are prohibited without exception:

“Fair and just working conditions” of the Charter: (1) “Every worker has the right to working conditions which respect his or her health, safety and dignity” (2) “Every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave”³⁴

This provision is fundamental for enshrining the right to dignified working conditions, daily rest, paid holidays, weekly rest, the right to access free employment services, and the right to form trade unions collective bargaining.³⁵

By analysing the Charter provisions, all the EU member states are bound to respect and promote the rights, and the values indicated in the Charter are a prerequisite to being part of the Union. This means

³³ Art. 5 EU Charter of Fundamental Rights

³⁴ Art. 31 EU Charter of Fundamental Rights

³⁵ Ibid.

that Italy should act to reduce the vulnerable socio-economic conditions of migrant workers, which make migrants subject to exploitation, *caporalato* and forced labour.

However, this legal standard does not guarantee the protection of irregular migrant workers. Workers who are not legally employed by any form of contract risk remaining in the shadow of a system that does not assess their rights nor guarantee their protection. The irregular status of migrant workers reduces their possibility of finding proper employment, exposing them to labour exploitation. This increases the labourer's dependency on exploitative employers and strengthens the position of *caporali* hired by landowners, who can easily use the threat of expulsion to their country of origin to keep the victim in a situation of oppression.

Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers

The EU Directive 2014/36 on the conditions of entry and stay of third-country nationals for employment as seasonal workers regulates the conditions of reception and stay of third-country nationals for the purpose of employment and the definition of the rights of seasonal workers.³⁶ It is fundamental mentioning that for the first time in 2014, the EU adopted the Directive 2014/36 to regulate the rights of one of the less well-paid categories of non-EU nationals, mainly migrant seasonal workers, especially those admitted temporarily to carry out seasonal work in the EU. The directive has defined the rights of foreigners as seasonal workers, which include ensuring their adequate protection by guaranteeing decent working and living conditions.³⁷ This Directive contributes to the effective management of migration flows regarding the specific category of seasonal and temporary migrant workers. Furthermore, the provision ensures decent working and living conditions for temporary, seasonal workers in the host country by setting fair and transparent regulations for admission and stay. Moreover, by defining the

³⁶ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers

³⁷ Aldona Zawojńska, 'Exploitation of Migrant Labour Force in the EU Agriculture.' [2016] Zeszyty Naukowe SGGW - Ekonomika i Organizacja Gospodarki Żywnościowej. 37.

rights of seasonal workers, the directive providing for incentives and safeguards to prevent overstaying or temporary stay from becoming permanent.³⁸

Moreover, to enforce this Directive, Italy should implement effective mechanisms in which seasonal workers must seek legal assistance and lodge complaints directly or through trade unions or other associations to contrast the caporalato phenomenon significantly. It is necessary to address situations where seasonal workers are unaware of enforcement instruments or fear exposing themselves to denounce their caporali and bosses. Therefore, seasonal workers must have access to judicial protection against victimisation due to a complaint being made.

Directive 633/2019/EU on unfair trading practices in business-to-business relationships in the agricultural and food supply chain

Finally, another relevant EU provision against unfair trading processes is the introduction of Directive 2019/633 of the European Parliament and the Council on unfair trading practices in business-to-business relationships in the agricultural and food supply chain. Within the agricultural and food supply chain, significant inequalities in bargaining power between suppliers and buyers of agricultural and food products are standard. Those imbalances in bargaining power are led to unfair trading practices when more significant and more robust trading partners seek to impose certain practices or contractual arrangements which are to their advantage concerning a sales transaction.³⁹

Although this directive is silent on the rights of workers exploited by unfair business practices, it is important to consider this European standard to counter practices that clearly deviate from good business practices. In addition, the directive lays down the basis to facilitate effective law enforcement and calls for the Commission to contribute to the organisation of regular meetings between the law enforcement authorities of the Member States where relevant information, best practices, new developments, law enforcement practices and recommendations concerning the application of the provisions underlined in this directive can be exchanged. Thus, even without referring to systems such as large, organised distribution, which negatively affects agricultural producers, the directive refers to unfair trade practices that benefit large companies rather than small traders.

³⁸ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers

³⁹ Ibid.

Italian Legislation

Article 603-bis Criminal Code

The introduction of Article 603-bis “Illegal intermediation and exploitation of labour” of the Penal Code punished anyone who carried out an organised activity of intermediation, recruiting labour or organising work characterised by exploitation, using of violence, threats, or intimidation, taking advantage of the workers’ state of need or necessity.⁴⁰ In fact, it allowed the effective intervention of the police and judiciary in repressive activities – other regulatory frameworks had failed due to the inapplicability of poorly formulated cases or the tenuousness of the penalties – and paved the way for the idea of an integrated approach, with a focus also on the violated fundamental rights of workers, especially in the agricultural sector. The offence in question punishes all those conducts distorting the labour market which, insofar as they are characterised by exploitation through violence, threats, or intimidation, taking advantage of the workers' state of need and necessity, do not result in mere violations of the rules relating to the start-up in the labour market, but realise actual exploitation, together with violations of tax and fiscal laws. The rule provides the assumptive of guilt and of the existence of the fact, which the judge may deviate from, to assess the prosecution, and the fine of € 1.000 to € 2.000 represents one of the rare cases of proportional punishment.⁴¹

Art. 603 bis of the criminal code also required that the *caporali*, in carrying out organised intermediation activities had acted with “violence, threats or intimidation”: this circumstance prevented the punishment of all those who took advantage of the desperation of workers, who accepted inhuman conditions due to an extremely fragile personal and social condition, defined by the international legislation on trafficking in terms of vulnerability.⁴² Although the use of Article 603-bis of the criminal code is limited to severe cases, the fact that violence and threats are now a simple aggravating circumstance makes it possible, as mentioned, to proceed in contexts where exploitation has been imposed in a more subtle manner. This is a fundamental change, as it also makes punishable episodes in which the worker offers himself on the employment market, accepting or proposing undignified conditions prompted by his or her state of need, the abuse of which remains a constituent prerequisite of the offence. The possibility of punishing less obvious forms of abuse has been widely used by the public

⁴⁰ Art. 603-bis Italian Criminal Code

⁴¹ Ibid.

⁴² Alberto di Martino, ‘Tipicità Di Contesto. A Proposito Dei c.d. Indici Di Sfruttamento Nell’art. 603-Bis c.p’ (2018) n. 3 Archivio Penale.

prosecutor's office, as can be seen from the fact that, in almost all the investigations monitored, violence and threats, which are almost always present, intervene, as mentioned above, at a time after the establishment of the employment relationship.

However, labour exploitation cannot be simplistically understood as synonymous with *caporalato*, as it has been understood for years. The legislator himself, when he introduced the criminal offence referred to in Article 603 bis of the criminal code, in 2011, attributed criminal relevance exclusively to *caporali*, without considering that they also exist insofar as there are employers who are willing to employ workers irregularly, subjecting them to harassment or exploiting them, delegating different functions to corporals that are modulated in relation to the most diverse needs.⁴³ It was only with the reform of the article, introduced by Law No. 199 of 2016, that the correctly attributed criminal relevance to the conduct of exploitation labour even in the absence of unlawful intermediation.

Amendment of article 603-bis: Law 199/2016

Until 2016, the lack of effectiveness of Article 603-bis of the criminal code and its total ineffectiveness has pushed the Italian Parliament to adopt a new regulatory framework. This was particularly necessary because, despite the adjustments and innovations, the former law had not been able to restrict the growth of forced labour and the *caporalato* phenomenon.⁴⁴

The differences with the previous article are relevant, also considering that the ongoing criminal procedures with the previous provisions are less than ten in all the Italian regions. The same legislator, when it first introduced the offence referred to in Article 603 bis of the criminal code, in 2011, attributed criminal relevance exclusively to *caporali*, without considering that they also exist insofar as there are employers who are willing to employ workers irregularly, subjecting them to harassment or exploiting them, delegating different functions to the *caporali* that are modulated in relation to the most diverse needs.

The new provision reformulates the offence of unlawful intermediation and exploitation of labour, already provided for in Article 603-bis of the Criminal Code, and incisively modifies the configuration of the offence, punishing two distinct types of conduct: not only that of those who engage in unlawful intermediation, but also that of those who hire, employ, or use workers by subjecting them

⁴³ *ibid.*

⁴⁴ Degano (n 18).

to exploitative conditions.⁴⁵ Therefore, the crime, in the light of the new provision, is perfected even in the absence of violence or threat and as already pointed out, no longer concerns only the hypothesis of intermediation but punishes any form of exploitation of labour services that takes advantage of the worker's state of need, in any case carried out within the framework of the employment relationship, and therefore also regardless of the intermediary act. Therefore, the elements of exploitation are identified, ranging from the payment of the workers' salary, which differs from the legal salary envisaged by the national and territorial collective agreements to the quality and quantity of the work performed and to the failure to respect working hours, leave or holidays, working conditions or degrading housing situations.

Moreover, amended article 603-bis Criminal Code, punishes with imprisonment from one to six years and a fine ranging from EUR 500 to EUR 1,000 anyone who recruits labour for the purpose of assigning them to work for third parties in exploitative conditions, taking advantage of the workers' state of need and uses, recruits, or employs labour, including through the intermediary activity referred to subjecting workers to exploitative conditions and taking advantage of their state of need. If the acts are committed by means of violence or threats, "the penalty shall be imprisonment for a term of five to eight years and a fine of between EUR 1,000 and 2,000 for each worker recruited".⁴⁶

Moreover, Paragraph 1(2) expressly makes it a crime to use, hire or employ labour by subjecting workers to exploitative conditions and taking advantage of their state of need. The legislator considers the various violations of labour and contractual rights, exploitation, and human rights, such as restrictions of freedom, degrading housing conditions, and health and access to justice. Furthermore, in contrast to the previous article, it was no longer necessary for remuneration deviating from contracts and the violation of working time regulations to be systematic but only repeated. Within the criminal organisations, repetition is associated with the blackmail power of the master and the corporal, with Italian migration regulations still oppressive towards men and women working as enslaved people in the agricultural sector. Moreover, violating workplace safety and hygiene regulations becomes sufficient to prosecute the employer.⁴⁷

The last part of Law No 199 of 2016 introduces measures to support and protect agricultural labour. In particular, the so-called Network of Quality Agricultural Work⁴⁸ to which the farms can be enrolled, and which have not been convicted of criminal offences for violations of labour and social

⁴⁵ *ibid.*

⁴⁶ Art. 603-bis (1) Criminal Code as modified from art.1, co.1, l. n.199/2016.

⁴⁷ *ibid.*

⁴⁸ Social Security Institute (INPS), *Quality Agricultural Work Network*, Italy, 2016.

legislation and in the field of income tax and value-added tax, and which have not been subject to administrative sanctions in the last three years, in addition to being in order with the payment of social security contributions and insurance premiums. In addition, 2) an action plan is provided for containing measures for the logistical arrangement and support of seasonal workers, who take care of the harvesting of agricultural products, as well as suitable forms of collaboration with the territorial sections of the Quality Agricultural Labour Network (also for the realisation of experimental modalities of agricultural employment modulated at territorial level). Finally, 3) provisions are introduced on wage realignment contracts. It is envisaged that in the agricultural sector the provincial realignment agreements may defer, in whole or in part, the definition of the realignment programme (unlike what is envisaged by the current legislation, which reserves the definition of the programme to the provincial agreements) to the company agreements, if they are signed with the same parties that signed the provincial agreement.⁴⁹

Chapter II: *Caporalato*: Overview and recent developments

United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequences

The UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, visited Italy from 3 to 12 October 2018.⁵⁰ The focus of her visit has been the labour exploitation of migrant workers in the Italian agriculture field due to several expressions of concern about the theme. The report has acknowledged that although the Italian legal framework is solid against forced labour and exploitation of workers, Italy still faces many challenges in ensuring control and protection of migrant labourers in the agricultural sector and avoiding unacceptable working and living conditions. The report includes a recommendation on what should be done to contrast the *caporalato* and the exploitation of migrant workers, and in fact, this research has considered them fundamental for developing the conclusion.

During her field visits, Mrs Bhoola met with all the actors involved in the contrast of *caporalato*, starting from the representatives of the state, such as ministries and territorial authorities, the

⁴⁹ Stolfà Francesco, 'La Legge Sul "Caporalato" (l. n. 199/2016): Una Svolta "Etica" Nel Diritto Del Lavoro Italiano? Una Prima Lettura' (2017) *Diritto della Sicurezza sul Lavoro*.

⁵⁰ UN Human Rights Council "Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, (25 July 2019), UN Doc A/HRC/42/44.

representatives of trade unions and national and international civil society⁵¹. Finally, she met the independent human rights activist Marco Omizzolo to gain a more independent insight into the phenomenon. These meetings have helped the Special Rapporteur better acknowledge the issue of *caporalato* and labour exploitation in the agricultural field in Italy, both from the government's insight and the civil society and experts, to have a general opinion on the violation of human and labour rights within a democratic society. These meetings have helped the Special Rapporteur better acknowledge the issue of *caporalato* and labour exploitation in the agricultural field in Italy, both from the Government's insight and the civil society and experts, to have a general opinion on the violation of human and labour rights within a democratic society. Moreover, Mrs Bhoola conducted her fieldwork visiting Rome to meet with the institutions and the regions where the *caporalato* phenomenon is at the basis of agricultural production, such as Calabria, Campania, Puglia, and the agro-pontino province in Lazio. Being engaged directly with victims of labour exploitation and visited the informal settlements, such as Borgo Mezzanone – one of the largest informal settlements hosting large numbers of migrants, and Masseria Boncuri (Puglia). This fieldwork has been fundamental for a better understanding of the violation of human rights in the working and living conditions of one of the most vulnerable groups in Italian society.

The Special Rapporteur has reported that the *caporalato* system consists of both labour intermediaries who supply regular and irregular migrants to farms and a network of criminal actors, as the *agromafie* groups benefit from the exploitation of migrant workers within new forms of slavery conditions. The report has established that over the last decade the rate of migrant workers in the agricultural sector has tripled, increasing from 5.3 per cent in 2007 to 17 in 2018 of the total amounts of employed in agriculture.⁵² The Special Rapporteur has acknowledged that in the most affected areas, such as the agro-pontino province, migrants accounted for 17 per cent of the total number employed in agriculture, of whom almost one-third are Indian nationals⁵³; and in Puglia, where the majority are migrants from sub-Saharan Africa. According to the INPS⁵⁴, in 2017, 286.940 individuals were registered with regular contracts, about 28 per cent of the total, of whom 135.234 were from other countries.⁵⁵ The large number of migrant workers involved in the agricultural sector shows that almost half of the total

⁵¹ UN Human Rights Council “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, (25 July 2019), UN Doc A/HRC/42/44.

⁵² Ministry of Labour, Directorate General of Immigration and Integration Policies, “Foreigners in the Italian labour market”, eighth annual report, summary (2018).

⁵³ Ibid.

⁵⁴ National Social Insurance Agency report 2017

⁵⁵ Maria Carmela Macri, *IL CONTRIBUTO. DEI LAVORATORI STRANIERI. ALL'AGRICOLTURA ITALIANA*. Centro di ricerca Politiche e Bio-economia. Roma, 2019

workers in the field are at high risk of exploitation due to their social and economic status, which makes them vulnerable and in conditions to accept all forms of employment.

As reported by the Special Rapporteur, the agricultural sector is characterised by difficult working conditions that implicate low prestige and low salaries and requires mainly seasonal workers and a flexible supply-and-demand mechanism. This system tends to hire vulnerable migrants to avoid stipulating fix-contracts and fails to respect the workers' rights.⁵⁶ In fact, the system is based on a mode of production that involves multiple actors throughout the supply chain, including multinationals and large-scale distribution companies, which aim is to decrease the costs of production to increase profit margins by offering to landowners and farms a minimal sum – sometimes about less than fifty cents – that forced the agricultural manufacturer to accept the low prices and therefore, lower the salaries of the workers. Therefore, workers' labour rights are often violated, and they may be exposed to severe exploitation of new forms of slavery due to an economic system based on profits instead of rights. The most affected categories of workers are seasonal workers at high risk of exploitation due to their permits of legal stay is often tied to a labour contract, which puts those without a contract in a precarious situation, thus creating a vicious circle and increasing their vulnerability.⁵⁷ Seasonal workers are tied to one employer or a temporary agency and cannot access the social assistance system.

According to the field visits in both the Puglia and Lazio region, all the victims of labour exploitation, contemporary forms of slavery and *caporalato* are exposed to long working hours, which can reach seventeen hours a day with neither rest days nor paid leave days. Regarding payment issues, the migrant workers involved in the *caporalato* have salaries generally between twenty and thirty euros a day for ten to twelve hours of work – which part is kept by the *caporali* for their intermediation. The *caporale* controls the employee's daily life regarding the social contacts, payment, work time, and wages and they withhold forty to fifty per cent of a worker's daily pay. Consequently, workers are constantly indebted to their gangmasters. Therefore, they continue to increase their vulnerable needs to work in exploitative conditions that may amount to forced labour.⁵⁸ The report demonstrates that the working relationship in the agricultural sector is primarily semi-illegal or illegal. Even when there is the stipulation of legal contracts, the terms prescribed by the working conditions and the wages are not respected. The

⁵⁶ European Parliament, Policy Department for Citizens' Rights and Constitutional Affairs, "The vulnerability to exploitation of women migrant workers in agriculture in the EU: the need for a human right and gender-based approach" (May 2018).

⁵⁷ UN Human Rights Council "Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences" (25 July 2019) UN DOC A/HRC/42/44.

⁵⁸ Ibid.

fraudulent practices reported included incorrectly registering the hours and days worked to evade the payment of social security benefits.

Moreover, concerning the health rights of the migrant workers, the report shows that injured workers have been abandoned close to hospitals in need of emergency treatments after incidents by the *caporale*, with instructions not to release details of the farm and employers where the incident happened. In addition, the *caporalato* system is made using violence and threats, so migrant workers are at permanent risk of losing their jobs and their stay permits.⁵⁹

According to the report of the Special Rapporteur, after her field visit to the Italian agricultural significant areas, the living conditions of migrant workers employed in agriculture are indecent and degrading, non-respecting the minimum standard set at the international level.⁶⁰ The lack of access to decent housing and the fact that some migrants are forced to live in informal settlements is caused by the large number of migrants needed in the agriculture sector, especially during harvesting. Moreover, severe racial discrimination made by Italians, particularly against African migrants working in Puglia, negatively influences and limits migrant workers' access to decent housing. In March 2019, about 2.000 migrants were forcibly removed from the informal settlement of Borgo Mezzanone due to a state intervention to demolish the shantytown to contrast the illegal practices and conditions of migrants. However, due to the low salaries, many workers could not afford to rent suitable apartments; therefore, the ghetto still exists. In Borgo Mezzanone, visited by the Special Rapporteur, migrant workers live in hazardous improvised shelters with no clean water, electricity and sanitation facilities and have no social protection.⁶¹ Therefore, this informal settlement severely violates human rights, such as the right to housing, a healthy and safe environment, and the right to access clean water.

A fundamental recommendation by Mrs Bhoola to the Italian institutions is to ensure that migrant workers have access to decent housing, improve their living conditions and reduce their precariousness, vulnerability to labour exploitation and exposure to organised crime. Alternatives to the informal settlements exist, but the result is not accessible to most migrant workers because of discrimination by locals and an inadequate rental system implemented by the institutions. This lack in the system creates a vicious cycle which continues to make migrants more vulnerable and non-integrated into society. This could be ended by introducing adequate public policies and awareness-raising in the local communities.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Anna Di Giusto, 'Making Home in Borgo Mezzanone' in Luce Beeckmans and others (eds), *Making Home(s) in Displacement* (Leuven University Press 2022) <<http://www.jstor.org/stable/j.ctv25wxbv.16>> accessed 16 May 2022.

The Special Rapporteur recognises the contribution that trade unions, such as the CGIL and FLAI and others, have in preventing and addressing the exploitation of migrants in agriculture more than the institutions involved.⁶² Especially by providing legal assistance and other support, as they often constitute the only service providers for migrant workers in need. The trade unions protecting migrant workers negotiate legal and decent working conditions by collective agreements and are involved in the national debate on how to end the exploitation of agricultural workers.⁶³ Therefore, forms of unionism represent a fundamental step to contrast the working exploitation by enforcing the labour rights of migrant workers.⁶⁴

Moreover, another action to contrast the phenomenon of labour exploitation, as reported by the Special Rapporteur, must be the increase of national investigations to the agricultural areas. In fact, the creation of the Italian National Labour Inspectorate in 2017 has been an essential tool for adjusting the inspections. However, labour inspections are often ineffective due to the limited access and incentives to inspect farms, as they are inadequately remunerated and under resources to finance their field visits.

Moreover, the presence of criminal actors among employers and *caporali* exposes the inspectors to serious risk for their security, and therefore they avoid inspecting farms where the risk of exploitation is highest. Moreover, the shortcomings of the labour investigations are caused by the smaller number of inspectors assigned to large agricultural areas. For example, in one of the agricultural areas studied in this thesis – in Puglia, especially in Foggia – only six inspectors are assigned to the agricultural sector, although being responsible for inspecting a total of 9,000 farms.⁶⁵

Mrs Bhoola urges the Government of Italy to prevent labour exploitation to effectively addressing its root causes, recognising migrants as rights holders, and promoting social inclusion in society. Furthermore, the rapporteur calls on the Italian government to protect migrant workers from forced labour, nevertheless of their immigration status, to increase access to regular and decent work. By analysing the main finding of the Special Rapporteur, around 430.000 workers are at risk of labour exploitation and forced labour each year of being employed through *caporali*, of whom over 100.000 may suffer severe exploitation.⁶⁶ Therefore, Mrs Bhoola acknowledged that Italy is not respecting,

⁶² UN Human Rights Council “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences” (25 July 2019) UN DOC A/HRC/42/44.

⁶³ Ibid.

⁶⁴ Interview with Yvan Sagnet, founder of Associazione NO CAP, (Puglia, 29 April 2022).

⁶⁵ UN Human Rights Council “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences” (25 July 2019) UN DOC A/HRC/42/44.

⁶⁶ Osservatorio Placido Rizzotto/FLAI CGIL, “Agromafie e Caporalato. Quarto Rapporto” [2018] Rome, Bibliotheka Edizioni.

fulfilling, and protecting migrants' rights by implementing tools and mechanisms to contrast and prevent the exploitation of migrant workers in the agricultural field.

Finally, following the visit of Mrs Bhoola, a pilot memorandum of understanding was signed by the Ministry of Labour and the Interior and by the presidents of the five regions in southern Italy most affected by the caporalato system. Through a partnership and strengthened cooperation at the regional level, holistic reception programmes have been set up, but implementation remains pending. The Government has recently reactivated a multi-stakeholder platform to address labour exploitation in agriculture more effectively, establishing a three-year action plan involving key stakeholder.

Italy's remarks on the country's mission report of the UN Special Rapporteur

Following the report by Mrs Bhoola, the Italian State has made its comments – in 2019 – on the field visit of the UN Special Rapporteur on contemporary forms of slavery. In introducing its remarks, the Italian State ensures that the Italian legal system aims to a legal framework of guarantees to protect the fundamental rights of the individual thoroughly and extensively.⁶⁷ Moreover, the Italian State considers that the focus on labour exploitation of migrant workers in the agriculture field is provided in Articles 18 and 22 of the TUI – Unified Text on Immigration. The report pays particular attention to this article stating that the international protection is focused on victims of human trafficking and transferred to specific reception centres. This already means that the categorisation of migrants arriving in Italy sets the basis of discrimination against the rest of the migrants, especially the economic migrants. According to the Italian comments on the UN report, by considering the residence permit, art.18 TUI provides for a special residence permit, which can be issued to victims of trafficking and others in difficult situations of danger. Therefore, there is no reference to all the migrant workers, but only in cases of humanitarian reasons which guarantee forms of protection against expulsion from the national territory.⁶⁸

Moreover, art.22 (12) provides specific types of crime in which an employer provides the employment relationship to a migrant without a residence permit, and whether the legislator with paragraph 12-bis has intended to introduce aggravating circumstances in cases of irregular employment accompanied by specific labour exploitation, against article 603-bis of the penal code.⁶⁹ However, this

⁶⁷ “Report of the Rapporteur on contemporary forms of slavery, including its causes and consequences on her visit to Italy – Comments by the State” (2019) UN DOC A/42/44/Add.2

⁶⁸ Ibid.

⁶⁹ di Martino (n 42).

passage only contains information about labour exploitation, which shall be the primary explanation following the investigation of the Special Rapporteur on the phenomena of labour exploitation in the Italian agricultural sector. On top of that, the Italian report attempts to argue against the UN report, such as in the passage in which Mrs Bhoola has mentioned the data mentioned in the FLAI-CGIL Report, where 430,000 workers are employed each year through *caporali*, out of whom over 100,000 suffer severe exploitation. Italy's reply state that: "please kindly note that 430,000 workers are not employed each year through *caporali*. Rather 430,000 workers are at risk of being employed by *caporali*."⁷⁰ Therefore, instead of focusing on the failures in monitoring the agricultural sector's human and labour rights situation and the severe living and working conditions of migrant workers expressed by the Special Rapporteur, Italy has preferred to linger over nuanced errors in the report.

Finally, during her field visit, the UN Special Rapporteur acknowledged the lack of investigation by the national labour inspectors due to a small number of experts involved in all the Italian agricultural areas. Although these specific aspects, the Italian remarks mention the national labour inspectorate by affirming that appropriate measures have been taken "in targeted geographical areas and economic sectors given their high risk"⁷¹ to tackle the *caporalato* and forced labour of migrant workers. According to the Italian comments report, the labour inspectors cannot autonomously set their targets. However, they must follow a work plan according to the annual program set at the central level and based on a careful analysis activity based on complaints by workers directly affected by labour exploitation.

By analysing the comments by the Italian state shall be noticed that the Italian institutions involved in writing the report have not expressed their concerns on the current violation of human rights and labour rights. It seems that instead of agreeing with the UN Special Rapporteur, Italy has made a legal text only mentioning its flourished jurisdictions to tackle the issue. In fact, in the entire report there is no provision mentioning practical examples in the most affected area by *caporalato*, such as in the Puglia and Lazio region.

Statement of the UN Working Group on Business and Human Rights at the end of the visit to Italy

In October 2021, the UN Working Group on Business and Human Rights concluded its ten-day visit to Italy. During the visit, the experts had the opportunity to meet both ministerial and institutional

⁷⁰ Report of the Rapporteur on contemporary forms of slavery, including its causes and consequences on her visit to Italy – Comments by the State" (2019) UN DOC A/42/44/Add.2

⁷¹ *ibid.*

representatives and the various regional administrations – as previously mentioned by the Special Rapporteur.

According to the experts, Italy has an extensive legislative framework in several areas related to business and human rights, including labour rights, anti-discrimination, occupational health and safety and the environment.⁷² It also has a generally strong systems for the protection of workers' rights in various sectors and a strong and active trade union movements.⁷³ However, as in other countries, several significant challenges persist for the short-term resolution of which the government should take urgent measures, while drawing up plans to address medium and long-term systemic problems. Some of these challenges (i.e., the treatment of workers, including migrant workers in various sectors) tarnish Italy's business and human rights reputation. For some laws to be truly fit for purpose, they need to be revised, while for some key aspects, even if legislation is adequate, implementation remains weak and effective access to remedies for abuses is often absent.⁷⁴

Migrant workers in many sectors, including agriculture, perform various fruit and vegetable harvesting tasks. Although these migrant workers are essential for the growth and prosperity of the Italian economy, their treatment is far below the national standards expected in a highly developed European country and international standards. The UN Human Rights experts have described the situation of migrant workers as forms of blackmailing in which, due to their vulnerable situation regarding work contracts, residence and 'residence permits', workers have no choice but to work under conditions of extreme exploitation by the *caporali*. Immediate and medium to long-term solutions are needed to resolve this situation and break the current vicious cycle of exploitation in which thousands of workers are trapped. The Working Group was informed that a previous regularisation initiative did not achieve its objectives. During the visit, the UN working group visited camps where migrant farm workers live, including Agro-Pontino province in Lazio and Borgo Mezzanone in Foggia, Puglia. The delegation met with workers, union representatives, non-governmental organisations and cultural mediators who provide support to these workers. In addition to being forced to leave in inhuman conditions, these workers have short work contracts and excessively long working hours without weekly rest and suffer racial discrimination without any prospect of integration into Italian society.

⁷² Surya Deva, 'Statement of the UN Working Group on Business and Human Rights at the End of the Visit to Italy' (2021) <<https://www.ohchr.org/en/press-releases/2021/10/italy-government-must-break-cycle-exploitation-workers-hold-businesses>>.

⁷³ *ibid.*

⁷⁴ *ibid.*

Therefore, the UN experts believe that new efforts to regularise migrant workers, with the provision of essential documents, stable work contracts, residence permits and better living conditions, must be a top priority of the government and its regional counterparts.⁷⁵

Chapter III: Root causes and the specific vulnerability of migrant workers

Economic: Supply chain Large-scale distribution

The labour exploitation of migrant workers has long been an underestimated social and humanitarian phenomenon poorly countered as an economic issue. However, experts agree that the vulnerability of migrant workers results from the growing pressure in the sector to reduce costs, which is the most widespread reason for migrant exploitation.⁷⁶

To better understand the root causes of the specific vulnerability of migrant workers, these can be identified in the economic system influenced by the large-scale distribution. Specifically, a critical analysis of the agricultural economic system and the different mechanisms, roles, and relationships behind the current exploitative and vulnerable conditions of migrant workers. The real problem with the economic system causing the exploitation of migrant workers – which has persisted for years despite official recognition of the issue – is indeed the dynamics of large-scale distribution. The system sometimes involves mafias influencing crop prices, managing transport and sorting. The labour exploitation in this economic system has increased since becoming characterised by the pathological manifestations of labour relations and facilitated by the condition of distress and vulnerability of one of the parties to the relationship with migrants. According to the fifth report “Agromafie and Caporalato” by FLAI-CGIL, the exploitation of migrant workers in the agricultural field in Italy is worth 24.8 billion euros per year.⁷⁷ This money is the result of exploited work, non-stop labour, and harsh working conditions that lead to migrant workers no longer being considered as simple workers, but as contemporary forms of slavery. The trade unions estimate that this complex and alarming phenomenon involves about 400,000 workers in Italy, both Italians and migrants, who suffer from severe exploitation.

⁷⁵ United Nations, ‘Italy: Government Must Break Cycle of Exploitation of Workers, Hold Businesses Accountable – UN Experts’ [2021].

⁷⁶ Deva (n 70).

⁷⁷ OSSERVATORIO PLACIDO RIZZOTTO FLAI-CGIL (n 8).

During their field visit in Italy, the UN Human Rights Expert Working Group informed various sources of the practice by supermarkets of so-called 'double bidding' for products to impose artificially low prices on producers.⁷⁸ This practice puts pressure on producers to reduce costs to maintain profits, resulting in further exploitation of inadequately paid workers. Some collaborative practices involving retailers, suppliers, trade unions and workers have sought to address this problem and ensure that prices better reflect the actual cost of production and that workers' rights are protected. Since consumers also have an essential role to play, efforts should be undertaken and promoted to ensure that consumers are aware of the ethical and human rights concerns regarding products on sale in supermarkets. Furthermore, the Ministry of Agriculture, Food and Forestry and other relevant ministries should take strict measures to ensure that no sales are below the recommended average weekly price. The Working Group strongly recommends that supermarkets stop the practice of double bidding and take collective measures to ensure that all workers in their supply chains receive a minimum wage. Moreover, the report states that exploited workers are widespread in all the Italian's territories, however, this thesis considers only two main regions of exploitation, Puglia and agro-pontino province.⁷⁹ The study is fundamental, starting from the root causes lead to *caporalato* with particular attention to the *agromafia* and large-scale distribution system. This is a business worth several billions of euros and, therefore, particularly attractive to the various mafia organisations. As we shall see, one of the most vital expressions of the Italian capitalist system and, therefore, of strategic importance. The result of this study shows that migrant workers are forced to remain in this condition of illegality despite their significant contribution to the Italian economy and society.

As highlighted by an investigation by Ciconte and Liberti⁸⁰, a practice implemented by the large-scale retail chains that are particularly burdensome for other operators in the chain is the so-called "double-discount" electronic auctions. These auctions take place in two steps: first, the retail group contacts the suppliers of a specific reference required in large quantities and asks them to bid for the lot. Having collected the bids, it calls a second tender on a private portal, in which the basis for the auction - is the lowest bid received. To win the order, the participants will have to lower the bid price further. By putting the different suppliers into virtual competition and using its dominant position in the market, the supermarket chain is often able to achieve reductions of up to thirty per cent compared to the initial offer, with harmful consequences for all other operators in the upstream chain.⁸¹ Large-scale distribution sells

⁷⁸ Deva (n 70).

⁷⁹ OSSERVATORIO PLACIDO RIZZOTTO FLAI-CGIL (n 8).

⁸⁰ Stefano Liberti and Fabio Ciconte, 'I Discount Mettono All'asta l'agricoltura italiana' [2018] *Internazionale*.

⁸¹ *Ibid.*

below cost and imposes listing fees and various discounts on suppliers, who sacrifice quality and cut labour costs in order not to lose money. For these reasons, the Vice-President of the Agriculture Commission and centre-left deputy, in November 2021, with the Competition Decree, wrote and fell for approval by the Council of Ministers, the law prohibiting the sale of agricultural products and foodstuffs with the use of tenders and electronic auctions at “double discount”.⁸² The ban in fact concerns the purchasing practices between certain large, organised distribution groups speculating on the agricultural production system, forced to reduce the cost of migrant workers.

As Yvan Sagnet noted in our interview, the large-scale distribution has organised an agricultural food model developed through an unsustainable and ferocious mechanism that has harmful consequences for all the workers in the chain.⁸³ Moreover, the large-scale distribution is less addressed when considering the causes of agriculture migrant exploitation and that is why the contrast to the caporalato phenomenon must be addressed not only relating to issue with workers' rights but also contrast the large-scale retail trade in imposing lower prices. Yvan Sagnet specifically refers to a system which imposes the prices of the products which affect the farmers – which pay fixed costs such as taxes, petrol, and fertiliser – and therefore, by accepting the conditions imposed by the large-scale distribution the only cost that they can cut is the workers' salary. Therefore, instead of paying eight euros per hour, they will pay three euros per hour to save money and keep up with the costs of large-scale distribution. Yvan Sagnet's association NO CAP is trying to address the contrast of caporalato, the theme of social dumping and the workers' protection by contrasting the food supply chain through the involvement of farmers and workers and finally, the consumer citizens. To conclude, the state, to address the exploitation of migrant workers in the agricultural field, must intervene by fighting the mafia involved and protecting workers' rights and the economic unsustainability by controlling the supply chain and the main economic actors involved.

In fact, the NO CAP association is acting effectively and concretely, the organization has introduced a brand that seeks to raise awareness of consumer power; therefore, ethical consumption is a critical consumption.⁸⁴ NO CAP's role is to build an ethical supply chain, sector by sector, by choosing companies that no longer want to exploit. As for the supermarkets that contact the association to sell their products, the agreement is that if they want the NO CAP brand products, they should not buy products for cents but a fair price so that the farmer has the sustainability to respect those rights.

⁸² Marco Omizzolo, *Per Motivi Di Giustizia* (People 2022).

⁸³ Interview with Yvan Sagnet, founder of Associazione NO CAP, (Puglia, 29 April 2022).

⁸⁴ Ibid.

Legal framework on immigration

Immigration laws: the connection between migration status and vulnerability to labour exploitation

The exploitation of inexpensive workers and the non-access to rights for migrants with a weak legal status or illegal migrants seems fuelled by current immigration regulations. By analysing the legal root causes of the labour exploitation in the Italian agricultural sector, the migration policies directly impact the vulnerability of migrants to exploitation, forced labour and contemporary forms of slavery. Within the evolution of the Italian migration policies, the categorisation of a part of the population and the idea that the cohabitation between nationals and non-national is impossible, emerge from a legal framework referring to immigration policies.⁸⁵ These laws must be analysed in a negative paradigm causing the vulnerability and marginalisation of migrants once in Italy and therefore affecting their human and labour rights.

The first Italian law on migration – the so-called Martelli law – was adopted in 1990 and contained two paradigms which refer to the concept of institutionally making migrants a socio-economic vulnerable group.⁸⁶ Firstly, in the paradigm of emergency and a narrative of “invasion”, the legislator started with the existence of a migration crisis that needed to be addressed by adopting several provisions. According to Prof. Omizzolo, the problem is that Italy considers migration - and therefore all migrants - within the constant paradigm of emergency. When looking at migration in Italy, we are faced with a structural element that is anything but extraordinary.⁸⁷ According to a study by a leading international NGO, the phenomenon that is nevertheless still managed by resorting to public policies emergency-type public policies and with large collective centres preferred to a capillary and widespread reception that could positively affect the social inclusion of asylum seekers and refugees.⁸⁸

Therefore, the real question is why Italy constructed the emergency paradigm. The different governments constructed it probably because they want what can be called an “army of cheap invisible labour”.⁸⁹ The paradigm of the emergency has existed for ten years, and that means that it has become systemic to the

⁸⁵ Aboubakar Soumahoro, *Umanità in Rivolta* (Feltrinelli 2019).

⁸⁶ Decree-Law No. 416 of 30 December 1989, containing urgent provisions on political asylum, entry and residence of non-EU citizens and regularisation of non-EU citizens and stateless persons already present in the territory of the State.

⁸⁷ Interview with Marco Omizzolo, sociologist Professor and author of “Sotto Padrone”, (Rome, 21st May 2022)

⁸⁸ ActionAid, ‘Centri d’Italia. Mapped Dell’accoglienza’ (2021).

⁸⁹ Interview with Marco Omizzolo, sociologist Professor and author of “Sotto Padrone”, (Rome, 21st May 2022)

normative trait of reception related to immigration; therefore, there is a political will in keeping Italy in this system of reception, because the emergency produces subordination and precariousness and migrants are the victims of this structural social system. Therefore, Italy has created a paradigm where the emergency is preparatory to migrant workers' exploitation through grossly contradictory reception regulations to generate a state of blackmail and vulnerability for the migrants. Secondly, in the paradigm of security the legislator delegates the migration issues to state apparatus hostilely asserting the existence of an alleged and direct correlation between immigration and public security.⁹⁰

The second legislative passage was in 1998 with the adoption of the law 40/1998 – so-called Turco-Napolitano – which later merged into the “*Consolidated text of the provisions concerning immigration regulations and regulations on the condition of the foreigner*”.⁹¹ In confirming the discriminatory structure of the previous Martelli law, this law was a synthesis between the needs of security and those of reception. The law introduced provisions of humanitarian nature, such as the prohibition of the expulsion of migrants for reasons of public safety; the guarantee of health care for foreigners temporarily presented on the territory, and the possibility for an Italian citizen to guarantee the entry into Italy of workers through the instrument of a sponsorship.⁹² However, on the security side, the legislator marked a further step in the discriminatory process of migrants arriving in Italy, namely the division between those with a residence permit and those without one, and marking the latter as “irregular migrant”. The apex of this process was reached with the establishment of Temporary Residence Centres, veritable detention facilities that constitute a severe violation of human rights, violating migrants' freedom of movement. In these centres, the stay was for twenty days and then continued with expulsion or rejection.⁹³ The law therefore restricts the migrant's freedom for not having a residence permit, to personal freedoms despite not having committed any crime, contrary to the rights expressed by the Italian Constitution.

The third Italian law that has allowed the vulnerability of migrants and migrant farm workers is the “Bossi-Fini”⁹⁴, passed in 2002, in which the residence contract was dependent on a work contract. This meant that if migrants were prevented from finding a job or lost their job, they would lose the

⁹⁰ Soumahoro (n 83).

⁹¹ Legislative Decree No. 286 of 25 luglio 1998, “Testo unico delle disposizioni concernenti la disciplina dell’immigrazione e norme sulla condizione dello straniero”.

⁹² Martelli Law 1990 n. 39

⁹³ ‘Short Overview of the Reception System’ (n 22).

⁹⁴ Bossi-Fini Law 2002 n. 189

possibility to stay in Italy. Therefore, in these cases the migrant worker would be willing to accept any form of employment and end up being blackmailed and exploited.

The fourth law in 2008 with Decree-Law 92/2008 and in 2009 with the so-called “Security Package”.⁹⁵ These new provisions formalise previous racializing laws. The provision that most makes migrants exposed to exploitation is the introduction of the crime of irregular migration, even though the state itself often causes the condition of migrants without residence permits.

The fifth provision of 2017, Law 13/2017 proceeds with the distinction between international protection seekers and economic migrants.⁹⁶ According to the government, the Italian defence would be through the prevention of economic migrants, i.e., all those who enter Italy to work and not because of crisis or war and therefore without humanitarian asylum eligibility.

The last crucial legislative passage to delineate the culpability of Italy's legislation regarding the protection of migrants in 2018 is the so-called Security Decree⁹⁷, which confirms the correlation between immigration and security and consists of a further distinction between refugees and economic migrants, seen as migrants not worthy of residing in Italy. The most recent immigration law, still in force, is the Security Decree No. 130/2020⁹⁸, which sanctions the introduction of the special protection permit to safeguard the foreigner's private and family life. The new law expands the categories of permits that can be converted into work permits. With a drop in admissions, much more incisive action could have been taken, if only there had been a clear political will to follow the indications deriving from the analysis of policies and their impacts and thus decisively favour widespread reception. In this case, in fact, it would have been sufficient to leave the small centres that were already active in 2018 in operation and close the larger ones.⁹⁹ A result that would have been possible with minimal effort and that was instead avoided due to a political choice inherent in the security decree: to stop incentivising the development of diffuse reception and cut integration services, letting people without means to slide towards a condition of irregularity and extreme social marginality.

However, as studied in a legislative excursus, it can be seen how Italian legislators and the succession of governments have led to the marginalisation and vulnerability of migrant workers. Therefore, migration has been progressively ascribed to the field of security through the adoption of policies to strengthen border controls and, more generally, the criminalisation of migrants' mobility,

⁹⁵ Bill A.C. 3278, Provisions on urban security.

⁹⁶ Law 13/2017.

⁹⁷ Security Decree, 2018.

⁹⁸ Decree Law 130/2020.

⁹⁹ ActionAid (n 86).

giving shape to the process that critical literature has defined as the securitisation of migration.¹⁰⁰ Moreover, the harmonisation of regulations on labour migration has started late and with great difficulty, due to the resistance of the state. Those historically labour-importing ones are reluctant to cede their working sector in an area considered vital to pursue national economic policy objectives. The European legislation is thus characterised by a sectoral approach that, in restricting admission to specific categories of migrant workers, leads to an inevitable restriction of entry channels for work.¹⁰¹

Despite the changes, Italy increasingly needs an organic law to regulate the entire asylum matter and substantially improve refugee and asylum seekers' situation. Italy is still unique among European Union countries in not having a unitary law, which would guarantee asylum seekers a functional system, assistance, and integration, and reduce operational difficulties for local authorities, volunteers, police forces and all operators in the field. In addition to legislative gaps, Italy lacks organic policies and a national reception, protection, and integration systems.

Law on citizenship

The Italian law on citizenship is articulated in a discriminatory way to determine distinction between natives and non-natives. The law sets a second-class rule whereby migrants must be Italian residents in the national territory for ten years.¹⁰² The question that many jurists pose is how the Italian state can ask immigrants to stay continuously for ten years in Italy without permission to return to their own countries. While in Italy, one lives in conditions of marginalisation, living in ghettos, and suffering degrading working conditions. Therefore, it can be stated that there is a condition that prevents migrants from being integrated into society and enjoying fundamental rights. Ten years of legal residence is required for most cases of acquisition of nationality, excluding refugees and asylum migrants. Due to the relevance of the cases, ten years of continuous legal residence are required to be able to apply for the granting of nationality. Formally, the requirement of prolonged residence is not an original feature of Italian legislation, although Law no. 91/1992 insists on it with greater rigour than the average foreign legislation; and although, beyond the Italian case, there is now a well-founded conviction that this criterion for access to citizenship is of little significance, usefulness, and suitability. As prof. Della Rocca

¹⁰⁰ Carlo Caprioglio and Enrica Rigo, 'Lavoro, Politiche Migratorie e Sfruttamento: La Condizione Dei Braccianti Migranti in Agricoltura' (2020) 3 Diritto, Immigrazione e Cittadinanza.

¹⁰¹ Ibid.

¹⁰² Paolo Morozzo della Rocca, 'I Profili Di Illegittimità Costituzionale Della Legge Sulla Cittadinanza' Coalizione Italiana Libertà e Diritti Civili.

states, there are doubts about the illegitimacy of the regulation are further reinforced by the constitutional relevance of the regulation of the legal status of foreigners of which the highly delicate issue of the acquisition of citizenship by foreigners is also a part.¹⁰³ In fact, Article 10 (2) of the Italian Constitution states that:

“The legal status of foreigners is regulated by law following international norms and treaties. Even in cases of recognised equal rights under EU law, international conventions and constitutional charters, there is a fundamental difference between foreigners and citizens: to exercise these rights.”¹⁰⁴

Therefore, foreigners must be able to enter, reside, and not be expelled from the state's territory. According to the sociologist and activist Marco Omizzolo, it is necessary to reform the right to citizenship to combat the phenomenon of *caporalato* and the labour exploitation of migrants.¹⁰⁵ The expert considers that the lack in Italy is the protection of migrants through a protected path that allows them not to suffer excessive exposure because of their complaints.

Social root causes

Reception system

Another structural factor negatively affecting migrants is the Italian reception system. The Italian regulations regarding the reception systems have adversely influenced the vulnerable conditions of immigrants since their arrival in the country, increasing their probability of being exploited and suffering severe violations of human rights. It results that the same democratic State, which shall facilitate the integration of the migrants through the reception system, has also organised a social and cultural normative mechanism that produces the State of vulnerability and blackmail of migrants. The Special Rapporteur acknowledged that the exploitation in agriculture had been addressed in an insufficiently coordinated way by the Italian institutions and that the vulnerability of migrants caused by labour exploitation is due to the ineffective management of migration, which has allowed criminal intermediation in the job recruitment, especially in the agricultural sector.¹⁰⁶

¹⁰³ *ibid.*

¹⁰⁴ Constitution of the Italian Republic Art.10(2)

¹⁰⁵ Interview with Marco Omizzolo, Sociologist Professor and Author of “Sotto Padrone”, (Rome, 21st May 2022)

¹⁰⁶ UN Human Rights Council “Report of the Special Rapporteur on contemporary forms of slavery,

The migrant reception system in Italy operates on two levels: the first reception includes hotspots and first reception centres, and the second reception includes the Reception and Integration System (SAI), which with the Lamorgese decree, replaced with the Protection System for Persons with International Protection and Unaccompanied Foreign Minors (SIPROMI) and the Extraordinary Reception Centres (CAS), a hybrid between the first and second reception of migrants.¹⁰⁷ The first reception is carried out in collective centres where migrants who have just arrived in Italy are identified and if accepted, can start the asylum application procedure. These collective centres are called hotspots where migrants are collected upon arriving in Italy. In those hotspots, migrants and refugees receive initial medical treatment, undergo health screening, are identified, and photographed and can then apply for international protection.¹⁰⁸ After an initial assessment, migrants who apply for asylum are transferred – within 48 hours – to the first reception centres, where they are held for the time necessary to find a solution in the second reception. The system based on hotspots and first reception centres has theoretically replaced the previous system based on acronyms that we should now consider outdated: the various First Aid and Reception Centres, Reception Centres and Reception Centres for Asylum Seekers (CARA).¹⁰⁹ Those who do not apply for asylum are taken to Centres for Permanence and Repatriation (former Centres for Identification and Expulsion) – already mentioned in the excursus of discriminatory and classifying immigration laws against migrants.¹¹⁰ Those centres are created to expel migrants who arrived in Italy not to seek asylum but for economic reasons, and these migrants are the most affected to labour exploitation and *caporalato* due to their economic vulnerability and will to find employment.

Once migrants have passed through hotspots and first reception centres, asylum seekers are assigned to the second reception, and Integration System (SAI) introduced with the Lamorgese reform. The SAI replaces the Protection System for Persons with International Protection and Unaccompanied Foreign Minors (SIPROIMI).¹¹¹ Refugees and holders of subsidiary protection can stay in the accommodation for six months, which can be extended by a further six months, during which they are accompanied to find independent accommodation. In addition to the accommodation, the managing bodies are called upon to provide a series of goods and services: cleaning and environmental hygiene (which are also carried out by the guests in self-management); food (breakfast and two main meals, better

including its causes and consequences” (25 July 2019) DOC UN A/HRC/42/44.

¹⁰⁷ Decree-Law 130/2020: The so-called Immigration and Security Decree.

¹⁰⁸ ‘Short Overview of the Reception System’ (n 22).

¹⁰⁹ *ibid.*

¹¹⁰ *ibid.*

¹¹¹ *ibid.*

if self-managed by the guests); kitchen equipment; clothing, linen, and products for basic personal hygiene; a telephone card or recharge card; and a season ticket for urban or extra-urban public transport based on the characteristics of the area.

However, during this period their legal protection and employment courses are not always guaranteed, and this causes their social vulnerability in acknowledging their rights. Thus, the migrant reception system in Italy proved insufficient to meet the reception needs of the hundreds of thousands of asylum seekers who arrived in Italy from 2014. In fact, after all the inappropriate measures, with the Legislative Decree 142/2015, art.11 was introduced the Extraordinary Reception Centres – so-called CAS – were conceived as temporary facilities to be opened in the event of "consistent and close arrivals of applicants"¹¹² that cannot be accommodated through the ordinary system.

However, the cost-cutting suffered by the centres has severely limited integration services such as Italian language teaching, support in preparing for the hearing in the Territorial Commission for one's asylum application, vocational trainings, and leisure management.¹¹³ Whilst, according to the international treaties, the receiving State should facilitate the teaching of its language and vocational trainings for dignified integration. Therefore, as previously argued, despite the duty to welcome migrants and to integrate them regularly, the succession of Italy's immigration policies – leading to a decrease in costs – has not allowed for a dignified management of migrants and asylum seekers, therefore failing to guarantee their protection from exploitation and *caporalato*.

For example, in Foggia, Puglia, from June to September 2019, Human Rights Mobile Clinic doctors aided and assisted 225 migrants and asylum seekers, carrying out 292 medical visits and 153 legal assistances operating in five informal settlements present in the region, especially in the ghetto of Borgo Mezzanone. According to the NGO, around sixty per cent of the migrants were regular asylum seekers or under international humanitarian protection, whilst the remaining forty per cent were in irregular condition.¹¹⁴ As highlighted by the fifth report "Agromafie e Caporalato", to date, tens of thousands of asylum seekers are living in a promiscuous and degrading manner in informal settlements and many of them are crowding those settlements close to reception centres in Puglia.¹¹⁵

In fact, the general tendency of the last twenty years is that several extraordinary policies and emergency decrees were enforced without guaranteeing social integration and without planning in the

¹¹² Legislative Decree 142/2015

¹¹³ 'Short Overview of the Reception System' (n 22).

¹¹⁴ Medici per i Diritti Umani, 'La Cattiva Stagione. Rapporto Sulle Condizioni Di Vita e Di Lavoro Dei Braccianti Nella Capitanata' (2019).

¹¹⁵ OSSERVATORIO PLACIDO RIZZOTTO FLAI-CGIL (n 8).

medium and long-term to ensure security and dignity for the host and guest populations when creating new reception centres.¹¹⁶

Between 2015 and 2020, Italy has seen its reception discipline change on several occasions. Although it may be opportune to change a regulation depending on different migration waves and different necessities, the previously adopted mechanisms underlying a system change and, therefore, projects based on the previous model are either closed or ending. Reforms should be identified based on in-depth analyses that can establish which good practices should be encouraged and which bad practices should be discouraged.

From a regulatory point of view, some progress has been made thanks to the most recent reform, the Decree-Law 130/2020, implemented by the Ministry of Interior, Luciana Lamorgese.¹¹⁷ In fact, this text has certainly eliminated some of the most critical elements of the security decree by reintroducing, for example, language courses, legal guidance services and psychological assistance in extraordinary facilities. At the same time, however, the new model has many limitations. In fact, under the new law, asylum seekers can again be received in the ordinary system, now known as the Reception and SAI, but under different conditions than holders of international protection.

The consequence already recorded is an enormous increase in the pool of irregularities. In addition to the already vulnerable labourers – but in many cases regular because they seek international protection and are therefore admitted to the secondary reception circuits – some migrants are irreparably irregular because they are not admitted to international protection, in the form of the abolished humanitarian permit, and all the others who given the drastic reduction of the premises and services connected to the SPRAR system are finding themselves in a lack of inclusion¹¹⁸, for the benefit of *caporali* and bosses who derive strength and profit from the vulnerabilities of others, according to the classic mechanism of the overpowering of the strong over the weak.

Racism

The second causal social factor determining the vulnerability of migrants and agricultural workers is racism. The racism of Italian bosses towards migrant workers, both Indian and African, leads not only

¹¹⁶ Fabio Colombo, 'Il Sistema Di Accoglienza Dei Migranti in Italia' [2021] Lenius.

¹¹⁷ Decree-Law 130/2020

¹¹⁸ ActionAid (n 86).

to the occurrence of exploitation but also normalises it. In both testimonies by Prof. Omizzolo and activist Sagnet, there are stories of workers being exploited and treated in degrading conditions because of their origin, skin colour, ethnicity, and religion. Under international law, racism is condemned by the International Convention on the Elimination of All Forms of Racial Discrimination is based on the principles of the dignity and equality inherent in all human beings. The Treaty Member States must not give preference to nationals over non-nationals. Furthermore, in the treaty, there is a clear reference to racism stating that:

"Racial discrimination" (in Article 1) "shall mean any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural".¹¹⁹

However, racism and discriminations in Italy still appear to be justified by the same political action and policies, such as the citizenship law and immigration laws. With the slogan "Italians first" by the right party the action of the masters and all those who exploit migrants is being normalised, and the workers' rights and dignity violated.¹²⁰ Therefore, being a ratifying state of the Covenant, Italy should condemn all forms of racial discrimination.

Chapter IV: *Caporalato* as fundamental human rights violation

Right to just and favourable working conditions

One of the most significant human rights violations in exploiting migrant workers involved in the *caporalato* system is the right to just and favourable working conditions. The mentioned right is expressed in article 7 of the ICESCR in which:

"States Parties to the present Covenant recognise the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, as a minimum, with fair

¹¹⁹ International Convention on the Elimination of All Forms of Racial Discrimination (21 December 1965, 4 January 1969) vol. 660, UNTS (CERD)

¹²⁰ Omizzolo (n 80).

wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work. Moreover, a decent living for themselves and their families by the provisions of the present Covenant; (b) Safe and healthy working conditions; (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays”.¹²¹

Regarding the violations of labour rights as human rights in the *caporalato* phenomenon, all migrant workers involved in the gang mastering system in the Italian agricultural sector face issues with pay: they are underpaid, are not paid wages on time, and are not paid during sick or annual leave, when granted in migrant workers contracts.¹²² Many workers are not even able to buy food, and therefore it is impossible for them renting a place where to sleep and live. According to the latest report by FLAI-CGIL, "Agromafie e caporalato", in Italy, around 400,000-430,000 agricultural workers – both Italians and migrants – are exposed to the risk of being hired illegally and under a gangmaster. According to the field survey, workers subjected to severe exploitation in agriculture are not guaranteed any protection, work for eight to twelve hours a day and receive wages (based on forms of “piecework”) that are about half of what is stipulated in national collective labour agreements.¹²³ These degrading working conditions are the basis of other human rights violations, such as the right to housing, health, and personal freedoms. All workers across the two regions – Lazio and Puglia – reported that employers did not pay them what was promised or agreed beforehand.¹²⁴

As the field visit conducted by the Special Rapporteur shows, in the agro-pontino province, about 30,000 Sikh workers from India are subjected to extreme forms of coercion. The degrading working conditions include being forced to take performance-enhancing drugs, which is prohibited by their religion, but which enables them to work ten to fourteen hours a day in the fields.¹²⁵ The most recurrent problem related to the exploitation of migrant workers by bosses is that workers' salaries are below the legal minimum wage and do not match the hours worked or are refused to deliver outstanding payments.¹²⁶ The subordination and marginalisation in the labour market of migrant workers characterise

¹²¹ Art. 7 ICESCR

¹²² Fundamental Rights Agency, ‘Protecting Migrant Workers from Exploitation in the EU: Workers’ Perspectives’ [2019] European Union Agency for Fundamental Rights.

¹²³ OSSERVATORIO PLACIDO RIZZOTTO FLAI-CGIL (n 8).

¹²⁴ UN Human Rights Council “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences” (25 July 2019) DOC UN A/HRC/42/44.

¹²⁵ Ibid.

¹²⁶ Fundamental Rights Agency (n 120).

the experience of foreign labour, largely regardless of status and type of residence permit. The picture that emerges from the Ministry of Labour's report on the migrant workers in Italy denies the widespread idea that the condition of regularity, or its absence, is the decisive variable in determining the working conditions of migrants. This national document helps to understand that the exploitation of migrant workers is often linked to an irregular status of migrants. In this sense, the comparison between EU and non-EU workers is illustrative.¹²⁷ The differences found, especially regarding limited mobility in the labour market, jobs, and average wages, are almost irrelevant, especially when measured through the lens of the different legal regimes that regulate their legal status: the former holders of citizenship status, derived from EU membership, the latter caught in the rigid meshes of immigration legislation. Both workers are employed in the essential jobs and tend to be concentrated in the same production sectors. The same applies to wages, which for EU workers are slightly higher but still significantly lower than for Italians.

In the *caporalato* system, money is also withheld by *caporali*, resulting in that even if migrant workers have a legal contract, they are overseen by a gangmaster who steals their money through fraudulent practices¹²⁸ and even when there are existing legal contracts, the gangmaster and the landowner do not follow the work tasks agreement and payment conditions. Many farm labourers have a regular labour contract, demonstrating that signing it is not necessarily synonymous with legality and respect for rights. Therefore, it is possible to sign a written agreement with one's rights underwritten and be equally exploited.¹²⁹

A significant problem with the contract is that even when it is present, migrant workers face issues by understanding their contract language and accepting conditions without understanding their rights. To all workers must be provided a written contract in a language they can understand, at least as regards the basic terms of their employment.¹³⁰ In other cases, by facing issues with the contracts, many migrants are recruited without any written agreement provided by the employer. This happens in most of the cases whether migrants are illegal in Italy and therefore are more vulnerable to being exploited to forced labour and *caporalato*.¹³¹ Moreover, there have also been cases in which workers received what they were paid at the time of payment, they subsequently had to return a large part of their salary to the employer because

¹²⁷ Degano (n 18).

¹²⁸ *ibid.*

¹²⁹ Marco Omizzolo, *Sotto Padrone. Uomini, Donne e Caporali nell'agromafia italiana* (Fondazione Giangiacomo Feltrinelli 2019).

¹³⁰ OSSERVATORIO PLACIDO RIZZOTTO FLAI-CGIL (n 8).

¹³¹ Carlo Caprioglio and Rigo (n 98).

they had accumulated debts towards them for transport and housing. In addition, when it is possible to record ex-post the number of days worked, as is the case in agriculture, regularisation is posthumous: that is, the employer only fulfils the declaration obligation for a few days, including those in which inspections were carried out at the workplace, or he merely reports the days necessary to qualify for agricultural unemployment and leaves it to the social security agency to pay for most of the work performed.¹³² The chain of exploitation and slavery has, among its typical features, the absolute availability of the migrant worker to satisfy the master's needs and interests. The latter decides on the worker's right to take holidays and breaks from the rhythms of farm work. Slavery today is situational, i.e., manifest like the relationships of dependency and in the daily practices through which the relationship of force between the master, his social network and the migrant worker is translated, sometimes determined with the mediation of the *caporali*.¹³³

According to the study conducted by the Fundamental Rights Agency (FRA) in 2019, employers use several strategies to keep the migrant workers in the condition of exploitation, such as varying degrees of coercion and degrading treatment. Bosses and caporali create a fearful and intimidating environment and increase employers' control of the workers, ultimately preventing workers from exiting labour exploitation. The strategies adopted by the landowners include various forms of violence, such as physical and psychological violence, verbal violence and threats, sexual harassment in the case of women and degrading treatment.¹³⁴ In fact, not only are many male labourers subjected to exploitation, also many female labourers, who are the most affected by sexual and mental harassment coercion.

Article 31 of the EU Charter of Fundamental rights states that:

"Every worker has the right to working conditions which respect his or her health, safety and dignity and the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave".¹³⁵

Moreover, the EU working time directive specifies that workers have the right to: not exceed 48 hours on average per week, paid annual leave of at least four weeks per year and a minimum daily rest period of eleven consecutive hours in every twenty-four uninterrupted hours for every seven days. However, all the migrant workers involved in the *caporalato* system report having no break during the

¹³² Emilio Santoro and Chiara Stoppioni, 'Rapporto 2019 Del Laboratorio Sullo Sfruttamento Lavorativo e La Protezione Delle Sue Vittime Di L'Altro Diritto & FLAI CGIL' (2020) Vol.4.

¹³³ Omizzolo (n 80).

¹³⁴ Fundamental Rights Agency (n 120).

¹³⁵ Art. 31 European Convention on the Legal Status of Migrant Workers

day and week and that they work for at least twelve hours per day, sometimes even more during the day and the weekends, and are not allowed to take holidays. However, the Italian agricultural supply chain is not respectful to the directives and obligations at the EU level. As reported by the FRA regarding the violation of labour rights, exploitative work conditions included long working hours with the impossibility of taking breaks; very few or no day offs; working at weekends; not being allowed to take holidays and take sick leave, and violation of health and safety regulations.¹³⁶

Finally, art.16 of the European Convention on the Legal Status of Migrant Workers specifies the working conditions of migrant workers. Specifically, by ruling that during their employments they shall enjoy treatment not less favourable than national workers, under legislative or administrative provisions, collective labour agreement or custom.¹³⁷ However, both Indian and African migrant workers in Italy work in degrading working conditions – depending on the type of work they do –, in extremely high temperatures, in direct contact – especially when harvesting – with toxic pesticides. To combat severe labour exploitation, Italy must increase efforts to enforce labour law and investigations effectively to protect migrant workers' rights and assure favourable working conditions such as payments, working hours, rest periods and leave, health, and safety. Both Indian and African labourers are forced to work ten to fourteen hours a day, including weekends, for about three euros an hour, when the national contract provides for six and a half hours for six days a week at a wage of nine euros an hour.¹³⁸ Therefore, Italy is not respecting the regional standard set by the Council of Europe, regarding equal treatment between nationals and migrant workers. The forced labour and *caporalato* phenomenon are examples of exploitation and injustices directed against migrants because of their vulnerability in understanding their rights as non-nationals.

According to Prof. Omizzolo, after the introduction of law 199/2016, the situation became more complex because the strikes of migrant workers, the occupations of farms and the social and trade union disputes have produced improvements but at the same time also divisions. The improvements include greater recognition of contractual rights, fundamental freedoms, and human rights. Today, the average wage is between four euros and five euros per hour, whereas before, migrant workers received about two euros and fifty cents and sometimes even as low as fifty cents per hour.¹³⁹ Today, in some cases they are guaranteed a rest break of about one hour, whereas before there were two breaks in companies of about ten to fifteen minutes each during the fourteen hours of work. Moreover, in terms of the safety and

¹³⁶ Fundamental Rights Agency (n 120).

¹³⁷ Art. 16 European Convention on the Legal Status of Migrant Workers

¹³⁸ Omizzolo (n 10).

¹³⁹ Interview with Marco Omizzolo, Sociologist Professor and Author of “Sotto Padrone”, (Rome, 21st May 2022)

hygiene requirements, before the strikes in the Agro-pontino province, almost all the farms did not have toilets, while now they have chemical toilets that workers can use, and therefore achieved one of their fundamental rights.¹⁴⁰ Therefore, significant advantages and directly enjoyable rights have been obtained. Another advantage is that today the phenomenon of *caporalato* is known internationally and Italian producers are receiving requests to act, whereas, before 2016, it was relatively unknown. Today there are criminal trials in progress, whereas, before 2016, there were not, which is a fundamental step forward. Prof. Omizzolo and many workers have also joined as a plaintiff and civil parties in the trials.

Marco Omizzolo and the cooperative “In Migrazione” – working to counter the *caporalato* system and labour exploitation, particularly in the Agro-pontino area – founded the project “Bella Farnia” to provide training, services, and information to local Indian Sikh workers about the payroll system, contracts, and intermediation.¹⁴¹ The project called “Bella Farnia Mare”, instituted by Marco Omizzolo, aims to raise awareness, and legitimise the Indian community exploited in the agro-pontino province. Prof. Omizzolo, with other people involved, both from trade unions and Indian workers, started to organise the protests, trade disputes, strikes and occupations to achieve the freedom for all the exploited migrants and provide the strength to fight for their rights. Moreover, with the adoption of the “Dignity Joban Singh” project, they fought against the leaders and alleged leaders of the Indian community in Lazio and Italy, who are often focused on masking their criminality and illegal labour exploitation activities.¹⁴² The organisation has started a path of emancipation, contrasting exploitation and racism and violence against women workers. While before the issue was seen only in a male perspective of exploitation, today there is a duplicity of the phenomenon that includes both men and women, with women workers from India starting to denounce it. Therefore, individual action and from civil society organization has been effective in fighting for the socio-economic rights and against the widespread migrant exploitation in the agricultural field. However, this improvement has not been homogeneous and has not been prevalent within the Italian state.

¹⁴⁰ Ibid.

¹⁴¹ Omizzolo (n 10).

¹⁴² Tempi Moderni “Dignità Joban Singh” contro ogni sfruttamento e discriminazione” [2020] < <https://tempi-moderni.net/progetti/dignit%C3%A0-joban-singh-contro-ogni-sfruttamento-e-discriminazione>>

Right to housing

Making even more vulnerable migrant workers in the agricultural field is the housing issue. The right to adequate housing is a human right recognised in international human rights law as part of the right to an adequate standard of living. One of the first references to this specific provision is in Article 25 (1) of the Universal Declaration of Human Rights.¹⁴³ Moreover, the International Covenant on Economic, Social and Cultural Rights in 1966 regulate the minimum standard of the right to housing; therefore, all the state parties of the Convention must protect, respect, and fulfil this right. However, one of the most severe forms of violation of human rights and human dignity caused by labour exploitation in the Italian agricultural field in the Italian agricultural field are experienced by migrant workers in their living conditions. Degrading living conditions faced by migrant labourers in agriculture, such as informal rural settlements without access to clean water and electric systems, i.e., ghettos, are the result of degrading working conditions – both in the Lazio and Puglia region. Some of these living settlements are particularly notorious not only for the extremely precarious conditions of survival in which most agricultural workers live, but also for the high population density that characterises them individually.¹⁴⁴ Among immigrants who live in agriculture, housing conditions appear decidedly more precarious than among immigrants who are employed in different sectors, and this is for two reasons. Firstly, because in many cases these are seasonal workers due to the seasonality of the job, with a high degree of territorial mobility and therefore do not allow for a solid territorial and therefore residential rootedness, and this partly explains the use of makeshift accommodation, abandoned farms and shantytowns. Secondly, accommodations need to be close to the workplace and therefore often in peripheral areas where there is not much housing available. This is one of the determining factors in the emergence of informal encampments in areas close to large and medium-sized agricultural districts. If these informal settlements were the temporary shelter of transient migrant agricultural workers, in the last decade, an element of solid significance has emerged, duly captured in the exercise and practice of street trade unions. Despite the indecent living conditions, those who live in these settlements have tried to recreate an environment that can somehow be described as a home. As stated by the Special Rapporteur during her visits to informal settlements, Italian municipalities are continuing to address the living issue of migrant workers

¹⁴³ UN Universal Declaration of Human Rights Art.25(1)

¹⁴⁴ UN Human Rights Council “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, (25 July 2019), UN Doc A/HRC/42/44.

as a permanent emergency caused by the emergence of tented camps instead of putting in place more long-term structures.¹⁴⁵

The settlement of Borgo Mezzanone in the province of Foggia, in the Puglia region, is a perfect illustration of the degrading living conditions that migrants and refugee workers are facing in Italy. The camp is located next to a reception centre for asylum seekers, mainly from the African region – CARA – and is a vast shantytown that runs along the disused runway of a former military airport.¹⁴⁶ During the summer peaks, migrant workers can reach over 5000 people.¹⁴⁷ The ghetto has its organisation, despite the extreme precariousness that underlies, unfortunately, often dramatic human and existential outcomes. It seems inexorable the condition of the deaths that have occurred, for example, during the frequent fires that have flared up over time, turning these aggregates into human rotisseries, especially in the cold seasons when the need to have a minimum of heating forces people to resort to rudimentary and hazardous methods.¹⁴⁸ Moreover, the settlement of Borgo Mezzanone has created a fertile ground for the infiltration of criminal groups - in fact, the mafias operate in synergy with the phenomenon of the *caporalato* – which has made the conditions of migrants involved in seasonal work even more vulnerable. The workers who live inside the reception centre are paid less than those who live in the shantytown because the *caporali* deduct the cost of food and housing which is covered by the prefecture, therefore they receive a total of fifteen euros a day, while people who live in the shantytown receive twenty-five euros per day.¹⁴⁹ While in the Latina province, migrants live in ordinary houses within the local community, but they remain marginalized and discriminated, often by being charged excessive amounts of rent for their housing.¹⁵⁰ In the case of exploited Africans in the Puglia region, the Italian Government, in collaboration with the regions and municipalities, should eradicate the informal settlements and shantytowns and assure proper houses to migrants, as done by NO CAP association. Moreover, to end the migrants' degrading living conditions, Italy should ensure that any transition from informal settlements to appropriate housing options takes place in collaboration with the state institutions, regions, and municipalities and by providing doable housing alternatives to all affected migrants.¹⁵¹ Moreover, the Sikh migrants' workers in the agro-pontino region, even if their housing conditions are different from

¹⁴⁵ Ibid.

¹⁴⁶ Di Giusto (n 59).

¹⁴⁷ Ibid.

¹⁴⁸ Yvan Sagnet and Leonardo Palmisano, *Ghetto Italia. I Braccianti Stranieri Tra Caporalato e Sfruttamento* (2015).

¹⁴⁹ *ibid.*

¹⁵⁰ UN Human Rights Council “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, (25 July 2019), UN Doc A/HRC/42/44.

¹⁵¹ Interview with Yvan Sagnet, founder of Associazione NO CAP, (Puglia, 29 April 2022).

the ghettos present in the Puglia region, still face discrimination. Therefore, in the case of this region, the government should effectively penalise landlords who rent migrant workers housed in unsanitary and inappropriate conditions.

As reported by the FRA report, migrant workers depend on their employers for accommodation, food, and transport. Some agricultural workers live in accommodation provided by the employer and report staying in places without electricity, with minimal access to running water and sanitary facilities and with no bedding, being overcrowded or being accommodated in containers with very high temperatures and poor nutrition.¹⁵² Although this thesis is only geographically focused on Italy, it has been interesting to find situations to the rest of Europe and see the similarities of the exploitation, especially among the most vulnerable migrant workers and their unacceptable working and living conditions, denial to access to justice and the threats faced by labourers.

There are tens of thousands of asylum seekers living promiscuously and degradingly in these settlements, despite the economic function and work they perform in the socio-economic context of their location. Those places are full of waste, sometimes not even deriving from the settlement's habitants themselves.¹⁵³ The issue of informal settlements is being the subject of specific regulatory provisions, precisely considering the health emergency. However, the lack of attention by the State is becoming a legitimization of illegality, far from legal respect and police control, although the awareness of the institutions of the presence of the *caporalato* causes a violation of human dignity. In addition to the data on the actors involved in the phenomenon, the research also focused on the housing conditions, particularly of the foreign components, since some of the latter live in makeshift informal settlements, such as ghettos and shanty towns. When this situation is combined with low wages, a vicious circle makes it impossible to escape from this perverse marginalising mechanism. As Yvan Sagnet reports in his book, "Ghetto Italia", he describes how immigrant labourers increasingly become victims of a vicious caporalato, which locks them up in real "ghettos for hire", where everything has a price. Nothing is taken for granted, not even a doctor in case of need.¹⁵⁴ A reportage made up of stories told by those who live in this situation at the limit of physical and psychological endurance, an incredible journey through the new ghettos scattered throughout Italy from north to south. The map of a country redrawn by racism, injustice, and indifference. In terms of social rights, there has not been much progress in the last years in Italy since the *caporalato* phenomenon started to get noticed. On the issue of housing – apart from a few

¹⁵² Fundamental Rights Agency (n 120).

¹⁵³ Fabrizio Gatti, 'Sette Giorni All'inferno: Diario Di Un Finto Rifugiato Nel Ghetto Di Stato' *L'espresso* (2016) <<http://espresso.repubblica.it/inchieste/2016/09/12/news/>>.

¹⁵⁴ Sagnet and Palmisano (n 11).

small interventions introduced by the institutions – and with projects such as SU.PR.EME. Italia’, (Protagonist South in Overcoming Emergencies in the Area of Severe Exploitation and Severe Marginalisation of Foreigners Regularly Present in the 5 Least Developed Regions) financed within the framework of the Emergency Funds (AP2019) of the European Commission - DG Migration and Home Affairs. This project has financed the construction of housing systems made of containers, rather than housing adequate for human standards.¹⁵⁵ The issue of housing and ghettos is flawed because ghettos persist and continue to spring up instead of being eliminated and substituted for decent living houses. The workers’ need is to live close to the agricultural field, and the lack of proper and effective planning by the State is causing the permission by the employers and intermediaries to exploit migrants, even regarding living conditions. Moreover, the precarious working and living conditions significantly impact the mental and physical health of migrant workers, as they face a continuous fight to survive.

Regarding the recommendations by Mrs Bhoola on living conditions, the Italian State shall contrast the degrading living conditions caused by the exploitation of migrant workers and their inability to find proper housing by increasing the public spending for the integration of migrants in the national, regional and municipal level as a means of preventing labour exploitation¹⁵⁶, regardless of migration status and carry out campaigns for promoting public awareness that promote zero tolerance of the exploitation of workers and counter racism¹⁵⁷, in agricultural areas affected by *agromafie* and *caporalato*.

Right to health

The right to health is a fundamental human right and for the human dignity. The right to health was recognised as a human right in the 1966 ICESCR, in its article 12 in which the State “recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”.¹⁵⁸ Therefore, the violation of safety and hygiene requirements in the workplace in the Italian agricultural sector, as a danger for workers’ health and safety is one of the most severe violations of human rights caused by degrading working conditions that Italy is not respecting the healthy working and environmental conditions.

¹⁵⁵ ‘SU.PR.EME. Italia’ (2019) <https://integrazioneimmigranti.gov.it/it-it/Dettaglio-progetto/id/7/SUPREME-Italia>

¹⁵⁶ UN Human Rights Council “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, (25 July 2019), UN Doc A/HRC/42/44.

¹⁵⁷ Ibid.

¹⁵⁸ Office of the United Nations High Commissioner for Human Rights “The Right to Health” Fact Sheet No.31

According to the testimonies received by the Special Rapporteur, victims of labour exploitation resulting in slavery are subjected to long working hours, sometimes up to more than fifteen hours a day, and some have neither rest during the day. Concerning the health rights of the exploited migrant workers, the report shows that injured workers have been abandoned near hospitals for emergency treatment by the gangmaster in charge, with instructions not to disclose details of the farm where the accident occurred. Exploited migrant workers undertake physically demanding and hazardous work and may be exposed to pesticides without the necessary compliance with occupational health and safety requirements. Both Indians and African migrant workers in Italy work standing or hunched over – depending on the type of work they do –, in extremely high temperatures, in direct contact – especially when harvesting – with very aggressive pesticides, living in the case of migrant workerism dilapidated housing and with wages well below contractual parameters.¹⁵⁹

Furthermore, in the agro-pontino province, several cases of violation of the right to health were violated. Moreover, the precarious living conditions, informal settlements, and scarce adequate sanitation significantly impact the physical and mental health of migrant workers, as they face a continuous degrading treatment by their *caporali* and mafia bosses.

As many migrant workers do not have a valid residence permit, access to health can be very problematic even when faced with various illnesses or pains. Therefore, migrant workers do not go to see doctors or directly to hospitals for the fear of being repatriated or arrested. The enjoyment of the right to health is limited merely because they are migrants and other factors such as discrimination, language and cultural barriers, their legal status, and administrative barriers. Migrants need a national sanitary card to obtain medical assistance; however, without a local residence it is difficult for many workers to obtain their card, particularly those working on a seasonal basis.¹⁶⁰ Without a sanitary card, even migrants with a regular residence permit can only get access to health services only in an emergency. Therefore, the non-access to a proper health service of migrant workers in the agricultural sector – due to their legal situation – is violating the equal opportunity for everyone to enjoy a system of health protection and the highest attainable level of health.¹⁶¹

Moreover, Art.20 of the European Convention on the legal status of migrant workers establishes the EU standards on “Industrial accidents and occupational diseases and Industrial hygiene”. Being

¹⁵⁹ UN Human Rights Council “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, (25 July 2019), UN Doc A/HRC/42/44.

¹⁶⁰ UN Human Rights Council “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, (25 July 2019), UN Doc A/HRC/42/44.

¹⁶¹ Omizzolo (n 10).

bound to this treaty, Italy shall implement the EU regulations for protecting migrant workers' health from work accidents and occupational disease. However, within the *caporalato* system, degrading practices are often putting the migrant worker's life in danger. Both in the agro-pontino and Foggia – injured Indians and African workers have been left abandoned near hospitals for emergency treatment by the *caporali* in charge, with instructions not to disclose details of the farm where the accident occurred.¹⁶² Furthermore, the Framework Directive on Safety and Health at Work (Directive 89/391) establishes an equal level of safety and health of all workers and obliges employers to take preventive and appropriate measures to make work healthier and safer.¹⁶³ This directive illustrates the principles regarding the protection of safety and health; the prevention; the assessment of risks, the elimination of risks and accident factors, the informing, consultation and balanced participation and training of workers and their representatives.¹⁶⁴ Therefore, in the EU context all the employers are obliged to respect the general rule of health and safety conditions at work. However, in all situations of labour exploitation and *caporalato* in the Italian agricultural field, health and safety regulations violations emerged as normality.

As far as labour rights are concerned, occupational health and safety issues will continue to be of great concern, to the point of marking human rights violations. The UN Working Group was deeply concerned to learn that between January and August 2021 alone, 772 workers lost their lives, and 10 died in the very first days of their visit to Italy. The government should take all possible measures to prevent the loss of life and injuries for all workers. The Working Group also learned that some workers in the agricultural sector are not equipped with proper safety devices when using pesticides and chemicals, thus exposing them to harmful effects. Furthermore, any form of sexual harassment or gender-based violence at work must be treated as an occupational health and safety issue and a zero-tolerance approach should be adopted in this context.¹⁶⁵

Access to justice and the right to effective remedy

Access to justice and the right to effective remedy for migrant workers represent a grave violation of human rights and fundamental freedoms. The barriers that most migrant workers face in access to justice

¹⁶² *ibid.*

¹⁶³ Framework Directive 89/391/EEC of the European Council of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

¹⁶⁴ *Ibid.*

¹⁶⁵ Deva (n 70).

and to obtain adequate remedies to their conditions of exploitation, both in the agro-pontino province and Foggia, Puglia, are also caused by a lack of information about their rights as workers and human beings.

Any foreign victim of agricultural labour exploitation must be granted to undertake or participate in criminal or civil proceedings to guarantee adequate access to justice. However, the Italian state has failed to assist victims of exploitation, especially migrant workers with irregular status. As described by both prof. Omizzolo and Yvan Sagnet, migrants – especially in an irregular situation – would not contact the police, fearing that instead of being treated as victims of labour exploitation, they could be reported to migration services and returned to their country of origin, and this discouraged the victims from seeking support and justice.¹⁶⁶ Moreover, the right to an effective remedy to their economic and social rights must be ensured to guarantee a process of regularisation in order to gain adequate protection that abates the chances of re-entering circuits of oppression and exploitation.¹⁶⁷ In fact, one of the most important reasons for seeking support was workers' desire for help in getting the money the employers owed them and their decision to no longer live and face exploitative working conditions.¹⁶⁸

Other reasons for not seeking support are related to the employer's strategies in controlling and isolating workers from the rest of the society, or threatening them with losing their job, not obtaining their salaries, or being relocated to remote workplaces if they requested assistance. In fact, the hostile attitudes of employers and *caporali* in both Puglia and agro-pontino provinces make exploited workers not denounce their bosses and exploitative working conditions. For example, in the agro-pontino province, many Sikh migrant workers, before law enforcement against *caporalato* and exploitation, could not access justice due to a scarce and efficient judicial will to solve their issues and due to a fear from the migrants to be denigrated instead of assisted.¹⁶⁹

The introduction of law 199/2016 established the provisions to protect victims of violence or severe exploitation with long-term assistance and social integration measures, as well as with a residence permit for social protection in the case of non-European Union migrants, regardless of their cooperation with the judicial authorities. In fact, the reform of regulatory instruments to combat labour exploitation – law 199/2016 – was introduced to guarantee more access to justice for exploited migrant workers and an effective remedy to the exploitation. On the one hand, this system is composed of some migrant workers who desire to see their bosses and *caporali* being under investigation for their degrading treatments. On the other hand, there are the lawyers and the public prosecutors, whose aim is not only to bring justice to

¹⁶⁶ Fundamental Rights Agency (n 120).

¹⁶⁷ OSSERVATORIO PLACIDO RIZZOTTO FLAI-CGIL (n 8).

¹⁶⁸ Fundamental Rights Agency (n 120).

¹⁶⁹ Omizzolo (n 10).

their clients but also to dismantle a well-organised system of crime and illegality, whose existence is favoured by the very laws that, by closing borders and forcing controls, produce black labour markets, trafficking systems and vulnerability.¹⁷⁰

However, there are multiple obstacles to the effective investigation and prosecution of slavery in the agricultural sector, particularly the impediments in gaining access to victims in the fields in rural and isolated areas and their testimonies. That affects the identification of victims and confirms the “invisible nature” of slavery.¹⁷¹

As reported by the Special Rapporteur, the shortcomings in implementing article 18 of the Consolidated Act on Immigration, which provides to victims of violence or severe exploitation with long-term assistance and social integration measures, as well as with a residence permit for social protection in the case of non-European Union migrants, must guarantee to the exploited migrants in the agricultural field adequate assistance, protection and access to justice.¹⁷² However, the shortcomings in implementing this provision are causing an inadequate assistance, protection and access to justice. Therefore, Italy results as a state that one turns to in search of protection, help and justice, but at the same time allows and sometimes encourages the existence of a system of exploitation and the production of a more vulnerable group in the society.¹⁷³

According to the UN Human Rights experts after their field visit to Italy, they are concerned about the absence of robust judicial and extra-judicial mechanisms for effective redress against corporate-related human rights abuses. This means that companies often go unpunished, and victims are deterred from going to court due to several factors such as lack of information about rights and remedies, ineffective legal assistance, judicial delays, and a general lack of confidence in approaching redress institutions. Although some business-related cases have been successfully concluded, many others remain before the courts, sometimes for years without a final decision. It also appears that few Italian companies have established mechanisms for handling complaints at the operational level in line with the UN Guiding Principles on Business and Human Rights.

Despite the absence of political action by the Italian government to address the problem of access to justice and seek an effective remedy to exploited migrant workers, the presence of NGOs and trade

¹⁷⁰ Gloria Carlini, ‘Le Voci Dei Migranti in Un’aula Di Tribunale Analisi Etnografica Del Processo Sabr (Lecce)’ (2016) Vol.3 Antropologia.

¹⁷¹ UN Human Rights Council “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, (25 July 2019), UN Doc A/HRC/42/44.

¹⁷² Urmila Bhoola, ‘Report of the Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences’ (2018) A/HRC/42/44/Add.1.

¹⁷³ Carlini (n 167).

unions on the field is relevant to ensuring social and legal assistance to exploited migrant workers, guaranteeing the right to access to justice. Trade unions and civil society are doing concrete actions to directly support the exploited immigrants and alleviate their precarious working living conditions. The trade union's activities and the independent activism – as already mentioned in interviewing Marco Omizzolo – focused on lobbying for laws against *caporalato*, which were made official in 2011 with the Art.603-bis Penal Code with the introduction of law 199/2016.

Chapter V: Addressing the cause and consequences: the Italian Three-year action plan: strengths and weaknesses of the concept of “progressive realization” and Italians’ obligations

Italian Three-year action plan: Overview

The Three-Year Plan (2020-2022) develops the national strategy to fight against *caporalato* and labour exploitation in agriculture. It is the result of the concertation between various institutional actors' institutional actors involved at the central and decentralised level and of discussion with representatives of workers and employers in the agricultural sector and Third Sector associations present in the roundtable.¹⁷⁴ The Plan is based on several lines of action based on a model of inter-institutional cooperation founded on legality and dignity of labour, as well as on the strengthening of investments in the agri-food supply chains. It envisages an implementation strategy articulated in three different phases: an initial phase of analysis of the phenomenon followed by emergency interventions in the most critical areas and a systemic action that embraces the entire national territory.

The objective of the Plan is to prevent and combat the phenomenon of labour exploitation in agriculture, including *caporalato* and forced labour, through the implementation of actions priority actions to prevent and combat labour exploitation in agriculture. The objective will be pursued through systemic interventions involving, in a coordinated manner, different administrations at the central, regional, and local levels to optimise their impact, as well as Plan and maximise the use of human and financial resources. The definition of priorities for preventing and combating labour exploitation was

¹⁷⁴ Three-Year Plan to Combat Labour Exploitation in Agriculture and Illegal Gangmastering (2020-2022).

developed with four primary areas of intervention: (i) prevention; (ii) surveillance and law enforcement; (iii) protection and assistance; and (iv) social and labour reintegration.¹⁷⁵

By starting with the first objective of the Plan's prevention actions aim to anticipate the problems that foster the emergence and the proliferation of labour exploitation. The first refers to developing a system that provides - both to decision-makers and decision-makers and those working in the prevention, surveillance, protection, and assistance services – a set of valuable information for planning, management, and monitoring. The second action aims to develop effective social communication for the prevention and awareness-raising of labour exploitation and the promotion of decent work.

Regarding the inspection activities, the geographical identification of priority intervention territories is fundamental for more effective planning and implementation of inspection and enforcement activities. The most significant number of inspection resources will be concentrated in the prioritised territories through establishing special task forces at interprovincial and interregional levels and structured cooperation with the National Labour Inspectorate. In this regard, drafting standard guidelines for all inspection forces is also central to illegal brokering, labour exploitation and forced labour and inspection officers' training.¹⁷⁶

Considering the plan's objective of protecting and assisting the victims of labour exploitation propose labour exploitation propose: (i) the setting up of a system of integrated services embracing health care services, those guaranteeing the satisfaction of essential needs, assistance to victims during judicial proceedings and social and labour reintegration measures; and (ii) the development of a common training course for all operators, with specific modules on the sequence and integration of these services, as well as coordination and partnerships between the different actors responsible of protection and first assistance interventions for victims of labour exploitation.¹⁷⁷ Furthermore, the plan promotes the elimination degrading working conditions, the main challenges to improve the functioning of the agro-food chain (cultivation, harvesting, processing, transport, and marketing) include the prevention of unfair market practices; combating the dispersion of value along the supply chain; transparency of the agricultural labour market and the simplification of administrative procedures; the promotion of mechanisms such as joint responsibility, product traceability and certification; and forms of aggregation of producers, including cooperatives.¹⁷⁸ Therefore, the fight against this phenomenon produces an adequate guarantee

¹⁷⁵ *ibid.*

¹⁷⁶ UN Human Rights Council “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, (25 July 2019), UN Doc A/HRC/42/44.

¹⁷⁷ Three-Year Plan to Combat Labour Exploitation in Agriculture and Illegal Gangmastering (2020-2022).

¹⁷⁸ *Ibid.*

of workers' rights and the safeguarding of farms that suffer the unfair competition of those who exploit the labour of their workers. Therefore, priorities for action within the agri-food production chain will focus on combating unfair market practices; expanding supply chain contracts to foster investments, innovation, aggregation of producers and joint responsibility of companies in the supply chain; and the analysis, in cooperation with the social partners, of contract types, as well as the simplification of administrative requirements for the employment of agricultural workers.¹⁷⁹ Finally, the definition of priority short and long-term interventions in the fight against degrading housing conditions will be based on the development of decent housing solutions in line with the basic levels of services defined at the national level, and on the models already tested at the local level. These models envisage reception in dedicated facilities, also organised by employers (after initial assessment and monitoring), which includes taking charge of the worker for a limited period; the recovery of public real estate, also through the use of property confiscated from crime, which is excellently suited to situations of co-presence between seasonal and permanent workers; and finally, the re-development of rural hamlets, suitable for permanent workers, which can also envisage the participation of the workers themselves in the renovation and care of the places. The last action subscribed in the Three-year Plan foresees the social and labour reintegration of victims of labour exploitation as an inalienable value. It can only be the foundation of any strategy to counter labour exploitation and forced labour in agriculture. This strategy must favour the consolidation and governance of the network of services provided by different actors at national, regional, and territorial levels, which is currently the main obstacle to the effective long-term social and labour reintegration of victims of exploitation.¹⁸⁰

Regarding the activities of the inter-ministerial roundtable against the *caporalato* practices and forced labour, the last meeting held in July 2021 to update the Table members concerned the monitoring of the actions defined in the Three-Year Plan. During the meeting, the "National Guidelines on Identification, Protection and Assistance to Victims of Labour Exploitation in Agriculture" was the result of the work of the Group of Experts coordinated by the DG Immigration and Integration Policies of the Ministry of Labour and Social Policies, were presented and validated. The Ministry of Agriculture announced the significant investments (€ 1.2 billion under the EU Recovery Plan)¹⁸¹ for supply chain contracts, the establishment of a particular working group to analyse the needs of farms, and the agreement on a proposal for a legislative decree to transpose Directive No. 633/2019 on unfair

¹⁷⁹ Gervasio Ungolo, 'Il Piano Triennale Contro Il Caporalato (2020-2022) Non Dà Certezze Rispetto All'esistente.' [2021] Osservatorio Migranti Basilicata.

¹⁸⁰ Three-Year Plan to Combat Labour Exploitation in Agriculture and Illegal Gangmastering (2020-2022).

¹⁸¹ Ibid.

commercial practices.¹⁸² The National Association of Italian Municipalities announced that it had finalised the questionnaire to be submitted to municipalities for mapping the housing conditions of workers in the agricultural sector.

In the months following the approval of the Three-Year Plan, work began analysing the agricultural labour market by establishing an information system in which all the information is available to the bodies participating in the work of the Table. Although the inter-ministerial Table monitors the objectives' implementation of the Three-year Plan, in practice, not enough action is taken. Moreover, the Plan aims to involve the regional actors to contrast the caporalato phenomenon in the most affected areas – such as the agro-pontino province and the province of Foggia – by investing funds from the EU.¹⁸³ However, an evident issue in the Plan is the non-involvement of exploited migrants in the preparatory meetings to practically express the improvements in the agricultural fields. Moreover, the Table was supposed to meet in autumn; however, the reunion has not occurred. Therefore, there have been no provisions for monitoring the Plan's activities and objects during the past year.

The concept of progressive realisation

It is fundamental to clarify the meaning of States' obligations – detailed in the ICESCR – in which parties are placed under three headings: to respect, protect and fulfil economic, social, and cultural rights.¹⁸⁴ Article 2 (1) sets the concept of “progressive realization”¹⁸⁵ described as a central aspect of States' obligations in connection with economic, social, and cultural rights under international human rights treaties. By appropriate measures, the treaty refers to all the measures the States took toward fully realising economic, social, and cultural rights to the maximum of their available resources. The mention of “resource availability” reflects that a lack of resources can impede the realisation of these rights. This means that a state's compliance with its obligation to take appropriate measures is assessed considering the financial, social, and other resources. Article 2 of the treaty states that:

(1) Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, to achieve

¹⁸² EU Directive 633/2019

¹⁸³ Ungolo (n 176).

¹⁸⁴ Office of the High Commissioner for Human Rights “Frequently Asked Questions on Economic, Social and Cultural Rights” No. 3

¹⁸⁵ Art. 2(1) ICESCR

progressively the full realisation of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures; (2) The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or another status.¹⁸⁶

The Covenant requires States “to take steps” to the maximum of their available resources to progressively achieve the full realisation of economic, social, and cultural rights.¹⁸⁷ A lack of supplies cannot justify any inaction or indefinite postponement of measures to implement these rights. Therefore, all the State parties to the Convention must demonstrate that they are taking every effort to improve the enjoyment of economic, social, and cultural rights, even when resources are scarce. Therefore, by adopting the concept of progressive realisation to the Italian State to respect, protect and fulfil the economic and social rights, Italy shall be obliged to take all the steps to end the exploitation of migrant workers.

Regarding the socio-economic rights violated within the *caporalato* phenomenon and forced labour, the Italian state obligation shall respect the right to adequate working conditions; it should take appropriate action to guarantee the proper realisation of the right to adequate housing and shall undertake measures to invest money for the fulfilment of the right to health and to ensure the access to justice to all the victims of labour exploitation.

Assessment of Italy’s respect for its obligation

Italy has set several measures over the years to combat labour exploitation of migrant workers, undeclared work and *caporalato*. Beginning with regional laws to combat *caporalato*, such as in 2006 in the Puglia region, to the establishment of the Quality Agricultural Labour Network (2014) and Law 199 of 2016 that overturned Article 603 of the Criminal Code, which makes farms accountable for the supply chain that includes the *caporali*. Lastly, Italy’s main action to contrast the *caporalato* phenomena and the exploitation of migrant workers in the agricultural field has been the introduction of the three-year action plan. The aim of the three-year plan by the Italian government was to incorporate all the effective policies

¹⁸⁶ Office of the High Commissioner for Human Rights “INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS and its Optional Protocol” [2009]

¹⁸⁷ International Covenant on Economic, Social Cultural Rights (adopted 16 December 1966, entered into force 23 March 1976) 993 UNTS (ICESCR)

into a single plan aimed at combating the phenomenon of *caporalato* and labour exploitation of migrants in agriculture.¹⁸⁸

The ILO has published “Guidelines for monitoring the priority actions of the three-year plan to combat work exploitation in agriculture and *caporalato*” to provide the Italian ministries and the roundtable with clear indications on how to assess the advancement of the plan according to SMART indicators (Specific, Measurable, Achievable, Relevant, and Time-Bound).¹⁸⁹ Two short reports were meant to be published in February 2021 and February 2022, that is 12 and 24 months after the launch of the plan respectively. However, no trace of any report is available to the public, and it can be presumed that the Italian institutions have not abided to the ILO guideline with the pretext of the COVID-19 pandemic. It is therefore impossible to assess the progress with verifiable data. However, the two interviews with Prof. Omizzolo and Yvan Sagnet depicted a negative picture of the results of the action plan.

As formulated above, the phenomenon of exploitation can be understood as the consequence of ineffective laws on entry, labour market regulation, deficiencies in social and civil rights, lack of protection concerning the vulnerable conditions of migrants, and a food supply chain flawed in the processes of globalised large-scale distribution markets. Analysing the implementation of the plan, it emerges that the regulatory framework of the action plan fails to address the holistic aspect of the issue and results in a flawed conception that of the migrant labourer, disconnected from the social body in which he lives, increasing precariousness and operating yet again with a paradigm of emergency and not that of systemic planning.

Hence, the three-year plan does not answer the social emergency of an entire category of workers on the land, the labourers, let alone the agricultural operators who instead demand services, certainty in regulations, and fair remuneration for their product.¹⁹⁰ Despite this, one appreciates the interdisciplinary nature of the plan between the various ministries of labour, agriculture, and the interior, as well as the participation, albeit not horizontal, between the ministries, national control bodies, regions, and municipalities. It seems, however, that all this has limits in recognising competencies and, above all, does not see the involvement of local communities who find themselves not being listened to and, most of the time, a mere tool for passing on tasks without being able to take measures of their own.¹⁹¹

¹⁸⁸ Ungolo (n 176).

¹⁸⁹ ILO and the Italian Ministry of Labour, ‘Linee Guida per Il Monitoraggio Delle Azioni Prioritarie Del Piano Triennale Di Contrasto Allo Sfruttamento Lavorativo in Agricoltura e al Caporalato’.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

Therefore, by analysing the assessment of Italy to respect its obligation to respect, protect and fulfil all the human rights included in the international treaties and provisions, Italy is not implementing all the rights mentioned above to contrast the caporalato and eradicate the labour exploitation of migrant workers.¹⁹² The living conditions of agricultural migrant workers cannot be changed if the political debate, and its consequences, are still about whether migrant workers can access social protection measures or full citizenship. Thus, we see that the three-year plan does not consider and is unrelated to the legislation regulating residence permits, asylum and international protection.

According to Marco Omizzolo, to address the violation of human rights and to respect the international obligations, Italy must consider the issue under a strict collaboration between institutions, trade unions and human rights activists.¹⁹³ The issue of work and human rights has been seen from the trade union point of view only strictly regarding work, i.e., labour rights. While from the point of view of human rights, associations have only been seen strictly in terms of human rights. Instead, it is necessary to have a discussion table that relies on both thematic approaches.

¹⁹² OSSERVATORIO PLACIDO RIZZOTTO FLAI-CGIL (n 8).

¹⁹³ Interview with Marco Omizzolo, Sociologist Professor and Author of “Sotto Padrone”, La Sapienza University (Rome, 21st May 2022)

Conclusion

This thesis has analysed the violation of human rights caused by the exploitation of migrant workers in the agricultural sector in the Agro-pontino province and the Puglia region and described degrading working and living conditions and the vulnerability that migrant workers are facing in Italy, who experience poor working conditions, as well as the inadequate realisation of housing, health and safety, and social security. Although the issue of labour abuses in the agro-food sector is complex, there is an urgent need to find sustainable solutions focused on human rights and workers' dignity that provides a pathway to the full integration of workers into Italian society. Victims of labour exploitation have been experiencing systematic violations of labour and human rights, despite numerous international, European, and national legislation standards to prevent slavery and inadequate labour conditions.

Agricultural workers are a vital part of the agricultural supply chain, guaranteeing the Italian state's social and economic growth and prosperity. Employees in the agro-food system face the most vulnerable working and socio-economic conditions and numerous barriers to realising their rights. Migrant workers, both regular and those who are undocumented, are more likely to be subject to precarious living and working conditions. However, few people know this reality because it is hushed up by local public governments, the Italian agricultural system, small and medium-sized distributors, and multinational corporations in the agri-food industry. They use this forced exploitation by imposing an excessive drop in product prices. It is a complex system in which the labourers are the only losers, forced to work for minimal pay and live crammed into unhealthy shantytowns.

From an international human rights law perspective, this thesis has analysed the various international and European conventions ratified by Italy – most importantly ICESCR in 1978; the Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour Convention, 1957 (No. 105), ECHR and EU Charter of Fundamental Rights. The conclusion is that the Italian Government is not fully abiding by these norms.

This analysis above drew findings extensively from the report of UN Special Rapporteur Mrs Urmila Bhoola, which in 2018 put forward recommendations to address the *caporalato* phenomenon and other contemporary forms of slavery in Italy. The Special Rapporteur recommended to the Italian Government to "include or strengthen the focus on contemporary forms of slavery and labour exploitation in national anti-trafficking initiatives, for example, in the national action plan against human trafficking

and labour exploitation that is being developed.”¹⁹⁴ However, after analysing the comments by the Italian institutions – released in 2019 – it is evident that Italian authorities do not recognise the issue as a human rights violation and are not acting to address the caporalato phenomenon efficiently.

In 2020 – two years after the field visit of the UN Special Rapporteur – several concerns re-emerged on the exploitation of migrant workers – including forced labour and caporalato in the Italian agricultural sector – as a UN Working Group of Human Rights experts conducted another field visit to Italy. The experts stated in this report that new efforts to regulate migrant workers' documents, stable employment contracts, residence permits, and improved living conditions should be a top priority for the Government and its regional counterparts. This thesis argues precisely along the lines of the human rights experts' findings: that the Italian authorities need more significant efforts to raise the phenomenon of caporalato.

Therefore, this thesis has meticulously investigated the Italian legal framework to establish that Italy has passed one of the first laws against the phenomenon of exploitation in the agricultural field within the EU Member States. However, due to the issues regarding access to justice and the right to an effective remedy from exploited workers, Italy must increase efforts to enforce law 199/2016 to effectively protect workers' rights, including those of migrant workers, and adequately prevent and address situations of labour exploitation.

It can be concluded that the Government of Italy could prevent labour exploitation more effectively, particularly of migrant workers, by addressing its economic, legal, and social root causes. In order to prevent human rights violations, it must recognise migrants as rights holders and promote social inclusion in society. This is along the lines of the report by the UN Special Rapporteur, who called on the Italian Government to protect migrant workers from labour exploitation, regardless of migration status, and increase their access to regular and decent work.

The analysis above established that the first identifiable root cause of caporalato is the economic pressure caused by the large-scale distributions and unfair trade practices. Large scale distributions' practice consists of the so-called double-bidding, which aims to impose artificially low prices on producers. This practice puts pressure on producers to reduce costs to maintain profits, further exploiting inadequately paid workers. Some collaborative practices involving retailers, suppliers, trade unions and workers have sought to address this problem and ensure that prices better reflect the actual cost of production and that workers' rights are protected. Since consumers also have an essential role, efforts should be undertaken and promoted to ensure that consumers are aware of ethical and human rights

¹⁹⁴ UN Human Rights Council “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, (25 July 2019), UN Doc A/HRC/42/44.

concerns regarding their products. Therefore, Italy must enforce its national laws against this practice and transpose the Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain. Moreover, the institutions should promote alternative agricultural production models that are not dependent on a low-cost labour force and the exploitation of workers but should be based on sustainable agriculture.

The research has concluded that the vulnerability of migrants to labour exploitation is also due to the ineffective organisation of migration in Italy, which allows for criminal intermediation in job placement in the agricultural sector. Despite changes in migration legislation on the reception system in Italy, there is an increasing need for an organic law to regulate the entire asylum matter and substantially improve the situation of refugees and asylum seekers in this country. Italy is still the only EU country that does not have a unitary law to guarantee asylum seekers a functional system, assistance, and integration and to reduce the operational difficulties for local authorities, volunteers, police forces and all those involved in the migration management. In addition to legislative gaps, Italy lacks a public policy regulating a national reception, protection, and integration system of migrants. Moreover, at the national level, securitisation of migration paradigm is prevailing and is also resulting in the precarious conditions of migrant workers and their labour exploitation. The last root cause identified by this research is the inefficient system of reception centres. The present work argues that Italy is allowing a modern form of slavery of migrant workers in the agricultural sector due to the precarious conditions that migrants find themselves experiencing once they arrive in Italy, which allows caporali to take advantage of their status and illegal forms of labour intermediation.

The degrading working conditions also affect the private life and human dignity of migrant workers. Therefore, action must be taken to ensure that migrants have access to decent and safe housing, regardless of their migration status and the seasonality of agricultural working characteristics. The ghetto system, made of shantytowns spread across Italy, emerges as coessential factor of a mode of production that makes exploitation its systemic matrix. It is probably for this reason that even the instruments to combat exploitation, centred above all in criminal legal provisions, a decade after their introduction, have proved ineffective in counteracting the phenomenon of large-scale caporalato and guaranteeing exploited workers ways of emancipation from this phenomenon. This proves the argument by Degano that repressive measures must be complemented with preventive measures, and this is a key recommendation still relevant for future actions against *caporalato*.

According to the FRA report, victims of labour exploitation must be encouraged to report severe labour exploitation to inspectors or the police. Italy should ensure access to justice for exploited migrant

workers, contribute to a knowledge of legal provisions and workers' rights, and prevent labour exploitation. According to the informants, almost all vulnerable migrant workers in the agricultural sector are not aware of their rights and therefore face more vulnerability. A key obstacle to workers' understanding of their rights is the lack of knowledge of the local language and the inability to understand the work contract. It is worrisome that the reception centres do not provide courses in Italian or any employee training, and the provision of services to meet this need is an urgent recommendation.

Consequently, when people are unaware of their labour and human rights, it is more difficult to identify their employers' practices as exploitative. Italy should therefore establish public local employment centres that match the supply of and demand for workers in the agricultural sector to avoid the intervention of intermediaries and increase recruitment processes' transparency. Finally, Italian authorities should improve the effectiveness of criminal investigations and consider expanding the jurisdiction of the anti-mafia directorate over the *caporalato*, as it is often linked to organised crimes.

It would be unfair to claim that the Government of Italy is taking no steps to address the exploitation of migrants in the agricultural sector. It has developed the legal framework which criminalises the phenomenon of *caporalato* and has established a policy response at the national and regional level, the Three-year 2020-22 action plan. However, additional structural and preventive measures are needed to systematically address the degrading working conditions in the agricultural sector, housing, health, and access to justice for migrant workers. Furthermore, the failure of the Italian institutions to publish verifiable data according to ILO guidelines makes it impossible to assess quantitatively whether any progress has been made. To compensate for this, qualitative analysis based on the interviews with Omizzolo and Sagnet clearly indicates that the 2020-22 action plan has achieved no significant progress.

According to the UN Human Rights experts, the Italian Government must increase public spending to integrate migrants at the national and regional level to prevent labour exploitation by providing effective employment services. Government authorities, businesses and trade unions should work together to improve conditions and ensure that no one, including manufacturers and retailers, takes advantage of cheap exploited labour. Italian authorities must urgently address human rights violations of migrant women and men working in the agricultural sector as some are subjected to severe labour exploitation. However, due to a lack of political drive to address the phenomenon of *caporalato*, the institutional inaction in the long term leads to the normalisation of exploitation and the inhuman and inadequate conditions in which migrant labourers live. As long as the living and working conditions of migrant workers are far below the standards prescribed by international and national human rights

standards, we can only speak about a failed European democracy that is not incorporating and implementing human rights for all the individuals residing in its territory.

Bibliography

‘Short Overview of the Reception System’ (2022)

ActionAid, ‘Centri d’Italia. Mappe Dell’accoglienza’ (2021)

Bhoola U, ‘Report of the Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences’ (2018) A/HRC/42/44/Add.1

Cangemi V and Pettinelli R, ‘The Network Contract: An Instrument to Contrast Labour Exploitation in Agriculture. The Italian Case’ (2021) 14 Italian Labour Law e-Journal 97

Carlini G, ‘Le Voci Dei Migranti in Un’aula Di Tribunale Analisi Etnografica Del Processo Sabr (Lecce)’ (2016) Vol.3 Antropologia

Carlo Caprioglio and Rigo E, ‘Lavoro, Politiche Migratorie e Sfruttamento: La Condizione Dei Braccianti Migranti in Agricoltura’ (2020) 3 Diritto, Immigrazione e Cittadinanza

Coderoni S and Cardillo C, ‘Farms Employing Foreign Workers in Italy: An Analysis with Census Micro Data’ (2018) 67 German Journal of Agricultural Economics 185

Colombo F, ‘Il Sistema Di Accoglienza Dei Migranti in Italia’ [2021] Lenius

Corrado A, ‘Lavoro Straniero e Riorganizzazione Dell’agricoltura Familiare in Italia’ [2015] Agriregionieuropa anno 11 n°43

Corrado A, ‘IS ITALIAN AGRICULTURE A “PULL FACTOR” FOR IRREGULAR MIGRATION – AND, IF SO, WHY?’ [2018] Open Society Foundations

D’Ottavio B, ‘Profili Penali Del Reclutamento e Dello Sfruttamento Di Manodopera (Il Cd. Caporalato)’ (2019) Rivista nuova di diritto del lavoro Lavoro Diritti Europa

Degano A, ‘Diritto al Lavoro e La Sua Violazione: Il Caso Del Caporalato’ (Luiss Guido Carli 2020)

Deva S, 'Statement of the UN Working Group on Business and Human Rights at the End of the Visit to Italy' (2021) <<https://www.ohchr.org/en/press-releases/2021/10/italy-government-must-break-cycle-exploitation-workers-hold-businesses>>

Di Giusto A, 'Making Home in Borgo Mezzanone' in Luce Beeckmans and others (eds), Making Home(s) in Displacement (Leuven University Press 2022) <<http://www.jstor.org/stable/j.ctv25wxbv.16>> accessed 16 May 2022

di Martino A, 'Tipicità Di Contesto. A Proposito Dei c.d. Indici Di Sfruttamento Nell'art. 603-Bis c.p' (2018) n. 3 Archivio Penale

Elver H and Shapiro M, 'Violating Food System Workers' Rights in the Time of COVID-19: The Quest for State Accountability' (2021) 10 State Crime Journal 80

Eurispes, 'Agromafie Sesto Rapporto Sui Crimini Agroalimentari in Italia' [2019] Minerva

Francesco S, 'La Legge Sul "Caporalato" (l. n. 199/2016): Una Svolta "Etica" Nel Diritto Del Lavoro Italiano? Una Prima Lettura' (2017) Diritto della Sicurezza sul Lavoro

Fundamental Rights Agency, 'Protecting Migrant Workers from Exploitation in the EU: Workers' Perspectives' [2019] European Union Agency for Fundamental Rights

Gatti F, 'Sette Giorni All'inferno: Diario Di Un Finto Rifugiato Nel Ghetto Di Stato' L'espresso (2016) <<http://espresso.repubblica.it/inchieste/2016/09/12/news/>>

Giuliani A, 'CAPORALATO", INTERMEDIAZIONE ILLECITA E SFRUTTAMENTO DEL LAVORO.' (UNIVERSITÀ DEGLI STUDI DI PADOVA 2013)

Gore T, 'The People Behind the Prices: A Focused Human Rights Impact Assessment of SOK Corporation's Italian Processed Tomato Supply Chains' [2019] Oxfam <<https://policy-practice.oxfam.org/resources/the-people-behind-the-prices-a-focused-human-rights-impact-assessment-of-sok-co-620619/>>

ILO and the Italian Ministry of Labour, 'Linee Guida per Il Monitoraggio Delle Azioni Prioritarie Del Piano Triennale Di Contrasto Allo Sfruttamento Lavorativo in Agricoltura e al Caporalato'

In Migrazione, 'Punjab. Fotografia Delle Quotidiane Difficoltà Di Una Comunità Migrante Invisibile' (2014) 3 In Migrazione

International Covenant on Economic, Social Cultural Rights (adopted 16 December 1966, entered into force 23 March 1976) 993 UNTS (ICESCR)

Interview with Marco Omizzolo, sociologist Professor and author of "Sotto Padrone", (Rome, 21st May 2022)

Interview with Yvan Sagnet, founder of Associazione NO CAP, (Puglia, 29 April 2022)

Italian Ministry of Labour 'Three-Year Plan to Combat Labour Exploitation in Agriculture and Illegal Gangmastering (2020-2022)'.

Liberti S and Ciconte F, 'I Discount Mettono All'asta l'agricoltura Italiana' [2018] Internazionale

Loreto F, 'Sindacati e Immigrazione Straniera in Italia Dalla Fine Degli Anni Settanta Ai Primi Anni Novanta' [2018] Meridiana 77

Medici per i Diritti Umani, 'La Cattiva Stagione. Rapporto Sulle Condizioni Di Vita e Di Lavoro Dei Braccianti Nella Capitanata' (2019)

Morozzo della Rocca P, 'I Profili Di Illegittimità Costituzionale Della Legge Sulla Cittadinanza' Coalizione Italiana Libertà e Diritti Civili

Mortati C, Commentario Della Costituzione a Cura Di Giuseppe Branca (Bologna, Zanichelli – Roma, Società Editrice del Foro Italiano, 1975) <<https://opac.bncf.firenze.sbn.it:443/bncf-prod/resource?uri=CFI0022021>>

Omizzolo M, Per Motivi Di Giustizia (People 2022)

Omizzolo M, Sotto Padrone. Uomini, Donne e Caporali Nell'agromafia italiana (Fondazione Giangiacomo Feltrinelli 2019)

OSSERVATORIO PLACIDO RIZZOTTO FLAI-CGIL, 'Agromafie e Caporalato - Quinto Rapporto' [2020] Ediesse, Futura

Perrotta D, 'Vecchi e Nuovi Mediatori. Storia, Geografia Ed Etnografia Del Caporalato in Agricoltura' [2014] Meridiana 193

Poeta M, 'Human SUFFERING IN ITALY'S AGRICULTURAL VALUE CHAIN' [2018] Oxfam

Pugliese E, "Analisi Del Mercato Del Lavoro Agricolo, Condizioni Occupazionali e Ruolo Economicamente Propulsivo Dei Lavoratori Migranti" (Università La Sapienza di Roma 2021)

Romaniszyn K, 'Clandestine Labour Migration from Poland to Greece, Spain and Italy: Anthropological Perspectives' in Russell King, Gabriella Lazaridis and Charalambos Tsardanidis (eds), Eldorado or Fortress? Migration in Southern Europe (Palgrave Macmillan UK 2000)
<https://doi.org/10.1057/9780333982525_6>

Sagnet Y and Palmisano L, Ghetto Italia. I Braccianti Stranieri Tra Caporalato e Sfruttamento (2015)

Santoro E and Stoppioni C, 'Rapporto 2019 Del Laboratorio Sullo Sfruttamento Lavorativo e La Protezione Delle Sue Vittime Di L'Altro Diritto & FLAI CGIL' (2020) Vol.4

Sartori D, 'Anti Caporalato: Attività Ispettiva e Protocolli' Filodiritto (Luglio 2021)
<<https://www.filodiritto.com/anti-caporalato-attivita-ispettiva-e-protocolli#:~:text=Se%20la%20legge%20n.,manodopera%20vanno%20integrati%20e%20rafforzati.>>

Social Security Institute (INPS), 'Quality Agricultural Work Network, Italy'

Soumahoro A, Umanità in Rivolta (Feltrinelli 2019)

UN Human Rights Council, 'Report of the Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences on Her Visit to Italy - Comments by the State' (Human Rights Council 2019) A/HRC/42/44/ADD.2

Ungolo G, 'Il Piano Triennale Contro Il Caporalato (2020-2022) Non Dà Certezze Rispetto All'esistente.' [2021] Osservatorio Migranti Basilicata

United Nations O, 'Italy: Government Must Break Cycle of Exploitation of Workers, Hold Businesses Accountable – UN Experts'

Zawojcka Aldona, 'Exploitation of Migrant Labour Force in the EU Agriculture.' [2016] Zeszyty Naukowe SGGW - Ekonomia i Organizacja Gospodarki Żywnościowej. 37

Zonca EV, 'Stranieri "Invisibili". Riflessioni Comparative in Tema Di Diritto al Lavoro e Integrazione Sociale Dei Migranti' (2018) 4 Rivista AIC