

Italy (ratification: 1968)

Article 1, subparagraph c, of the Convention. Imposition of sentences of imprisonment involving the obligation to work as a means of labour discipline. In its previous comments, the Committee once again drew the Government's attention to the fact that sections 1091(1) and 1094(1) of the Maritime Code are not compatible with the Convention. By virtue of these provisions, 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 (sections 1091(1) and 1094(1), respectively). Under the terms of section 23(1) of the Penal Code, sentences of imprisonment involve the obligation to work. The Committee emphasized in this respect that the imposition of this type of penalty (sentences of imprisonment involving the obligation to work) should be restricted to acts endangering the safety of the vessel or the life or health of persons, as envisaged in section 1091(3) and section 1094(3, second part) and (4).

The Government indicates in its latest report that the legal department of the Ministry of Infrastructure and Transport confirmed, in a note dated 25 September 2008, that a draft amendment to sections 1091 and 1094 of the Maritime Code had been submitted. The draft text still envisages these offences, but limits their scope to cases in which the desertion or insubordination of a crew member endangers the safety of navigation or the life or health of persons on board. It adds that the Office will be duly informed when the draft text is formally adopted.

The Committee notes this information. While noting that the Government had previously indicated that sections 1091(1) and 1094(1) of the Maritime Code are not applied in practice, the Committee regrets that none of the various draft texts to amend these provisions, to which the Government has been referring for a number of years, have been adopted. ***It trusts that the Government will make every effort to amend these sections of the Maritime Code so that only acts endangering the safety of the vessel or the life or health of persons on board are punishable by sentences of imprisonment, thereby ensuring compliance with the Convention on this point.***