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**Human Rights Council**

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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

 Visit to Italy

 Report of the Special Rapporteur on the right to food[[1]](#footnote-2)\*

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|  *Summary* |
| The Special Rapporteur on the right to food, Hilal Elver, conducted an official visit to Italy from 20 to 31 January 2020 at the invitation of the Government. The present report assesses the enjoyment of the right to adequate food in the country and provides recommendations to the Government and other relevant stakeholders. |
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Annex

 Report of the Special Rapporteur on the right to food on her visit to Italy

 I. Introduction

1. The Special Rapporteur on the right to food, Hilal Elver, conducted an official visit to Italy from 20 to 31 January 2020, at the invitation of the Government. The main objective of the visit was to assess the enjoyment of the right to adequate food, good practices and challenges, and to engage in a constructive dialogue with all stakeholders. It also aimed at providing useful and practical recommendations to the Government.
2. The Special Rapporteur would like to express her gratitude to the Government of Italy for their openness and support in facilitating her visit and engaging with her in an open and constructive manner. She is especially grateful to the Ministry of Foreign Affairs for its instrumental support both before and during the visit in smoothly coordinating the preparation of the official programme and organising all the meetings requested.
3. During her 11-day visit, the Special Rapporteur visited Rome, the capital, as well as selected cities within the regions of Lazio, Lombardy, Tuscany, Piedmont, Apulia and Sicily. She spoke at length with local authorities, representatives of civil society organisations, academics, migrant workers, traders, food producers, small-scale farmers and agricultural workers. She also talked with people who are food insecure and vulnerable.
4. The Special Rapporteur expresses her deepest gratitude to everyone who took the time to meet with her and who shared their personal experiences. Their testimonies and contributions were vital to the success of this visit and helped understand the implementation of right to food.

 II. The legal and policy structure of the right to food

 A. International level

1. The right to adequate food was first recognized in the Universal Declaration of Human Rights (1948). Article 25 establishes the right to food as a vital element for people’s health and well-being. Since then, the right to adequate food is reiterated in article 11 of the International Covenant on Economic, Social and Cultural Rights.
2. Italy has signed and ratified almost all international treaties in the area of human rights, including the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,. However, it still needs to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, despite the position of the European Union not to comply with it.
3. As a party to the International Covenant on Economic, Social and Cultural Rights since 1978, Italy has made a commitment to undertake the appropriate steps, with due consideration given to its available resources, to ensure the realization of the right to an adequate standard of living, including access to adequate food, as set out in articles 2 (1) and 11 of the Covenant.
4. As an active member of the Human Rights Council, Italy issued a standing invitation to all Special Procedures in 2001, and, since then, facilitated several visits of Special Rapporteurs. Italy also went through three cycles of the Universal Periodic Review in 2010, 2014 and 2019.
5. Italy has demonstrated its commitment and active role in engaging with international human rights mechanisms, which is commendable.

 B. At National Level

1. The Constitution of Italy does not explicitly recognize the right to adequate food. However, this right has been protected through broader human rights principles, as well as through adherence to international treaties that Italy signed and ratified. Article 117.1 of the Constitution recognises that the international human rights treaties have primacy over national legislation. This implies that the right to food could be applicable even if the Constitution does not include a direct reference to it.
2. The Constitution provides for other pertinent provisions in order to realize the right to adequate food such as article 32 on the right to health, article 36 on the right to work, and article 38 on the right to social protection and assistance. However, it is highly recommended to have an explicit provision to ensure that right holders can access justice in case of violation of their right to food.
3. Although there is no framework law on the right to food at national level, Italy has several sectoral laws relevant to agriculture, rural development, food safety, and the EU legislation.

 C. The Recognition of the Right to Food at the Regional and Local Level

1. In Italy, the legislative power is co-exercised by the State and the regions. The implementation of the right to food is closely linked to the actions of all levels of authority, from the State to the city councils (art.117). These multiple levels of implementation could have a positive impact to bring flexibility to regions and local authorities to go beyond the national policies and principles. The downside of this system is losing necessary united policies given the development of diverse economy and food systems in different regions.
2. The Human Rights Council highlighted that the principle of shared responsibility requires strong coordination**.[[2]](#footnote-3)** Further, the Committee on Economic Social and Cultural Rights noted in its General Comment N°4 that State parties should take steps “to ensure coordination between ministries and regional and local authorities in order to reconcile related policies with the obligations under article 11 of the Covenant”.[[3]](#footnote-4) However, in Italy there is a lack of coordination and integration among the regional policies, and lack of establishment of the Regional Food Councils for the promotion of the right to food.
3. The right to food policies in city level was actively promoted during the Milan EXPO 2015, and inspired by the idea of “Feeding the Planet, Energy for Life.” The right to food was promoted as a philosophical foundation of the event, to avoid wholly commercial meaning of expos.
4. In 2015, the Lombardia Regional Council passed a law on the “Recognition, Protection and Promotion of the Right to Food.’ Two other regions (Piedmont and Abruzzo) amended their regional Charters to introduce a reference to the right to food and several City Councils began the discussion of implementing urban and metropolitan food policies.[[4]](#footnote-5)
5. Milan has also been one of the first cities in Italy to adopt a Food Policy, being considered a good example of metropolitan food policy obtained with the coordination between the City Council and the main food actors. The 5-year plan launched in 2015, encompassing several important food related social, economic, environmental and cultural dimensions.
6. Yet, according to civil society organizations neither the plan nor its implementation further developed a human rights-based approach. The Food Council has still not been operational and there is little evidence of interactions with the peri-urban and rural areas. Moreover, the effectiveness of the Milan Food Policy was challenged by the conflict of competence between State, regions and local authorities in some crucial areas (e.g. infrastructures, health and school feeding), as well as true participation of all the food system actors.
7. Inspired by Expo, small and medium size towns in the South of Italy have been taking initiatives in favour of redistribution of common land to locals and have supported local and alternative systems of food distribution.[[5]](#footnote-6)
8. Some regional initiatives have larger impact. For instance, the Tuscan Regional Law 50/97 for the protection of local varieties is one of the few examples at the European level for protecting and enhancing the genetic resources for food and agriculture, in line with the aims of the ITPGRFA FAO Treaty. This initiative was followed in the regions of Lazio, Umbria, Friuli Venezia Giulia, Marche and Emilia Romagna encouraging conservation and providing incentives towards sustainable use of autochthonous genetic resources.
9. Another effect at the level of Italian municipalities is the Roman school meals system that was implemented in 2000. To improve the quality of food consumed in public schools’ canteens, the city of Rome introduced procurement policies that created an “economy of quality” and were capable of delivering the economic, environmental, and social benefits of sustainable development.
10. Despite good practices, the fragmentation of the food system might have an adverse impact on unequal implementation of right to food at the national level. Moreover, the inadequate statistics concerning the regions and authorities makes the monitoring difficult.

 III. Overview of the agriculture system

1. Italy features a highly diverse agricultural sector with regional variation in terms of farm structures and production. Overall 12.598.161 hectares of country’s land are dedicated to agriculture-related activities, of which 74,4% is dedicated to cropping, while 25,7% is pastures.[[6]](#footnote-7) The contribution of the agriculture sector to the country’s GDP is relatively low, similarly to other developed countries (1.94% in 2018).[[7]](#footnote-8).
2. In 2019, agriculture production decreased 1,3% in volume and the overall added value has also decreased by 2,7% as a result of climatic conditions and spread of diseases. Efforts are being made to increase and strengthen the transformation and value addition industry of agricultural production. [[8]](#footnote-9) Overall agri-food industry represents one of the best performing sectors in the Italian industry.

 A. Common Agricultural Policy and Italian Agriculture

1. The Common Agricultural Policy (CAP) 2014-2020 was Europe’s attempt to respond to the need for a reasonable standard of living for 22 million farmers and agricultural workers and a stable, varied and safe food supply for its 500 million citizens. The Policy focused on increasing agricultural productivity, ensuring reasonable standard of living for farmers, stabilizing markets, ensuring safe supply flow and guaranteeing fair prices to consumers. The Policy planned to invest around 37.5 billion euros in Italy's farming sector and rural areas, prioritizing jobs and growth, sustainability, modernization, innovation and quality.
2. The CAP tried to strengthen the competitiveness and sustainability of the agricultural sectors in EU countries by providing income support through direct payments (subsidies) aimed at stabilizing farm incomes and financing programmes responding to country-specific needs through national (or regional) rural development programmes. The CAP also provided a number of market measures and elements to facilitate organic production and better labelling.
3. The CAP budget delivered a total of EUR 408.31 billion for the 2014-2020 with EUR 308.73 billion intended for direct payments and market measures (the First Pillar) and EUR 99.58 billion for rural development (the Second Pillar). Italy has flexibility to adapt both direct payments and rural development programmes to its specific needs and is one of the largest recipients of CAP payments, taking in 12% of the total – behind France, Spain and Germany.[[9]](#footnote-10)
4. The CAP has contributed agriculture and rural development in Italy. Changes to be made to the revised CAP after 2020, include more flexibility for EU countries to transfer and move funds towards agriculture and/or rural development, to make sure the funds are more closely aligned to national priorities and increase attention and support towards small and medium agriculture enterprises.[[10]](#footnote-11)

 B. Small holders and industrial farming

1. The current agricultural landscape presents an important dichotomy: on one side, the large land holdings and intensive production systems, mostly located in the North, with an average of 80/100 hectares per farm; (ii) on the other side, a large group of smallholder farmers, particularly located in the South, where average farm size is 5 to 8 hectares.
2. Small- scale farms, mostly family farms, represent 98.9% of total farms, cultivating 89.4% of the total utilized agricultural area.[[11]](#footnote-12)  Family farms play an important role in the urban and rural economy as they contribute to food safety, provide many high-quality products, improve the dynamism of the rural economy, and their interest in the care of the environment fosters the production of local goods.
3. To support locally produced food, across the country, the “Zero km food concept” is being increasingly practiced to ensure that the food is produced, sold and eaten locally, travels zero kilometres and does not go through global trade chains. Nevertheless, small-scale farmers are confronted to an increase of intensive agriculture, the control of the agrifood market by major distribution chains, and the establishment of large buying centres, which increase the pressure on farmers imposing very low prices. Italy’s landscape is characterised by abandoned farm houses, once belonging to small-holder farmers, who failed unable to compete with the pressure imposed by industrial agriculture.
4. Defining fair agricultural prices greatly impacts farmers, who are otherwise unable to obtain fair prices for their work and are forced to move out of the agriculture and rural areas. More consistent and permanent measures should be put in place to protect small and medium size farmers from price fluctuation, as to ensure their survival in the changing agricultural and food production sectors.
5. Italian agriculture is struggling with the low prices paid by buyers, which often reverberate to working conditions and environmental practices, but also lead to suicides and to an increase in farmers’ bankruptcies. As a remedy, a bill was approved by the House of Congress to ban double-race auctions for the purchase of agricultural goods as the most significant example of power imbalance between producers and buyers. The Special Rapporteur would welcome the imminent approval of the law by the Senate.
6. Low prices are paid for agricultural products beyond the organization of double-race auctions. For example, large distributors heavily impact prices along the food value chains,[[12]](#footnote-13) forcing producers to either lower their prices and pay service tax to big distributors, or be excluded from the main food distribution channels where Italians purchase 70% of the food they consume.[[13]](#footnote-14)
7. The Parliament will have the opportunity to address the issue of bargaining power imbalances in a broader way when transposing the EU Directive on Unfair Trade Practices into national law, as provided by its article 9.[[14]](#footnote-15) The legislative process must be organized to allow wide and transparent public consultations with farmers’ associations (in particular those representing small-scale farmers) to map all the unfair practices that are currently used in the food system and that go beyond the limited list contained in the EU Directive.
8. Another initiative would be to support urban markets where farmers can bring their products directly to the consumers without passing through big supermarkets. This option reduces costs for farmers, ensures better quality for consumers and represents a more sustainable food purchase. A study carried out on food markets in Rome has highlighted the great potential that farmers’ markets have to foster the right to food for sellers as well as for buyers. However, concerted efforts should be made by local administrations to facilitate the development of farmers’ markets and highlight their inherit value and importance[[15]](#footnote-16).
9. Although smallholder farmers and family farming face significant challenges, the number of subsistence farmers has increased. After the ratification of the 2018 UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, efforts have been made to develop and approve a series of framework laws to provide full recognition and protection to smallholder farmers[[16]](#footnote-17). Small holders and family farmers who use agriculture as their main form of livelihood and practice organic and agro-ecological farming are still waiting for the approval of the proposed laws that will hopefully come to adoption in the near future.
10. Women are a significant share of the agricultural sector, but are often invisible because they are generally overlooked and, most importantly, not involved in the regional, national and local policies and programmes targeting small holder farmers and agricultural workers. Many policies and plans are still lacking a gender-based approach.

 C. Social Farming and Agroecology

1. At national level, the Government has carried out several reforms which have impacted the agricultural sector and the agro-processing industry. For example, Italy has approved law 141/2015 to facilitate “social farming” to increase protection towards biodiversity and agro-ecology, and enhancement of autochthon agri-food value chains. The law has facilitated the establishment and recognition of a number of agriculture projects with social value, such as the involvement of youth in agriculture, the rehabilitation of convicts through their participation in agricultural activities, the fight against mafia and awareness raising on the protection of the environmental.[[17]](#footnote-18)
2. Similarly, a number of initiatives are currently ongoing to facilitate and stimulate the growth of the agricultural sector as well as its transformation and value addition industry. In particular, governmental efforts in this direction include: provision of subsidies for the engagement in agriculture of youth and women; awareness raising on the importance of organic agriculture as well as the Mediterranean diet; organisation of events to discuss prevention of soil degradation and desertification; and launch of large events to foster farmers’ participation. Part of the subsidies offered to the agricultural sector also include mechanisms to facilitate the establishment of small and medium enterprises.
3. There are various legislations supporting young farmers. One of these laws, introduced in 2018, aims at encouraging young farmers that do not own land to engage in the agriculture by working by the side of land-owning or retired farmers of over 65[[18]](#footnote-19). The law was also designed to foster the passage of know-how from one farming generation to the other, including training for a period of three years and the division of generated income between the two parties.
4. A commendable effort by the Government to make more land available to youth engaging in agriculture and social farming activities is represented by law 109/96 on the confiscation of goods (including land) from mafia into the national patrimony of the State so that they cannot be the object of sale and privatization but only distributed in concession.[[19]](#footnote-20) In 2014 the first decree called “Terrevive” was approved, in 016, the initiative became part of a wider national project, since law 154/2016, art. 16, established the "Bank of the agricultural lands", managed by ISMEA[[20]](#footnote-21), with the aim of enhancing public land heritage and bring back to agriculture also the uncultivated areas, mainly encouraging the generational turnover in the sector. Almost all regional governments have enacted laws on “land banks”, with the aim of making public land available through rental or concession operations.[[21]](#footnote-22) The law also introduced environmental sustainability and organic production as a premium criteria in the process of beneficiaries selection,[[22]](#footnote-23) applying a more prominent right to food approach to land distribution. These initiatives need to be further expanded and elaborated, particularly to make sure that the time of each land concession is sufficient to incentivize medium to long-term agricultural practices and the integration in sustainable value chains.

 D. Workers in the food system

1. The agricultural system, although now partly mechanized, still strongly relies on agricultural workers, particularly during harvest season. In the South, farmers still employ seasonal workers from Eastern Europe, Africa and Italy, sometimes undocumented. Numerous reports indicate that migrant workers endure very difficult conditions in the olive oil, tomato and grapes industries among others.[[23]](#footnote-24)
2. According to the National Institute for Social Protection, migrant workers amount to 35% of the overall workforce of about a million workers. This figure does not include the thousands of migrant workers irregularly employed in fields and greenhouses. The migrant workforce is concentrated in specific sectors, particularly those in which labour law enforcement is difficult to implement and training sessions are not especially needed. The incidence of migrant workers in the agricultural sector has tripled over the last ten years, passing from 5.3% in 2007 to 16.6% in 2017 of the total employment in agriculture. [[24]](#footnote-25)
3. Regardless of sex, age, nationality and immigration status, agricultural workers are exploited and underpaid. In Italy, this is particularly severe during harvest season, and even more if workers are undocumented.
4. According to different sources, the adoption of the 2018 Decree on security and immigration, known as “Salvini Decree”, has led to an increase of the number of undocumented migrant workers, due to the elimination of humanitarian protection and exclusion to asylum seekers from the reception system, accelerating their illegalization. There are now an estimated 680,000 undocumented migrants, twice as many as only five years ago. [[25]](#footnote-26) In Apulia and Sicily, migrant labour is a flourishing business. According to labour unions, 300,000 irregular workers continue to generate billions of euros a year in profit for Italy’s agricultural sector.[[26]](#footnote-27)
5. According to testimonies, a migrant worker can receive 2-3 euros per hour compared to Italy’s agricultural minimum wage of 7 euros; some of them are paid by piecework, as their only pay, which is illegal in Italy; some are exposed to pesticides and dangerous chemicals; others face contract infringement or no contract at all, as well as difficult working and living conditions. Some migrant workers stated that without the support of organizations such as Caritas they would not be able to survive.
6. Although several laws and trade union contracts have been formulated to regulate the situation of agricultural workers, wages continue to be low (from 5 euro per hour to 50 euros per day for an average of a 6,5 hours work day). Furthermore, occupational health and safety for agricultural workers seem to be severely overlooked. According to testimonies, the number of maximum hours of work per day are often not respected; minimum wage is frequently not paid, even if agreed before the start of the harvest season; and living and working conditions are poor. This is particularly severe for migrant workers, especially if undocumented and without a valid permit, leaving them unable to report any abuse.
7. During harvest season, large groups of workers move from one part of the country to another to fill the market demand for labour. In particular, migrant workers, who are never provided with housing by their employers, need to arrange temporary towns, which are characterized by the absence of electricity, access to water and sanitation, safety and basic services. These towns occupy large portions of land, frequently remain standing for months (if not years) and continue to exist long after the harvest season is over. The products collected during the harvest season are sold in national, European and international markets. As reported by agricultural workers, it might happen that African families that provided funds to family members to allow them to travel to Italy to look for better job opportunities and living conditions are the same purchasing the expensive Italian agricultural products sold abroad and harvested by these exploited migrant workers. [[27]](#footnote-28)
8. According to testimonies, in specific occasions, like in many other countries, women migrant workers are abused and required by the “masters” to perform sexual acts to be able to improve their working and living conditions, such as better salaries and food.
9. In Italy, Romanian and Bulgarian women have been identified as the main groups of agricultural workers, whose working, living and health conditions are particularly worrisome. According to official data, about 55,000 Bulgarians work in Italy, of whom 34,500 are women and 1.168.000 Romanians work in Italy, of whom over half (57%) are women, and 10% work in agriculture. They can work for up to 12-15 hours a day, and they live in isolated and shanty buildings, with no access to welfare or public services.
10. In 2017, several arrests were made among farm owners in the South, when the appalling living conditions of Romanian women workers were discovered and cases of sexual abuse and exploitation were unveiled[[28]](#footnote-29). In Apulia and Sicily, the Special Rapporteur confronted the reality of migrant women who face poor quality of life influenced by exclusion and a widespread culture of illegality. The Rapporteur was informed that, as a follow up to the 2017 arrests, the police forces had been more active in intervening to cease similar situations of abuse.
11. In various places, some agricultural workers are not able to obtain adequate legal and social protections, subject to physical, sexual and moral violence.[[29]](#footnote-30) It is in this environment that the practice of “caporalato” [[30]](#footnote-31) or gangmastering has found fertile grounds to provide illegal intermediation between workers and farmers based on the exploitation of the condition of vulnerability of migrant workers.[[31]](#footnote-32)
12. With the law 199/2016, Italy has enhanced efforts of prevention and enforcement action against cases of gangmastering. Its new article 601bis introduce the innovation of criminalizing both the intermediary and anyone (often called ‘*master*’ by the workers) who exploits workers and takes advantage of their state of need – whether or not there has been illicit intermediation. Recent official figures show an increasing efficiency of the Law 199/2016. The competent Ministries (labor, home affairs and agriculture) coordinate their activities at political and operational levels, and have recently adopted a three-years action plan to prevent and combat reported cases; 10 priority actions have been agreed to prevent and combat related crimes; furthermore 85 million euro have been allocated to implement such an action plan.
13. The law represents a step forward in fighting the practice, however it is insufficient to guarantee the human rights of all farmworkers, in particular undocumented migrants who work in the agricultural system and are kept in a condition of invisibility and fear because of the current system of migration law and the ‘law and order’ attitude towards migrant workers.
14. The end of the humanitarian permits sanctioned by the 2018 Salvini Decree,[[32]](#footnote-33) the hardship of obtaining a permit without a residence and a legal job, the fear of not obtaining the renewal and of self-incrimination, the absence of any alternative, poor legal awareness, the linguistic barrier, the overall environment of criminalization of migrants, the absence of a strong support for reintegration and the dire competition for the few available jobs, are underlying root causes that cannot be tackled with more criminalization alone.[[33]](#footnote-34)
15. Besides the government legislation fighting against caporolatos, bottom-up initiatives like the NO-CAP (No caporalato), and ‘*In Campo Senza Caporale*’ (On the field without caporale) have to be applauded and should be supported by public to facilitate further .[[34]](#footnote-35) The Special Rapporteur looks forward to seeing the impact of the recent regional law of the Lazio Region (18/2019) on the fight against irregular labour and the exploitation of farmworkers through the institution of funds, and the establishment of an observatory and a digital system for the recruitment of farmworkers. It also establishes the identification of new criteria to define the appropriateness of payments and tasks.

 E. Use of pesticides and the Xylella fastidiosa disease

1. Data from the Italian Ministry of Health and EU Commission shows the irregular presence of residues in food is is 0.9% in Italy, a much lower rate when compared to the 2.5% average EU rate. Between 2007 and 2017 it has not been observed a decrease in the percentage of food analysed and fund to contain residues of one or multiple pesticides. The percentage in fact remains somewhat stable at 17% for produce found to have residues of only one pesticides, and at 18% for those found with multiple residues of pesticides simultaneously present.[[35]](#footnote-36) In 2016 Eurostat also released data indicating that Italy is one of the biggest consumers of pesticides in the European Union, together with Spain, France and Germany. The findings raise concerns about the impact of the use of pesticides on people’s health.[[36]](#footnote-37) However, Italian standards with regard to pesticides and fruit preservatives are often stricter than in other European countries (several products are prohibited in Italy while allowed elsewhere in Europe).
2. With regard to pesticides, one concerning element is issue of multi residue: very often the sample is declared to be regular, since the quantity of each residue respects the law limits, however, it could potentially be very damaging for the consumers’ health and the environment. There is need to develop new laws that address the alarming situation, particularly in terms of products containing multi-residue. The Ministry of Health and the Ministry of Agriculture highlighted that regular checks take place by the competent authorities and that the fruits and vegetable sector is subjected to rigorous and continuous inspections. Nevertheless, it remains unclear if the levels of pesticides considered safe for consumption by the EFSA and by Italian authorities consider the multi-residue issue, which seems to be a crucial element in the sample analysis carried out.
3. According to some testimonies from agricultural workers working in green-houses, use of pesticides exists in a variety of products, particularly non-organic fruits and vegetables, with little to no protection and warning of health risks to agriculture workers. A number of cases of intoxication were reported, which included burnt skin while spraying the product, respiratory diseases, genetic disorders and premature births. These latter cases are highly difficult to prove, as in many instances, health hazards are not immediately present, and doctors are not trained to detect such impacts. Workers also reported that employers do not offer protective equipment, leaving to the worker the burden to purchase appropriate working gear.
4. In the central part of Italy, investigations carried out by local authorities as well as independent researchers discovered the use of counterfeit pesticides. The production of such pesticides was under the control of criminal organizations that imported them from outside the country, processed and packaged them with counterfeit labels within the Italian borders and then sold them for use in agriculture production.[[37]](#footnote-38) An example is the company L.Gobbi[[38]](#footnote-39), which confirmed the cease of production of the pesticide Adrop since 2003.
5. In 2016, the Ministry of Health decided to place a number of restrictions on the use of glyphosate, one of the world’s most ubiquitous pesticide. The restrictions applied banned the use of glyphosate in public areas, one of the largest bans in the agricultural use of glyphosate, inspired by the new Implementing Regulation 2016/1313 issued by the European Commission on 1 August, which required Member States to encourage the development and introduction of integrated pest management and approaches alternative techniques to reduce dependency on the use of pesticides.
6. The respect of the right to food requires a stronger intervention to halt import, production and use of illegal pesticides that have negative effects on workers and consumers’ health, along with a reliable system of sanitary support for anyone directly exposed to toxic products.[[39]](#footnote-40) The relevant ministries have indicated that preventive measures are implemented to eliminate such practices. Additional efforts such as vigorous monitoring, human and financial resources will be helpful.
7. Italy should avoid intensifying conventional farming or considering the possibility of genetically modified crops. [[40]](#footnote-41) There is a “need for a major shift from industrial agriculture to transformative systems such as agro-ecology that support the local food movement, protect small holder farmers, respect human rights, food democracy and cultural traditions, and at the same time maintain environmental sustainability and facilitate a healthy diet.”[[41]](#footnote-42)
8. When *Xylella fastidiosa* affected olive trees in the Apulia region, according to farmers and researchers claim in the region, unlike the Ministry of Agriculture, pesticides have been employed in the South to deal with the disease. National policies and decisions taken in the context of the “Xylella emergency” have not led to a clear assessment of the link between the presence of the bacteria, the desiccation of the trees and other circumstances such as climate change, monoculture, and high levels of pesticides and fertilizers in the area.[[42]](#footnote-43) The short and long-term implications of the desiccation may radically transform the agricultural texture of the region. It is essential that national, regional and local measures are adopted in full coordination with farmers and with attention to the environmental, social and economic impact of the decision.
9. Farmers and independent researchers reported that the central government’s response to the disease has been mainly to cut existing sick trees or spray massive quantities of pesticides in the affected areas, which created devastating impacts on small holders. Financial support should be aimed at the most vulnerable actors, while any form of material intervention shall consider the impact on biodiversity, productivity, use of the territory, permanence of small-scale farmers on the land and sustainability. Agro-ecological, organic and natural remedies that keep the olive trees in the ground shall be preferred over chemical interventions and eradication. Adopting a sustainable and pro small-scale farmers’ approach to the growing number of desiccated olive trees should be the priority to deal with the emergency.

 F. Criminal Activities

1. In some meetings, the infiltration of organized crime in the Italian food system was reported to Special Rapporteur as a major concern for small-holder farmers and food producers in the agricultural and food production sectors.[[43]](#footnote-44)
2. The most known case is the *‘Terra dei Fuochi’* (‘Land of Fires’) in Campania, where contaminating products are dumped in the rural areas, burned or poured into rivers. The severity and long-term consequences of environmental crimes concerning the illegal disposal of waste in agricultural land and the contamination of waters have a significant impact on the planet and people exposed to it. The Special Rapporteur was concerned by this situation, in particular regarding the process of remediation of contaminated land, the support to small-scale farmers who continue to be affected by criminal actions and the citizens whose health has been compromised.[[44]](#footnote-45) In November 2018 the Italian Minister of the Environment has also signed a Protocol (“Protocollo d’intesa per un’azione urgente nella Terra dei fuochi”) to provide a concrete response to the phenomenon of waste burning in Campania Region.
3. Also, in wholesale markets, some farmers reported that they are forced to accept low prices, pay to sell their products or forced to use monopolistic services (like parking, transport and packaging) provided at high prices. The purchase of land to access the resources of the CAP (see following paragraph); counterfeit pesticides that are imported or assembled and often sprayed by workers without adequate knowledge and safety measures;[[45]](#footnote-46) the increase in food- frauds and contamination are among some of the illegal activities in the agri-food system in Italy. Reports and local interviews reveal that the presence of criminal organizations across the food chain discourages investments in the sector.[[46]](#footnote-47)
4. Particularly as regards the illegal access to CAP funds, according to local authorities, thousands of acres of farmland in the east of Sicily have been fraudulently acquired to qualify for EU agricultural subsidies. These lands have been taken through illegal practices, including extortion, and have frequently been left unfarmed with the sole purpose of acquiring subsidies. Concerning this practice, a vast investigation has been carried out in Sicily involving 600 police officers, which culminated with 94 arrests on 15 January 2020[[47]](#footnote-48).
5. Illegality is economically motivated, thus inevitably linked with attempts to reduce costs, increase prices, destroy environment and social practices, and discourage small-holder farmers to enter the market. In this context, the Government and the local authorities have achieved significant success and seized valuable assets and goods.[[48]](#footnote-49) The continued efforts by the Italian competent authorities (ICQRF and others) to a worldwide-acknowledged national control system in the agri-food sector is commendable. [[49]](#footnote-50)

 G. Climate change

1. 2019 has been a dire year for Italian weather, not only because it was among the hottest years ever recorded, but also because it reached a new record of 157 extreme events including cloudbursts, tornados, wildfires, droughts and landslides. Climate change is affecting the Italian peninsula, with projections of a loss of 8% of its GDP by 2050,[[50]](#footnote-51) and the agri-food system among the first to suffer.[[51]](#footnote-52)
2. Desertification, lower yields, less hours worked due to the extreme temperatures, diseases and the loss of crops are environmental realities that have a socio-economic impact and mostly affect farmworkers employed in greenhouses and in the field,[[52]](#footnote-53) but also farmers who are exposed to debt, have an insufficient financial buffer and cannot cope with the loss or reduction of their income. In addition, climate change risks to deepen the North-South divide and to radically transform the agricultural scaffolding of Italy, with more abandonment of farms, loss of biodiversity and an increased dependency on imports. Furthermore, the changes in the weather patterns are also leading to the increase of alien species on land and in the sea, with a 96% increase in the last 30 years, with significant consequences on farming and fishing.

 IV. Poverty, social protection and food aid

1. After the economic crisis hit in 2007/2008, Italy has struggled to recover and many families have gone from middle-income to low-income, in many cases unable to access sufficient quality food. With an unemployment rate of 9,8%[[53]](#footnote-54), the country is affected by consistent poverty rates. Poverty levels have also been exacerbated by the migration influx, which has brought to the country a number of migrants escaping from war and famine in their country of origin. They, together with those Italian families who have been greatly affected by the consequences of the economic crisis, are the new poor. Data from 2018 accounts for a total of 5 million people in extreme poverty (8,4%). The incidence of families living in absolute poverty is higher in the south (9,6%) and in the islands (10,8%) as compared to the north-west (95,3%) and north-east and centre (5,3%)[[54]](#footnote-55). Minors in absolute poverty account for 12,6% of the total population and the incidence of absolute poverty among foreigners is 30,3%.
2. Although overall poverty headcount indicates that most individuals living in poverty reside in the southern part of the country, a study published in 2019 suggested that the majority of poor individuals are located in Campania (16,5%), Lombardy (13,3%) and Sicily (12,5%). These are followed by the Lazio region (7,5%), Veneto (7,4%), Piedmont and Calabria, both at 6,6% of individuals living in poverty[[55]](#footnote-56). Some of the regions affected by high rates of poverty happen to be also some of the richest regions, where the majority of industry and productive activities take place, suggesting that an unequal division of income among individuals and the concentration of wealth in the hands of few.
3. While average salaries seem to have grown slightly in the last two years, the cost of living for an average Italian family is still considerably high. As a result, families have just enough income to cover basic expenses, and in the last few years, a consistent 20% of families had been considered at risk of falling into poverty. The risk is even greater for families with children and single parents[[56]](#footnote-57).

 A. Reddito di cittadinanza – Guaranteed minimum income

1. To combat extreme poverty and address its root causes, in 2019, the Government introduced the law “Reddito di cittadinanza”, or Guaranteed Minimum Income law.[[57]](#footnote-58)This is a social welfare provision that guarantees that citizens have an income sufficient to live on, provided they meet certain conditions. The request to access the Guaranteed Minimum Income can be presented by Italian and European citizens and their third country relatives, by citizens from third countries, and by refugees and stateless people. As far as residence is concerned, the applicant needs a period of 10 years of living in the country during the whole life, of which the last two years continuously. The tool was designed to benefit those families/households that do not have a job or any sort of income or do have a job and/or income but it is insufficient to have a decent living standard.
2. The measure has resulted in a number of families/households accessing a temporary source of income that amounts to a maximum of 500 Euros for one-member families, to which can be added up to 280 euros in case the beneficiary pays a rent or mortgage. The system is designed to reestablish financial independence, including by accessing job opportunities through job centers and additional social services ensured by municipalities. The supply of minimum income lasts 18 months, it can be re-applied for any time if it is necessary, and the application can be re-submitted after a one-month interruption if the eligibility criteria are still in place and the original needs for the request have not been overcome.
3. According to Italy’s 2020 expenditure programme, this social welfare tool will be slightly amended to redress some of the issues identified in 2019. Although the measure has many positive sides, some of the criteria might reduce the ability to benefit for everyone from this social welfare tool.
4. Although the measure could be further improved and made more effective, the system is a great opportunity to access a support system that, in the time needed, leads to the end of the reliance on subsidies by providing proper social services job opportunities and initiating a programme for self-sufficiency and economic independence.

 B. Food aid and redistribution programmes

1. Italy has a number of programmes that facilitate access to food for poor families and individuals. It has always had a strong system for food aid, mainly through the Catholic Church as well as connected religious institutions. However, in the last few years, the Government, many NGOs and religious organizations are currently providing an even larger number of services aimed at food redistribution and aid. In the past years, an average of 50 million euros worth of meals were distributed as a result of direct initiatives of the Government, and currently several programmes operate collecting food for distribution.
2. Italy also elaborated a system to collect and redistribute food surpluses. When food surpluses occur, the best destination, which ensures the highest value use of edible food resources, is to redistribute it for human consumption. Although the primary focus of food waste prevention should be to act at the source by limiting the generation of surplus food at each stage of the food supply chain (i.e. production, processing, distribution and consumption), it is still helpful to combine food waste and food donation in a workable system. Food donation not only supports the fight against food poverty, but it can be effective in reducing the amount of surplus food sent for waste treatment and ultimately to landfill.
3. Italy is the second country in the European Union to pass a national law to regulate the loss and waste of more than 100kg of food per person per year.[[58]](#footnote-59) The Legge Gadda (166/2016) facilitates the collection and donation of food surplus by simplifying donations to non-profit entities, incentivizing innovation and requiring local administrations to provide fiscal incentives. In addition, it promotes reuse and recycling and has a dedicated fund for research, information and awareness-raising activities both of the consumers, private actors and the institutions. Public administrations, food actors and data highlight that the law has increased the amount of food available for redistribution.[[59]](#footnote-60)
4. This legislation provides a framework for permanent solutions in the field of recovery facilitation, tax incentives for the prevention of food waste, correct information to the consumer and permanent consultation of all stakeholders through the whole food chain and involving public institutions, private business and charitable organizations. However, this system alone, cannot be considered as a valid long-term strategy against food poverty or an approach that is compatible with the right to food as a legal entitlement.[[60]](#footnote-61)
5. The Government currently implements a number of programmes to recover surplus production to redistribute through the main actors operating in the field, Caritas, Banco Alimentare, Comunita’ di Sant’Egidio and Banco delle Opere di Carita’.
6. Most of the food aid programmes are supported by the Fund for European Aid to the Most Deprived (FEAD), which contributed to support EU countries' actions to provide food and/or basic material assistance to the most deprived. FEAD Fund has greatly facilitated the system of food aid in Italy. In 2019 (1) food recoveries by charitable institutions were around 9% of food surpluses; (2) the Banco Alimentare foundation network distributed 90,000 tons of food, of which 40,000 tons from the European FEAD program, 40,000 tons from private donations, 10,000 tons from "food collections" initiatives; (3) food aid was provided to 7,500 local organizations and 1,500,000 people were served.[[61]](#footnote-62)
7. The Special Rapporteur appreciated the many innovative and diverse food distribution and food aid initiatives such as soup kitchens, creative food distribution programmes and shelters. In the North, a creative initiative called Buon Mercato features a supermarket where poor families can do their food shopping by using points that are assigned to them by the organization on the basis of the family composition and level of income.
8. Another interesting initiative is the Refettorio Ambrosiano established as a pop-up initiative during the Milan Expo 2015 to prevent food waste. Located in a former abandoned theatre, the Refettorio was restored and transformed in a beautiful and modern space, and it is now a permanent food kitchen which feeds an average of 100 people per day and offers meals prepared with donated produce from all over the city of Milan.
9. In the South, the Rapporteur visited the mission Speranza e Carita, established by missionary Biagio Conte who has developed food aid programmes for the city’s homeless and poor, as well as a shelter which welcomes poor Italians and migrants. The system includes a farm outside of Palermo, in Tagliavia, where beneficiaries receive training sessions on farming skills, contributing to the production of food. These initiatives are closely related to the FEAD as they receive financial support by the Fund.

 V. Nutrition

 A. Obesity

1. In Italy, about 1 in 10 people is obese and more than 1 in 2 men and 1 in 3 women are overweight. Nearly one in three children (31%) aged 8-9 years was either overweight or obese in 2019, representing one of the highest rates in the OECD. [[62]](#footnote-63) However, this rate was down slightly from 35% in 2008.[[63]](#footnote-64)
2. Large socio-economic disparities exist in obesity. Women with poor education are 3 times more likely to be overweight than more educated women and poorly educated men are 1.3 times more likely to be overweight than more educated ones.[[64]](#footnote-65)

 B. Unhealthy vs. healthy diet

1. Food choice is one of the main causes of overweight in children and adults. Particularly, it is a category of food that contains excessive salt, sugar and saturated fat, defined as “junk food”.
2. In Italy, 17,4% of young people, between 11 and 17 years old, more likely exposed to eat junk food. The consumption is highest in the South (19,4% of daily consumption) but also particularly high in the North-West (16,3%) compared to the 8,9% of the Centre.[[65]](#footnote-66) Low-income populations consume more unhealthy food than do high-income ones, spending a greater percentage of their annual income and exposing them to at higher risk of obesity and chronic diseases.
3. In 2008 the Third High Level Meeting on the Prevention and Control of Non-Communicable Diseases took place at the margins of the UN General Assembly. Several governments participated and agreed on the text of a positive and balanced document (the Political Declaration), adopted by consensus. Italy, together with Uruguay, facilitated the process and lead the preparatory work. Since then Italian government initiated various policy documents on nutrition.
4. The Government provides some measures to increase healthy food consumption such as the “5 a day” target of fruit and vegetable and the “Guadagnare salute” (“Gaining in health”) campaign, a multi-component intervention for making healthy choices easy. The main objective is to nudge people towards healthier behaviours, which would decrease the likelihood of developing chronic diseases. [[66]](#footnote-67)
5. The government is in favor of transparent information and food labelling for consumers, in line with relevant EU Regulations (particularly 1169/2011) and current Codex Alimentarius guidelines. On 27 January 2020 Italy notified the European Commission of draft rules for voluntary front-of-pack food labeling (“NutrInform Battery”).
6. In addition, the Ministry of Health confirmed that article 1 paragraphs from 661 to 676 of the Law of 27 December 2019 n. 60 established the tax on the consumption of sweetened drinks. This tax will be applied from October 2020.
7. Italy has started a process of sharing with the industrial sector the improvement of the nutritional characteristics of food products with particular attention to the child population (3-12 years), so as to allow a greater availability of foods with lower levels salt, saturated fats, trans fatty acids and sugars, without neglecting the importance of portion sizes. This has resulted in the drafting of 2 documents, aiming at, o the one hand, directing the marketing of baby food and at, on the other hand, at sharing some objectives for improving nutritional quality, in line with the indications of the EU and the WHO.[[67]](#footnote-68)

 C. Breastfeeding

1. Italy has National Dietary Guidelines for Healthy Eating (2019), which contain a section on the importance of breastfeeding and the support provided. The guidelines recommend exclusive breastfeeding for 6 months as the optimal way of feeding infants, following the recommendation provided by WHO. In 2012, the Government also established a roundtable for the promotion of breastfeeding and increasing general awareness on its importance.[[68]](#footnote-69)
2. However, there is insufficient data on exclusive breastfeeding. Italy should provide reliable and updated data on breastfeeding to ensure the development of targeted policies and social protection programmes aimed to support breastfeeding.

 VI. School feeding-programmes/ school canteens

1. School canteens are a link between the right to education and the right to food as well as a policy to fight poverty. The improvement of the food security of Italian children will inevitably require the increase in the number of schools that offer full time options and free school meals for those who cannot afford it. [[69]](#footnote-70)
2. Over 1.2 million children live in absolute poverty, throughout the country, mostly in the South. Access to school canteens would guarantee a complete meal to 3.9% of children who even today still do not consume a protein and adequate meal a day, a percentage that increases dramatically to 6.2% in Southern Italy.[[70]](#footnote-71)
3. In nine regions, more than 50% of the pupils do not have the school canteen service and the percentage of students who do not use the service vary from 30% to 80%. The disparities of fees among municipalities is huge: the tariffs vary from 0.3 euros in Palermo to 7.2 euros in Ravenna.[[71]](#footnote-72)
4. As informed by different sources, reductions and exemptions applied to tariffs are only for residents, living the children of non-residents outside of the school canteens. Some municipalities do not even apply exemptions.
5. There is also an urgent need to improve the quality of the food in school canteens and provide local and organic food from local producers. The Ministry of Health is actively engaged in defining a global strategy aimed at promoting healthy lifestyles and reducing non-communicable diseases. In 2010 the "national guidelines for school catering" had been developed,[[72]](#footnote-73) yet implementation needs to be monitored. Currently the review of the guidelines are on the way to be approved an published.
6. The Government should support low-income families whose children cannot participate in the school canteens due to their economic situations and therefore guarantee one nutritious meal every day for children living in poverty. In addition, it should adopt a national framework for the establishment of school feeding programmes to combat disparities among municipalities and ensure that all students have access to school canteens, despite their families’ economic situation, making school canteen a public service, partially supported by public funds.

 VII. Italy’s contribution to Global Food Policy

1. Italy actively participates in the United Nations mechanisms, is a founding member of the European Union, and one of the members of the G-7, the “Group of Seven” countries that constitute the seven largest advanced economies in the world. These countries represent more than 62% of the global net wealth, more than 46% of the global gross domestic product (GDP) based on nominal values and more than 32% of the global GDP based on purchasing power parity. These figures indicate that Italy’s role and impact on agriculture and food systems in the globalized world is significant.
2. The level of commitments of Italy, could be found “Financial Report on Food Security an Nutrition” that was developed in 2015 and renewed yearly by the G-8 countries on “Broad Food Security and Nutrition Development Framework” to lift developing countries out of hunger and malnutrition by 2030.[[73]](#footnote-74)
3. Italy is one of the active participants in global policies on food systems, and home to the Rome-based international organizations (FAO, IFAD and WFP) as well as World Committee of Food Security (CFS). The Italian pledge for FAO contribution in 2015 was 131 Million US Dollar with a disbursement rate in that year was US 36 million US dollars one of the largest voluntary contributors, supporting activities to achieve food security and poverty reduction. As an active member of CFS, Italy defends its inclusive human rights-based approach to global food security, and supports all Voluntary Guidelines and Policy documents.
4. Italy was among the founders of the Group of Friends of the Right to Food, and have been among the promoters of the role of Special Rapporteur on right to Food in CFS as well as International decade of family farming at the UN to reinforce the link between social value of agriculture, cultural experience and food security in line with the 2030 Agenda.
5. Italy also promotes the Mediterranean and other traditional diets as a pivot of a model of agricultural development and sustainable nutrition that can contribute to the implementation of the 2030 Agenda with the collaboration of FAO. This is a very important initiative especially now that the CFS is working on the implementation of Voluntary Guidelines on Food Systems and Nutrition.
6. The Ministry of Foreign Affairs and International Cooperation, Directorate-General for Development Cooperation, engages in multilateral, multi-bilateral, emergency and humanitarian assistance initiatives, in order to ensure food security as a basic human right and as a fundamental element of human dignity. In 2018-2019, Italy financed € 45,8 million in emergency and humanitarian assistance projects that best respond to the issues close to the right to food, as well as a large number of other initiatives addressing the agricultural sector and food systems worldwide, with particular attention to African countries. Italy also contributed in 2019 to the SDG 2 activities of the Roma Based Agencies (RBA) in 2019 with€ 9,5 million as well as a contribution of € 29,4 million to other agencies/international organizations engaged in ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture.[[74]](#footnote-75)

 VIII. Conclusions and recommendations

1. **The Special Rapporteur notes that** **the right to food is of central importance to the success and achievements of the sustainable development efforts of Italy domestically, as well as Italy’s role overseas as one of major developed countries in relation to food and agriculture.**
2. **Italy has valuable experience and several successful programs that could be used as a model for other countries. For instance, the programmes for organic agriculture, access to land for young farmers, food waste management, the social welfare system including the minimum guaranteed income and the laws and regulations on the prevention and eradication of the caporalato, as well as fighting against fraudulent activities and crimes to the food and agricultural system is commendable.**
3. **Of her many recommendations already contained in the report, in order to further develop human rights approach to food security and overcome the challenges of fragmented and complex food systems the Special Rapporteur urges the Government and other stakeholders to prioritize the following issues:**
	* 1. **Adopt a comprehensive framework law that has an interdisciplinary focus and human rights-based approach to food security and food sovereignty as well as promote a sustainable agricultural system.**
		2. **Move from a charity-based approach to a full implementation of the right to food to eliminate hunger and food insecurity. The State has a duty to protect, respect and fulfil the right to food, and this cannot be achieved by food charity organizations.**
		3. **Adopt a national framework law for school feeding programmes that includes funding to combat disparities among municipalities and ensure that all students have access to school canteens.**
		4. **Take necessary gender-sensitive legal and budgetary measures to ensure that women, in the agricultural sector, including migrant workers, fully enjoy their human rights and have access to decent work standards.**
		5. **Poverty statistics should be complemented by specific food poverty statistics, which should be elaborated by the Italian National Institute of Statistics and made available to the public.**
		6. **Establish strong control mechanisms for PAC subsidies to ensure that funds are provided to actual farmers.**
		7. **Approve the law on double rebate auctions, currently pending in Senate.**
		8. **Support small holder farmers’ income through a direct payment of first pillar of the CAP in order to reduce their production costs.**
		9. **Approve the law on small-scale farming, currently pending in Parliament, to support smallholder farmers;**
		10. **Adopt measures to support migrant workers who face harsh living conditions and regularize their status in the country, for example by providing work permits, re-establishing humanitarian protection and creating national mechanisms to provide them access to basic services;**
		11. **Revise the 199/2016 caporalato law to include the criminal and/or tort responsibility to third parties. Furthermore, consider revising the criminal code that excludes the possibility of self-incrimination for those who denounce exploitation and exploiters in agri-food chain. Consider also creating a national coordination to assess caporalato across the country.**
		12. **Revert the “Decree Salvini” and the criminalization of migrants, which has *de facto* fostered an out of law reality that has benefitted criminal organizations.**
		13. **Further increase monitoring on the use of banned/illegal pesticides, and establish positive incentives/facilitations for organic farming.**
		14. **Promote local products and urban farmers’ markets to ensure that consumers can access better quality food; continue to support organic agriculture and agroecology, through financial mechanisms and training programmes**
		15. **Legislate stronger law and order approach to environmental crimes.**
		16. **Prioritize deploying biological solution to address to the Xylella disease and make specific efforts to preserve and restore lost rural heritage, both for economic and environmental reasons in the Apulia region.**
		17. **Provide a regulatory framework to control the private food sector, especially sugar drink producers as well as food that contains excessive fat, sugar and salt and ban unhealthy food advertisements from the media and from school canteens;**
		18. **Provide support, through its strategy of international cooperation and development aid, to the countries of origin of main migrant workers living in harsh conditions in Italy to ensure that they can remain in their own countries.**

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71. Cittadina Attiva, 4th Survey on “school canteens rates and quality”, 2019. [↑](#footnote-ref-72)
72. <http://www.salute.gov.it/imgs/C_17_pubblicazioni_1248_allegato.pdf>. [↑](#footnote-ref-73)
73. See Biarritz Report: <https://www.diplomatie.gouv.fr/en/french-foreign-policy/development-assistance/news/2019/article/biarritz-progress-report-on-g7-development-and-development-related-commitments>. [↑](#footnote-ref-74)
74. Detailed information can be found Addendum 1 of this report. [↑](#footnote-ref-75)