

Convention No. 182: Worst Forms of Child Labour, 1999
Direct request 2004/75

Italy (ratification: 2000)

The Committee takes note of the Government's first and second reports. The Committee requests the Government to supply further information on the following points.

Article 1 of the Convention. Measures taken to secure the prohibition and elimination of the worst forms of child labour. The Committee notes the Government's indication that a working group, composed of government representatives and the social partners, was established within the Department of Social Affairs to combat the exploitation of children. The members of this working group signed an agreement in 1998 to promote children's rights and to eliminate the labour exploitation of children. The Committee asks the Government to provide information on the impact of this agreement on the elimination of the worst forms of child labour.

Article 3. Worst forms of child labour. Clause (a). 1. Slavery, or practices similar to slavery, such as forced or compulsory labour. The Committee notes with interest the adoption of the Prevention of Trafficking in Persons Act on 11 August 2003. It observes that, by virtue of section 600 of the Penal Code (as amended by the Prevention of Trafficking in Persons Act of 11 August 2003), anyone who maintains a person in servitude or slavery, and compels him or her to provide labour or sexual services, to beg or to perform any other services for which he/she will take the benefits, commits an offence.

2. Sale and trafficking of children. The Committee observes that it is an offence to induce or force, by means of violence, threats or deception, a person to enter, stay in, leave or travel within the national territory, for the purposes of labour or sexual exploitation (sections 600 and 601 of the Penal Code as amended by the Prevention of Trafficking in Persons Act, 2003). According to sections 600 and 601 of the Penal Code, it is also an offence to engage in the trafficking of persons for the purposes of begging. Moreover, section 602 of the Penal Code provides for sanctions for anyone who buys, sells or otherwise disposes of a person for the purposes of labour or sexual exploitation or begging. The Committee also notes that, by virtue of section 10(3) of the Law on Immigration Control, 1998, anyone who helps and abets foreigners to enter the state territory in order to procure them for the purposes of prostitution, or in the case of minors, to procure them for unlawful activities in order to take advantage of their earnings, shall be liable to imprisonment.

Clause (b). Use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances. The Committee takes due note that Law No. 269 of 3 August 1998 amends the Penal Code so as to prohibit child prostitution and pornography. Thus, section 600bis of the Penal Code states that anyone who induces a person under 18 years of age to become a prostitute commits an offence. According to subsection (2) of section 600bis, it is an offence to carry out sexual acts with a minor in exchange for cash or payment in kind. Section 600ter of the Penal Code stipulates that it is an offence to use a child for the production of pornography. It is also an offence to possess, distribute, or

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publish pornographic material showing children under 18 years of age (sections 600ter and 600quarto of the Penal Code). The Committee also notes that, by virtue of section 600quinque of the Penal Code, anyone who engages in sexual tourism (i.e. organization of trips abroad in view of having sexual intercourse with children under 18 years of age) is liable to imprisonment.

Clause (c). Use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs. The Committee notes the absence of information in the Government's report on this issue. However, it notes that according to the report of the International Organization for Migration (IOM) on "Trafficking in unaccompanied minors for sexual exploitation on the European Union" of 2001, the Ministry of Interior indicated in 1999 that dinghies do not only carry human cargo, but also drugs, mainly marijuana, hashish, cocaine and heroin. It is therefore not uncommon for illegal immigrants, especially minors, to decide to pay for their fare by acting as drug carriers or by accepting to work as drug dealers upon arrival in Italy. The Committee recalls that, by virtue of *Article 3(c)* of the Convention, the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs are considered to be one of the worst forms of child labour, and are therefore prohibited for children under 18 years of age. The Committee asks the Government to provide information on measures taken or envisaged to prohibit the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs, and sanctions envisaged.

Clause (d). Hazardous work. The Committee notes that according to section 6 of Law No. 977 of 17 October 1967 on the employment of children and young persons, it is prohibited to employ young persons (i.e. person under 18 years of age) in the types of work listed in the annex. This detailed list refers to types of hazardous work. However, the Committee notes that, by virtue of section 1(1) of Law No. 977 of 1967, the provisions stated therein only apply to minors having an employment contract or engaged in an employment relationship. The Committee, consequently, requests the Government to indicate the measures taken or envisaged to ensure the protection of self-employed workers under 18 years of age against types of work which, by their nature or the circumstances in which they are carried out, are likely to harm their health, safety or morals.

Article 4, paragraph 1. Determination of hazardous work. The Committee notes that section 7 of Law No. 977 of 1967 (as amended by section 8 of the Legislative Decree No. 345/1999) states that, before assigning a minor (i.e. a person under the age of 18 according to section 1 of the Law) to work, an employer shall assess the level of the hazard involved in the occupation for the minor. Special attention shall be paid to the following: (a) the immaturity, lack of experience and awareness of the minor; (b) the layout of the workplace; (c) the nature, degree and duration of exposure to chemical, biological and physical agents; (d) manual handling of loads; (e) the arrangement and handling of work equipments, in particular agents, machines, devices and tools; (f) the arrangement of work processes and operations, and the way they interact with the overall organization of work; and (g) the level of training and instruction given to the minor. The Committee also notes that, by virtue of section 6 of Law No. 977 of 1967, young persons (i.e.

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persons under 18 years of age) are not permitted to work in the activities listed in Annex 1 of Law No. 977 of 1967 (as amended by Legislative Decree No. 345/1999 and Legislative Decree No. 262/2000). The Committee observes that Annex 1 provides for a detailed list of occupations prohibited to young persons, such as: work processes entailing exposure to physical agents (pressurized containers, underwater diving, noise reaching a determined level); biological agents (as defined in Title VIII of Legislative Decree No. 626/1994 and Decrees Nos. 91 and 92 of 3 March 1993); chemical agents (leads or asbestos, substances which may cause irreversible effects, heritable genetic damage, serious damage to health, impair fertility, cause harm to the unborn child); the manufacture and handling of devices or other objects containing explosives; work in slaughterhouses, foundries; excavation work, work in tunnels, quarries and mining; and tobacco processing.

Article 4, paragraph 2. Identification of hazardous work. The Committee notes the Government's indication that, in order to determine and locate the different types of work children are involved in, the Ministry of Labour asked the District Offices in charge of monitoring for special reports. The Committee accordingly requests the Government to provide information on the findings of the District Office.

Article 4, paragraph 3. The periodical examination and revision of the types of hazardous work. The Committee notes the absence of information in the Government's report on this point. However, it notes that, according to section 6 of Law No. 977 of 1967, the types of work that persons under 18 shall not perform, will be amended in accordance with technological progresses and European Union standards. The Committee also observes that Law No. 977 of 1967, which lists the types of hazardous work for young persons, has already been amended twice in light of scientific and technical developments. Hence, Legislative Decree No. 345 of 1999 and Legislative Decree No. 262 of 2000 introduced new provisions on exposure to noise or chemical agents. The Committee asks the Government to indicate whether the organizations of employers and workers concerned were consulted on these amendments.

Article 5. Monitoring mechanisms. The Committee notes the Government's indication that the Ministry of Labour, through its inspection activities, monitor the implementation of the provisions giving effect to the Convention. The Government also states that a telephone helpline has been established by the Department of Social Affairs in collaboration with the labour inspectorate and the social partners to provide information to exploited children and receive complaints.

Article 6. Programmes of action to eliminate the worst forms of child labour. The Committee notes that the Italian organization of employers (COFINDUSTRIA) drafted two social protocols ("*Protocolli sociali*") applicable in the footwear and textile industries. These protocols aim at ensuring that the principles laid down in ILO Conventions on child labour are respected. For instance, it is specifically stated that the contracting parties shall ensure that slavery or similar practices such as forced or compulsory child labour do not occur in their enterprises. They shall also ensure that the working conditions do not endanger the health, safety or morals of children. They shall further ensure that their direct suppliers do not exploit children.

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It is further stated that, the contracting parties will undertake a periodic review of the implementation of the so-called social protocols. The Committee asks the Government to provide information on the impact of these protocols on the elimination of the worst forms of child labour in the footwear and textile industry.

The Committee notes the Government's indication that Convention No. 182 gave rise to an inter-ministerial debate on the relationship between irregular school attendance, the labour exploitation of children, the illicit employment of children, the situation of poor families and the need to ensure the exchange of information between the various authorities working on child labour issues. An inter-ministerial protocol was signed and programmes were launched to: (a) establish resource centres to combat irregular school attendance; and (b) disseminate the information collected through specific projects which illustrate the specific risks encountered by children belonging to certain communities. The Committee requests the Government to provide information on the impact of these programmes with regard to the elimination of the worst forms of child labour. It also asks the Government to indicate if such programmes were designed and implemented in consultation with the organizations of employers and workers concerned.

Article 7, paragraph 1. Penalties. The Committee notes that the Prevention of Trafficking in Persons Act, 2003 amended the Penal Code so as to increase penalties from five to 15 years of imprisonment to eight to 20 years of imprisonment for anyone found guilty of maintaining a person in slavery or servitude (section 600 of the Penal Code), and for anyone violating the provisions on trafficking (section 601 of the Penal Code). The Committee also notes that, in both cases, penalties shall be increased by one-third to one-half when the offence is committed against a person under 18 years of age. It also observes that, by virtue of section 10(3) of the Law on Immigration Control, 1998 anyone who helps and abets foreigners to enter the state territory in order to procure them for prostitution or, in the case of minors, to procure them for illicit activities shall be liable to five to 15 years of imprisonment for each foreigner who illegally entered the country. By virtue of subsection (2) of section 600bis of the Penal Code, a person who offers money or other kinds of advantages to have sexual intercourse with a minor is liable to six months to three years of imprisonment or a fine of not less than 10 million lira (approximately 5,150 euros). The Committee also notes that the use of children for the production of pornographic material is punishable by imprisonment of between six and 12 years (section 600ter of the Penal Code) and a fine of 50 to 500 million lira (approximately 35,000 to 350,000 euros). It further notes that, by virtue of section 26(1) of Law No. 977 of 1967, a person who employs a child under 18 in hazardous work shall be liable to six months' imprisonment.

Article 7, paragraph 2. Effective and time-bound measures. Clause (a). Measures taken to prevent the engagement of children in the worst forms of child labour. 1. National Fund to promote the rights and welfare of children and young persons. The Committee notes the Government's indication that, under the 2004 project of the Ministry of Labour, a handbook on child labour will be drafted. It will include a review of good practices taken by local authorities, and the text of the ILO guidelines for labour inspectors. The Committee observes that a national fund to promote the rights and welfare of children and young persons was established

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pursuant to the adoption of Law No. 285 of 28 August 1997 on the promotion of the rights and opportunities of children and young persons. The Committee notes the Government's statement that the funds envisaged in Law No. 285/1997 are being used to finance projects which have an impact on children's and adolescents' quality of life, and contribute to preventing their social exclusion which might lead to their premature or illicit employment. It notes for instance that some programmes focus on the integration of foreign children, the establishment of youth centres for children in need (including children of families in crisis situations), support for children facing difficulties at school, increasing opening hours of libraries. The Committee asks the Government to provide information on the impact of these programmes financed by the National Fund on preventing the engagement of children in the worst forms of child labour.

2. *Ensuring access to free basic education.* The Committee notes that, by virtue of section 1 of Law No. 9 of 20 January 1999 on urgent provisions for higher compulsory education, the period of free and compulsory schooling is extended from eight to ten years as from 1999-2000.

Clause (b). Direct assistance for the removal of children from the worst forms of child labour, and for their rehabilitation and social integration. 1. *Child victims of trafficking.* The Committee notes that, according to section 12 of the Prevention of Trafficking in Persons Act, 2003, an Anti-trafficking fund shall be established to finance programmes of assistance and social integration of victims of trafficking. The Committee also observes that by virtue of section 13 of the Prevention of Trafficking in Persons Act, 2003, a special programme of assistance shall be established for victims of slavery or trafficking. These programmes shall provide for temporary appropriate housing, subsistence and health care for victims of slavery or trafficking. The Committee asks the Government to provide information on the impact of these programmes of assistance established by the Anti-Trafficking Fund on the rehabilitation and social integration of children below 18 who are victims of slavery and/or trafficking.

2. *National plan for social inclusion.* The Committee notes the Government's statement that centres for the rehabilitation and social integration of children were established pursuant to the National Plan for Social Inclusion of 2001. The Committee requests the Government to provide information on the number of children under the age of 18 who visit these centres as well as the types of occupations in which they were engaged. It also asks the Government to indicate the degree of success these centres have had in ensuring the rehabilitation and social integration of children previously engaged in the worst forms of child labour.

3. *Commercial sexual exploitation of children.* The Committee notes the Government's indication that two projects were launched at the regional level to provide for alternative routes for child migrants engaged in prostitution or pornographic performances and to provide them with long-term solutions. The projects aim at providing the necessary assistance for these children to return to their country of origin or to include them in social reintegration schemes. The Committee asks the Government to provide information on the implementation of these two projects as well as the results achieved.

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Clause (d). Identifying and reaching out to children at special risk. Child prostitutes. The Committee notes the Government's statement to the Committee on the Rights of the Child (CRC/C/70/Add.13, paragraph 321) that the problem of child prostitution in Italy merits special attention. The Government also indicated, to the Committee on the Rights of the Child (CRC/C/70/Add.13, paragraph 322), that no specific data exist in relation to this phenomenon. However, it is estimated that there are approximately 2,200 prostitutes under 18 years of age. The Committee also notes the Government's indication that a national commission, in 1998, was established to coordinate strategies to combat child sexual exploitation. Five operational strategies were identified: (a) collection of exhaustive data on abuses committed against children; (b) organization of basic training activities for all persons in contact with abused children; (c) creation of inter-institutional agreements to implement a comprehensive programme providing support for child victims; (d) development of national and international coordination between the various institutions concerned with the sexual exploitation of children; (e) conclusion of agreements with the mass media to promote child rights. The Committee asks the Government to continue to provide information on the concrete measures taken by the National Commission to combat child sexual exploitation, and on the results achieved by such measures with regard to removing children under 18 from commercial sexual exploitation and providing for their rehabilitation and social integration.

Clause (e). The special situation of girls. The Committee notes the absence of information in the Government's report on this issue. The Committee requests the Government to provide information on the measures taken to address the special situation of girls engaged in the worst forms of child labour.

Article 7, paragraph 3. Designation of the authority responsible for the implementation of the provisions giving effect to the Convention. The Committee observes that, according to section 29 of Law No. 977 of 1967 on the employment of children and young persons, the Ministry of Labour, through the labour inspectorate is responsible for the implementation of this Law. The Committee notes that according to the report of the IOM entitled "Trafficking in unaccompanied minors for sexual exploitation in the European Union" (May 2001, page. 137), investigations into the trafficking in human persons for the purposes of exploitation are coordinated by the central office of the criminal police (under the Italian Ministry of Interior, Department of Public Security). The Committee also notes that, by virtue of section 17 of Law No. 269 of 1998, a special unit was established within the mobile team of the police; this special unit is responsible for matters relating to the sexual exploitation of children. The Committee further observes that section 17 of Law No. 269 of 1998 states that the President of the Council of Ministers shall coordinate the activities of the various public administrations concerning the prevention of the sexual exploitation of children and assistance for child victims of sexual exploitation. It also observes that an Inter-Ministerial Commission on trafficking was established within the department of equal opportunities to support victims of trafficking and contribute to the elimination of criminal organizations involved in the forced prostitution of immigrants' children.

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Article 8. International cooperation. The Committee takes due note that Italy is participating, since 1995, in ILO-IPEC projects on the elimination of the worst forms of child labour worldwide. For instance, it supported an ILO-IPEC project in Bangladesh which aimed at training 700 children, who were former workers from the clothing industry, and allocating financial aid to their families. Italy also participated in a project conducted by ILO-IPEC in Pakistan, that seeks to remove 500 children under 14 years of age working in the production of surgical instruments. Italy also took part in an ILO-IPEC project on the elimination of child debt bondage in Nepal. The Committee further notes that the Italian Government supports a project focusing on the elimination of the economic exploitation of young persons in the silk industry in India, as well as a project on the prevention and elimination of child labour in South Asia. Support has been provided by the Government in El Salvador, Guatemala and Honduras, for programmes targeting the sexual exploitation of children, the trafficking of children and child “garbage pickers”.

Child victims of trafficking. The Committee notes that Italy is a member of Interpol which helps cooperation between countries in the different regions especially in the fight against trafficking of children. It also notes the Government’s statement, to the Committee on the Rights of the Child, that children are brought to Italy by organizations to be used as beggars, prostitutes or thieves, and are sometimes reduced to a state similar to slavery (CRC/C/70/Add.13, paragraph 345). The Government nevertheless indicates that Italy has not yet concluded any bilateral or multilateral agreements with other States, and does not feel the need to do so in view of the low incidence of the phenomenon. The Committee however observes that, according to the Parliamentary Committee’s report on trafficking in human beings (quoted in the report of the IOM, “Trafficking in unaccompanied minors for sexual exploitation in Europe”, 2001, page 148), 35,000 illegal immigrants cross the Italian-Slovene border each year. It further indicates that most of the young women from Central and Eastern Europe crossing this border are destined for prostitution and a large number of them are minors. The Committee notes that section 14 of the Prevention of Trafficking in Persons Act of 11 August 2003 states that, in order to enhance the effectiveness of actions to prevent slavery or servitude and trafficking of persons, the Ministry of Foreign Affairs shall define policies for cooperation with the countries concerned by these crimes. The Committee asks the Government to provide information on the measures of cooperation taken pursuant to section 14 of the Prevention of Trafficking in Persons Act, 2003.

Part III of the report form. The Committee notes the absence of information in the Government’s report on any court decisions involving questions of principle relating to the application of the Convention. However, the Government indicates that 2.19 per cent of the companies established in northern Italy, 4.92 per cent of those established in the centre of Italy and 7.26 per cent of those located in the south employ illegal child workers. The Committee accordingly asks the Government to supply information on any court decisions regarding the legislation relevant to the application of the Convention.

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Part V. The Committee notes the Government's statement, in 1999, that the Ministry of Labour and Social Policies mandated the National Institute of Statistics to carry out a survey to identify situations where children were at a higher risk of performing work that is likely to harm their health, safety or morals. The Committee notes that the Government supplied a copy of the 2002 report of the Ministry of Labour and Social Policy and the National Institute of Statistics providing for data on child labour. The Committee observes, for instance, that in 1996, 9,000 males under 18 years of age and 1,318 females under 18 years of age suffered from temporary or permanent professional injuries, and were compensated. The number of injuries reported and compensated, in 2000, dropped to 6,569 for males under 18 years of age and to 1,084 for females under 18 years of age. It also observes that injuries suffered by workers under 18 years of age count for approximately 1.3 per cent of the total work injuries. The Committee also notes the Government's statement that the percentage of illegal recruitments, compared with the number of children in employment was 30 per cent, while overall there were 3,018 recorded cases of violations of child labour legislation, an increase of 19.52 per cent over the year 2000. The Committee asks the Government to provide further information on the types of violations noted, and whether they concern the employment of children in hazardous occupations or not.