

Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)

Abolition of Forced Labour Convention, 1957 (No. 105) - Italy
(Ratification: 1968)

Article 1(c) of the Convention. Imposition of sentences of imprisonment involving the obligation to work as a means of labour discipline. For many years, the Committee has been drawing the

Government's attention to the incompatibility with the Convention of sections 1091(1) and 1094(1) of the Maritime Code, under the terms of which sentences of imprisonment may be imposed upon maritime and aeronautical transport staff in the event of desertion resulting in considerable difficulties in the navigation service, and in the event of insubordination in a technical service of a ship or an aircraft. Under the terms of section 23(1) of the Penal Code, sentences of imprisonment involve the obligation to work.

In its latest report, the Government confirms that a draft text to amend these sections has been prepared, under which acts of insubordination and desertion will be punishable by an administrative sanction. Only acts which endanger the security of the ship or the life or health of persons on board the ship will be punishable with a penal sanction. The Government also indicates that, following the recent meeting organized by the Ministry of Infrastructure and Transport, this draft amendment was approved by all the ministries concerned and that the procedure for the adoption of a legislative text including these amendments has been initiated.

While noting this information, the Committee trusts that the legislative procedure for the adoption of the amendments to the Maritime Code will be completed in the very near future, so as to ensure that acts of desertion and insubordination which do not endanger the safety of the vessel or the life or health of persons are not punishable with penalties of imprisonment involving the obligation to work.