

Convention No. 105: Abolition of Forced Labour, 1957

Direct request 2004/75

Italy (ratification: 1968)

The Committee notes the Government's reply to its earlier comments.

Article 1(c) of the Convention. For a number of years, the Committee has been commenting on sections 1091 and 1094 of the Maritime Code. Sentences of imprisonment involving compulsory labour (section 23(1) of the Penal Code) may be imposed on naval and aeronautical staff under section 1091(1), in the event of desertion if it results in considerable difficulty in the navigation service; and under section 1094(1), in the event of insubordination in a technical service of a ship or an aircraft. The Committee has noted on many occasions the Government's repeated statement that sections 1091 and 1094 of the Maritime Code are no longer applied in practice.

The Committee previously noted the Government's indication in its 2001 report that the Maritime and Inland Navigation Department of the Ministry of Transport and Navigation had been asked to take steps with a view to amending the abovementioned provisions, so as to restrict the use of punishments laid down therein solely to acts which endanger the vessel or life and limb. The Committee also noted the note by the Maritime and Inland Navigation Department, communicated by the Government, in which it is stated that, when the Maritime Code is being reviewed, this Department will draw attention to the necessity to reduce the breaches described in sections 1091 and 1094 to administrative offences subject to administrative penalties.

In its latest report, the Government indicates that the question of turning violations punished under sections 1091 and 1094 into administrative offences subject to administrative penalties is still being examined by the competent authorities.

The Committee expresses the firm hope that the Maritime Code will soon be amended so as to restrict the application of penalties involving compulsory labour to acts endangering the safety of the vessel or the life or health of persons. It requests the Government to provide, in its next report, information on the progress made in this regard.