

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 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 (which, under section 23(1) of the Penal Code, involve the obligation to work) may be imposed upon maritime and aeronautical transport staff in the event of desertion, if it results in considerable difficulty 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). 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 has indicated on several occasions that these provisions are not applied in practice. Furthermore, it specified in its report provided in 2001 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 above provisions and that the Department would draw attention, when the Maritime Code is being reviewed, to the necessity for the offences covered by sections 1091 and 1094 to be reclassified as mere administrative offences subject to administrative penalties. The Committee notes the Government's indication in its last report that the Maritime and Inland Navigation Department of the Ministry of Infrastructure and Transport has not provided further information concerning the amendment of sections 1091 and 1094 of the Maritime Code.

The Committee hopes that in its next report the Government will be able to provide information on the progress achieved in the adoption of measures to amend sections 1091(1) and 1094(1) of the Maritime Code so as to ensure that only acts endangering the safety of the vessel or the life or health of persons on board are punishable by penal sanctions, which in this case consist of sentences of imprisonment involving the obligation to work.