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**Human Rights Council**

**Fiftieth session**

13 June–8 July 2022

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 Working Group on the issue of human rights and transnational corporations and other business enterprises[[1]](#footnote-2)\*, [[2]](#footnote-3)\*\*

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| *Summary* |
| The Working Group on the issue of human rights and transnational corporations and other business enterprises conducted a visit to Italy from 27 September to 6 October 2021. It was encouraged by ongoing efforts to advance responsible business conduct and to address remaining gaps, particularly in relation to preventing and addressing serious abuses suffered by migrant workers in the agricultural and other sectors. However, numerous challenges remain, particularly regarding addressing root causes of such abuses and unsafe working conditions across supply chains and holding businesses to account. |
| The Working Group also observed efforts by the Government to find a balanced approach towards industrial-economic development and protection of human rights and the environment and noted that meaningful participation of affected communities in environmental decisions remains insufficient, which also hampers efforts to ensure inclusive transition to a green economy, social and environmental accountability. |
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Annex

Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its visit to Italy

I. Introduction

1. Pursuant to Human Rights Council resolutions 17/4, 26/22, 35/7 and 44/15, the Working Group on the issue of human rights and transnational corporations and other business enterprises (the Working Group), represented by its Chair, Mr. Surya Deva, visited Italy from 27 September to 6 October 2021, at the invitation of the Government. During the visit, the Working Group aimed to assess the efforts made by the Government and business enterprises to identify, prevent, mitigate, and account for the adverse impacts of business-related activities on human rights, in line with the Guiding Principles on Business and Human Rights.

2. During the visit, the Working Group met with the Inter-ministerial Committee for Human Rights; the Ministry of Foreign Affairs and International Cooperation; the National Contact Point (NCP) in the Ministry of Economic Development; the Ministry of Agricultural, Food and Forestry Policies; the Ministry of Culture; the Department for Equal Opportunities-Presidency of the Council of Ministries; and the National Office against Racial Discrimination (UNAR). At the Ministry of Labour and Social Policies, it met the National Labour Inspectorate, the National Counsellor for Equal Opportunities and the Carabinieri Corps Command for labour protection. The Working Group also met the Ministry for Ecological Transition, the Ministry of Justice and the Ministry of Health. At the Senate, it met with members of the Extraordinary Commission for the Protection and Promotion of Human Rights, the President of the Parliamentary Commission of Inquiry into Working Conditions in Italy, Exploitation and Safety in Public and Private Workplaces, as well as the President of the Permanent Committee on Human Rights in the World of Chamber of Deputies. The Working Group also met the President of Puglia Region, the Deputy Mayor and the Public Prosecutor of Avellino, as well as the Mayor of Taranto, and the Territorial Labour Inspectorate in Prato.

3. Meetings were held with representatives of civil society (including lawyers, academics, trade unions, impacted communities, workers, and industry associations in Rome, Latina Province, Avellino, Foggia, Taranto, and Val d’Agri, Milano and Prato) and with business enterprises including Acciaierie d’Italia and ENI. The Working Group also met with representatives of UN Agencies.

4. The Working Group thanks the Government for its support during the visit, and its willingness to engage in a constructive discussion on the challenges faced and lessons learned in promoting business respect for human rights. The Working Group also thanks the organizations, businesses, communities, and individuals with whom it met for their openness and willingness to engage in a constructive and solution-oriented dialogue.

II. General context

5. This was the Working Group’s first country visit after the COVID-19 pandemic started. While the sanitary restrictions posed several logistical challenges, they also opened-up the innovative format of hybrid meetings. Italy has been one of the hardest hit European countries by the COVID-19 pandemic, and the Working Group saw its effects on businesses and people, especially marginalised communities.

6. The visit also coincided with the Government’s final steps of adoption of a revised National Action Plan on business and human rights (NAP), as well as Italy’s G20 Presidency. Moreover, this was the first time that it had visited any Western European country.

7. Italy is a G7 country, and it has one of the world’s most powerful economies, driven largely by the manufacture of high-quality consumer goods produced by small and medium-sized enterprises.

8. The challenges Italy faces in ensuring responsible business reflect those at the global level: many economic sectors are based on a mode of production that involves multiple actors throughout supply chains, characterized by unfair purchasing practices aimed to reduce the costs of production and increase profit margins. This, combined with the suppression and/or reduction in protection of workers’ rights and their bargaining power, make the supply of labour across borders acutely vulnerable to abuses. In this regard, the pandemic has highlighted and exacerbated workers’ vulnerable position, in particular migrant workers.

A. Impact of COVID-19

9. The Government should be commended for its efforts to develop sector-specific protocols for prevention, protection, and recovery based on the data and risk matrix produced by the Ministry of Health. The Working Group was informed that COVID-related deaths were treated as accidents in the workplace, thus qualifying the families of victims to seek compensation. However, it seems that migrant workers were often either unaware of this policy or did not get any compensation. The pandemic has shown the importance of the Government’s provision of free and universal healthcare, including for undocumented workers. This is a welcome model to be followed by other States.

10. At the same time, important lessons must be learned to enable Italy to build back better and address systemic challenges and inequalities that COVID-19 has revealed and exacerbated, especially for women workers disproportionately affected by pandemic-related job losses.

11. Against this background, the Government has an opportunity to show leadership in promoting responsible business conduct at national, regional, and global levels.

III. Law and policy framework

12. Italy has an extensive legislative framework related to business and human rights, including labour rights, anti-discrimination, occupational health and safety, and the environment, and has a strong and active trade union movement. Italian law provides for several tools addressing corporate responsibility to respect human rights, such as the disclosure of non-financial and diversity information by large enterprises and groups (Legislative Decree 254/2016), and Legislative Decree 231/2001. The latter introduces a due diligence process that covers both specific human rights abuses and specific severe impacts on the environment. It can be considered a pioneer example of mandatory due diligence legislation as it established corporate responsibility for crimes perpetuated in the interest or to the advantage of a legal entity. The scope of the law has been extended over the years and currently includes specific human rights abuses, such as slavery, human trafficking, forced labour and environmental crimes. Moreover, the legal regime incentivises companies to strengthen their self-regulatory systems and processes to prevent crimes. However, the decree does not cover corporate abuses of all human rights and provides for exemption from/mitigation of liability if companies demonstrate they have adopted an adequate model of risk prevention and management. Legislative Decree 81/2008 defines a clear institutional set-up for developing national policies and strategies for occupational health and safety and provides support and guidelines for prevention activities carried out at various levels.

13. According to official figures, the informal economy is estimated at 183 billion Euros, 10,2% of the Italian GDP. Recognizing that migrant workers’ employment is often informal and exposed to exploitation, the criminal code regulates such matters and prohibits the “illegal intermediation and exploitation of labour force” (Art. 603-bis.). This offence was first introduced by Legislative Decree 148/2011 and updated through Legislative Decree 199/2016 to establish, among others, penalties for both recruiters/intermediaries and for those who exploit these types of mechanisms and services. Further, the law provides for several aggravating factors, including when the number of unlawfully recruited workers is greater than three, when minors are involved and when unlawfully recruited workers are exposed to danger of any type.

14. Nevertheless, several significant challenges remain. Some of the challenges identified in the report tarnish Italy’s reputation in the business and human rights field and should be immediately addressed to protect the rights of individuals and communities at heightened risks of abuses.

15. The Working Group was encouraged by the commitment shown by many Ministries and Departments with whom it met to implement the UNGPs. However, greater efforts should be made to raise awareness, enhance coordination and build the capacity of all stakeholders, including Government officials, judges, lawyers, businesses, trade unions, and civil society actors. The Working Group welcomes various initiatives by bar associations, academics, and lawyers to conduct training and awareness-raising workshops, but these should be significantly enhanced.

A. Revised National Action Plan

16. The Working Group welcomes the recent release of Italy’s revised NAP for 2021-2026, after a multi-stakeholder consultation process led by the Inter-Ministerial Committee for Human Rights (CIDU).[[3]](#footnote-4) The Working Group also notes with appreciation that the revised NAP captures emerging business and human rights issues such as artificial intelligence, digitalisation, and climate change, and provides for an improved system of monitoring implementation, showing positive developments in respect to its scope and content.

17. The Working Group is concerned about the lack of inclusion of indicators that are specific, measurable, and time-bound, and of an indication of resources assigned for realizing measures. The lack of a clear framework for measuring the impact of actions taken by relevant Ministries to deliver on assigned responsibilities under the NAP may obstruct its effective implementation. It may also negatively impact on the ability of other stakeholders to meaningfully participate in monitoring and evaluating progress made during NAP implementation.

IV. Specific human rights risks and impacts

18. The Working Group repeatedly heard that many economic sectors are based on a mode of production involving multiple actors throughout supply chains. Many of these companies are SMEs. According to official figures, 78.7% of employees work in SMEs. At every step of the production and distribution chain, the pressure to reduce costs of production and to increase profit margins compromises workers’ rights, exposing workers to severe forms of abuses and occupational health and safety risks. SME’s role is critical in addressing businesses-related human rights abuses, including breaking the cycle of labour exploitation that the Working Group observed in Italy. While the UNGPs apply to all business enterprises, the Working Group acknowledges that SMEs face unique challenges in implementing human rights due diligence processes and establishing effective operational-level grievance mechanisms.

A. The “caporalato” system

19. The Working Group learned about the “caporalato” system of illegal hiring and exploitation of manpower through intermediaries, most pervasive in regions characterised by seasonal work, where demand exceeds the offer for low-skilled workforce, including the agribusiness and garment sectors.

20. Migrant and Italian workers fall prey to this system, often due to desperate circumstances. Several stakeholders described the situation of migrant workers as one of occupational blackmail where, because of their vulnerable situation, including regarding work contracts and residency permits, workers have no choice but to work under conditions of extreme exploitation and frequently fall into a cycle of debt-bondage. The current regime of regularization ties the permit for legal stay in the country to a work contract, which puts migrant workers in a situation of dependency and exposes them to the risks of an exploitative cycle. The Working Group learned that the “caporali” have networks in migrants’ countries of origin in Asia and Africa where the recruitment for the purpose of labour exploitation is likely to start.

21. Many workers recruited and controlled by “caporalato” earn far below the minimum legal wage and are forced to pay high costs, in the thousands of Euros, for processing documents to receive or extend work permits (and other “charges” that should be free). The dependency relationship extends to virtually every aspect of their lives, including access to housing, food, and transportation. Camps and communities are highly isolated and lack basic service provisions. In such an unbalanced power relation, female migrant workers are at heightened risk of sexual harassment, and gender-based violence. However, the fear of speaking out against the abuse and possibly losing their livelihood prevents them from seeking justice.

22. The Working Group welcomes current efforts by the Government to map the labour supply and demand in order to adopt more effective measures to fight illegal recruitment practices for the purpose of labour exploitation.[[4]](#footnote-5) These include, in addition to Legislative Decree 199/2016, Legislative Decree 19/2018 establishing “Tavolo caporalato”, a multistakeholder body with representatives of national and local institutions, trade unions and business associations, as well as a Three-Year Plan (2020-22) to combat labour exploitation in agriculture and “caporalato”.[[5]](#footnote-6) The plan is structured around priorities concerning prevention, surveillance, protection of victims and their re-integration into society and work.[[6]](#footnote-7) As of April 2021, the Government invested over 95 million Euros (European and national funds) in relevant initiatives, including 3 million dedicated to “ALT caporalato”[[7]](#footnote-8).

B. Migrant workers in the agri-food sector

23. A recent report describes the agricultural sector as characterized by 1.1 million workers, 90% of whom have a temporary contract. At the same time, unofficial data produced by civil society associations and research centers in 2018 revealed that a significant share of those agricultural workers, between 400,000 and 430,000, are hired irregularly (i.e., without a correlation between what is officially declared and the hours worked), or in a condition of invisibility (i.e., without any contract or declaration)[[8]](#footnote-9). Of these, an estimated 180,000 are considered to be in a situation of serious social vulnerability and severe employment distress.[[9]](#footnote-10)

24. Although migrant workers are essential for Italy’s economy, in a number of cases their treatment falls far below the standards expected of a highly developed European country, as well as international standards. During the visit, the Working Group visited camps where migrant agricultural workers live, including Agro Pontino in Lazio Region and Borgo Mezzanone and Rignano Garganico in Puglia Region. The delegation met workers, union representatives, non-governmental organisations and cultural mediators providing support to those workers. Apart from being forced to live in inhumane conditions, these workers work on short contracts, excessively long hours with no weekly holidays, face discrimination, and see no prospect of integration in Italian society.

25. During the visit to Agro Pontino (Latina province), the Working Group met with victims mainly from Sub-Saharan Africa and India who had suffered serious abuses. It learned that, at the time of visit in Latina province, about 30,000 Sikh workers from India were exposed to extreme forms of coercion. The Working Group was told that some workers are forced to take performance-enhancing drugs to work 14-16 hours per day sometimes for salaries between 50 and 150 Euros per week. Workers are often victims of physical assault, withholding of wages and documents, and threats to their families if they refuse to work. The Working Group visited the accommodation in Agro Pontino where workers live in isolated, often overcrowded, apartments in dilapidated buildings. The Working Group learned from direct testimonies that during the pandemic workers worked in environments that were not compliant with COVID-19 regulations, including transportation in overcrowded trucks and no basic protective gear. It was told that some workers were not provided with adequate safety equipment while using pesticides and chemicals, thus exposing them to harmful effects.

26. In Apulia, according to figures from CGIL FLAI trade union, as of 19 April 2021, there were 32,341 migrant workers in the agricultural sector regularly registered in its 2020 annual list.[[10]](#footnote-11) Every year an estimated 7,000 migrants arrive in the Province of Foggia, region of Apulia, primarily for tomato harvesting. The Working Group learned that, in this Province, since the early 1990s, migrants have been gathering in various types of informal settlements.[[11]](#footnote-12) The Working Group visited two settlements that were initially intended to be temporary for seasonal workers and are now stable, settled, and the largest ghettos in Italy: Borgo Mezzanone and Gran Ghetto of Rignano. Their population can reach 3,000 during seasonal peaks in the summer.[[12]](#footnote-13) The Working Group heard testimonies of workers working in the fields between 12 and 15 hours per day, including during peak heat, for salaries between 3,50 Euros and 6 Euros per hour. Workers are forced to eat lunch while working and to buy food from the “caporali”. According to information received by Trade Unions, only 44% of migrant workers declared having a work contract, of these 57% declared receiving a payslip, and among these 73% declared they were paid for less than a third of the days actually worked.

27. The Working Group was shocked by the conditions in which migrant workers are forced to live in these shantytowns, in extreme unsanitary conditions and isolation, with women at high risk of gender-based violence and trafficking for the purpose of sexual exploitation. People living in the Ghettos explained how the “caporali”, who often are former victims of exploitation and from the same ethnic group of those exploited, can exercise control over every aspect of their lives and demand high costs for accommodation, transport and basic services such electricity and gas. Water tanks supplied by the Region of Apulia are often insufficient for the needs of the population, resulting in a lack of water and sanitation services.

28. Such extreme conditions of exclusion and segregation exacerbate the already precarious living and working conditions of migrant workers, thus worsening situations of vulnerability to exploitation. In fact, in the absence of any alternatives, these workers see the caporali as the only authority present in the territory able to provide a livelihood and basic services.

29. The Working Group was also informed of the practice used by supermarkets of “double-bidding” to force artificially low prices from producers, thus putting pressure on them to reduce costs to maintain profits, which ultimately results in further exploitation of already poorly paid workers. Retailers, suppliers, unions and workers have jointly sought to address this problem and ensure that prices better reflect the true cost of production and that workers’ rights are protected. The Working Group welcomes the adoption of Legislative Decree 198/2021 prohibiting the sale of food products below the production costs, including double bidding practices. As consumers have also an important role to play, efforts should be promoted to ensure that consumers are aware of human rights concerns relating to the products on their supermarket shelves.

30. Sustainable solutions must be found that have the human rights and dignity of workers at their core, and which would provide a gateway to the full integration of workers into society, with the possibility of family reunification. The Working Group learned of some initiatives in Apulia to break the vicious cycle of exploitation and marginalization, including some funded by the Ministry of Labour, aimed to reduce the incidence of undeclared work and exploitation in agriculture. For example, it learned about the initiative to provide adequate housing for migrant workers by accommodating them in uninhabited buildings, as access to adequate housing is a critical element to break the vicious cycle of dependence and exploitation.

31. It also learned about Casa Sankara in Foggia Province, opened in 2019, which, at the time of the visit, hosted 600 migrant workers. It provides a full range of services from legal advice, transportation to the workplace and basic health services, to avoid any intermediation from the “caporali”. In addition, residents of Casa Sankara created an association “Ghetto out” that manages a farm owned by the Apulia region.[[13]](#footnote-14)

32. A system of cultural mediators operating in the informal settlements also constitutes a positive practice as it contributes to efforts to remove obstacles for migrant workers to access critical information about services available in the Province, including health and legal counselling services.[[14]](#footnote-15)

33. Although these initiatives constitute positive steps, they remain isolated and sporadic. The Working Group notes that a previous regularisation initiative failed to achieve its objectives.

C. Labour rights in the textile and fashion industry

34. In 2020, the Italian fashion sector exported goods worth nearly €900 billion[[15]](#footnote-16). This sector is characterised by supply chains rooted in subcontracting where abuses of human and labour rights thrive, affecting the most vulnerable workers.[[16]](#footnote-17) This includes workers with precarious, on-call contracts, often administered through temporary agencies, and the invisible workers of the informal economy. Workers’ conditions worsened due to decreased inspections during the pandemic. In Prato, the Working Group learned of workers from China, Bangladesh, Pakistan, and sub-Saharan Africa (especially Ghana, Nigeria and Senegal)[[17]](#footnote-18) who have been working for years to serve the mark of quality “Made in Italy” in the Prato district, which is well integrated into global fashion supply chains. It learned about supply networks based on the structural exploitation of labour, and unsafe and exhausting working conditions with wages below the poverty line.

35. The Working Group met with victims of workplace abuses, who consistently described working 12 to 14-hour day, seven days a week, as a standard practice in Italian and Chinese-owned businesses. These workers either have no contract or their contracts stipulate working hours in line with the national legal standards. Workers also described how daily work cycles prevent them from learning the Italian language or from participating in any activities that would facilitate their integration into society. Workers also described threats of dismissal, pay-cuts, denying the documents necessary for the renewal of the residence permit, and even episodes of violence against those workers who wanted to exercise the right to join, or have joined, trade unions. The lack of transparency in supply chains hinders the identification of the commissioning company and the beneficiaries of such exploitative labour practices.

36. In Prato, the Working Group met with workers, and their local trade union Si-Cobas representatives, of Texprint a Chinese-owned textile printing plant who reported enduring 12-hour shifts seven days a week, the denial of the right to paid holidays and sick leave, undeclared work, and abuses of health and safety regulations. This was amid the high levels of accidents in the factory, which, according to testimonies, had already caused amputated fingers, hands crushed in rollers and acid burns. The workers’ demands for fair working conditions are representative of the claims for the protection of workers’ rights generally in the textile sector. One such demand was summed up by the slogan '8×5', that is, to comply with the Italian labour law of eight hours of work, five days a week. The Working Group sought to engage with the representatives of Texprint, to no avail.

D. Labour abuses in the logistic sectors

37. In Milan, the Working Group met workers in the logistics sector (including those working in warehouses, distribution centres, call centres and transportation) and their union representatives. The situation is particularly concerning in logistics sites that handle deliveries guaranteed within 24 hours. While often performing work for large multi-national companies, it is a common practice for workers to be recruited through agencies or cooperatives that employ illegal or unethical recruitment practices, and to work under the constant threat of being fired. Workers explained how there was no involvement in the cooperative’s decision-making organs, nor in the division of profits among members, effectively being subject to a subordinate working relationship. Testimonies indicated that workers are often on temporary contracts and may be called upon to work for many more hours than their pay slips declare, for an average of 10 hours per shift, including at night, while being hired under part time contracts, in such a way that allows companies to profit and evade the tax system. Workers shared how they are often asked to perform tasks that did not correspond to the terms of their employment contracts, including operating machinery for which they don’t have the required technical knowledge, thus exposing them to the risk of workplace accidents, for salaries under 700 Euros per month. Again, workers’ precarious situation means that they have little choice but to comply with the exploitative employment terms.

38. The Working Group also heard testimonies of lorry drivers hired by trucking companies and/or cooperatives that did not comply with the National Transportation Collective Labour Agreement and safety requirements, including driving and break times, so as to reduce costs and ensure competitive rates in the market, and to evade social contributions and tax regulations.

39. The Working Group would like to stress that instead of benefitting from cheap labour costs while distancing themselves from any wrongdoing in recruitment and labour practices, all business enterprises should conduct regular human rights due diligence to identify, prevent and remediate abuses in line with the UNGPs.

40. The role of independent trade unions is critical to assist workers from breaking the ongoing cycle of exploitation. The Working Group commends the activities and support of local unions to highly vulnerable workers and notes that national trade unions should offer more assistance to informal and migrant workers. It also expresses concerns about reprisals and intimidation against local trade union representatives standing up against exploitative labour practices or organising peaceful strikes in Prato.

E. Labour inspections

41. Occupational health and safety issues was one of the most serious human rights concerns the Working Group noted during the visit. The Working Group was deeply concerned to learn that during the first few days of its visit 10 workers lost their lives. In 2021, 555,236 injuries occurred, 1,221 of which resulted in a fatal outcome.[[18]](#footnote-19)

42. A system of inspectorates, including in the areas of labour, health, and occupational health and safety, performs essential functions to ensure that all relevant regulations are observed at work. The ability of inspectorates to carry out an adequate number of inspections proactively or respond rapidly to complaints received is an essential tool for the State to ensure that the worst forms of abuses do not go unchallenged. Effective inspections and sanctions are also a powerful deterrent and prevention tool for abuses by businesses. However, the Working Group learned from many stakeholders that regulations and sanctions - when imposed by inspectors - are small compared to the enormous profits that companies make while abusing workers’ rights.

43. Inspections are planned on the basis of a risk assessment which considers the sectors and companies with higher likelihood of irregularities. While the number of detected irregularities may be seen as an indicator of the effectiveness of such inspections, the Working Group learned that the National Inspector for Safety in the Workplace faces serious issues of resources and capacity. According to official data, as of 31 December 2020, there were only 3,000 public inspectors in Italy. Although the recruitment of 2,000 additional inspectors was announced for 2021, the numbers are still too low when compared to the extent of the problem.

44. Despite law 199/2016 to combat illegal work and caporalato, and the excellent work done by the judiciary and law enforcement, the high number of companies operating in the sector poses a challenge against the small forces of the Inspectorates. In Apulia, for example, according to the 2020 annual report released by the National Labour Inspectorate, irregularities were found in 60% of companies inspected in the agricultural sector, (i.e., 688 of 1,167). According to the CGIL Flai, these numbers represent an average of only 1.5% of inspected companies.[[19]](#footnote-20) Concerns were also raised about coordination among the inspectorates.

45. In the textile-clothing-footwear sector, which employs more than 500,000 workers in Italy,[[20]](#footnote-21) thousands of work-related accidents occurred between 2015 and 2019.[[21]](#footnote-22) In Prato, there are about 29,000 companies,[[22]](#footnote-23) almost 5,000 in the garment sector.[[23]](#footnote-24) According to official figures, of the 64 controls carried out by the Prato National Labour Inspectorate (NLI) between May and September 2021, irregularities were found in 100% of inspections, and 45% were related to undeclared work. The Working Group met with representatives of the Prato INL, public officials committed to improving the situation on the ground, who shared the structural challenges faced in discharging their mandate effectively. They explained, for example, how even where sanctions impose the seizure of the property and the business is shut down, the owner of the company will restart the activity under a different identity. Specific efforts should be made to identify the real owners of these companies, including through current State actions to map tax evasion. In addition, the Working Group was told that workers’ lack of trust in State institutions and fear of employers’ reprisals makes it difficult for the Inspectorate to receive complaints. In the face of such challenges, the Working Group was astounded to learn that the Prato NLI is composed of only 11 inspectors, while according to the institution, it should have at least three times that number.

V. Environmental pollution and climate change

46. The Working Group visited several places which revealed a clash between industrial-economic development priorities and respect for human rights and the environment.

47. In Avellino, the Working Group heard the grave concerns raised by the community of Valle del Sabato related to the effect of environmental pollution from industrial development since the 1970s. The Working Group was informed that, until very recently, the community’s concerns remained unheard, and they had to use their own resources to conduct environmental impact assessment that revealed the full extent of the pollution problems.

48. The Working Group learned about the pollution and illness caused by an asbestos plant, Isochimica, that in the 1980s removed asbestos from railway carriages in the middle of the city centre, and after the closure of the plant, mismanaged its removal. About 30 deaths, as well as some 185 cases of persistent illness, have been attributed to the effects of working with asbestos. After the closure of the asbestos plant, community members described practices of dumping asbestos in the river, burying asbestos in locations around the plant and elsewhere, and mixing waste asbestos with concrete to form cubes that were left to deteriorate in public places. The local administration acknowledged in a meeting with the Working Group that the clean-up of asbestos had only been partial and that further measures were required.

49. Community members also raised concerns about current and future pollution of water sources including with e-coli and heavy metals, and a series of incidents of industrial related fires since the 2000s. According to decree 155/2010, the level of air pollution can exceed the legal limit 35 times per year. An official publication of the “Studio di Esposizione nella Popolazione Suscettibile” (SPES) showed that, in 2020, the air in Avellino was above the legal limits 78 times. Recent scientific research calculated that 48 deaths related to the air pollution could have been avoided if lower levels of air pollution were met.[[24]](#footnote-25) Daily air pollution peaks are also a source of grave concern. According to official data on 21 December 2021, for example, measurements from the Agenzia Regionale per la Protezione Ambientale (ARPAC) indicated levels of air pollution 900% above the threshold recommended by the WHO.[[25]](#footnote-26) The specific morphological configuration of the territory and climate conditions of the area are not conducive to the aerial dispersion of emitted pollutants, factors that should be taken into consideration when planning measures to mitigate the risks linked to industrial emissions.

50. Although environmental licences for businesses to operate in the area are issued in line with environmental regulations, the Working Group shares the concerns of the community in relation to the cumulative effect on the environment of the current and planned industrial sites. The Working Group stresses the importance of public authorities initiating meaningful consultation with affected communities in Avellino to agree a way forward, including concerning remediation and cleaning-up the asbestos sites and ensuring corporate accountability for causing or contributing to environmental pollution.

51. The Working Group also visited Taranto, the site of Europe’s largest steel production facility, located close to the town centre. Through various legislative interventions in the 1980s and 1990s, Taranto has been included in the list of Italian areas “at higher risk of environmental crisis”, and among the first of the sites of national interest (SIN) which require special environmental monitoring and remediation.

52. In Taranto, the Working Group met with a range of stakeholders, including epidemiologists, doctors, civil society representatives and representatives of the local population, including from the northern neighbourhoods closest to the plant. The Working Group visited these neighbourhoods and heard moving testimony about the serious impact that environmental pollution originating from the plant is having on peoples’ health, which has been substantiated by several environmental and biomonitoring studies. For example, epidemiological studies in the area point to significant excesses of mortality progressively extended from 2011 to 2020 across the northern neighbourhoods, with age standardised mortality ratios in these neighbourhoods always higher than those of the entire Apulia region, with peaks exceeding 50% between 2015 and 2017 both in women and men.[[26]](#footnote-27) Compared to the Apulia region, in these neighbourhoods, a total of 1020 excess deaths were recorded from 2011 to 2019 in both males and females, with a peak of 68% mortality excess in 2019 for men living in Paulo VI district.[[27]](#footnote-28) The results of a recent SENTIERI study, a national survey on all Italian SINs, confirmed the excesses of observed cancer incidence and mortality for respiratory and cardiovascular diseases. It also revealed a higher mortality in children compared to regional and national data.[[28]](#footnote-29)

53. The community described regular “wind days” in which they were advised to close their windows, cancel activities, prevent children from going to school, and avoid being outside due to critical pollution events due to the wind originating from the industrial site registered by Arpa Puglia. The Working Group witnessed first-hand the harmful deposits in these neighbourhoods and the constant anxiety within the local population that their loved ones may develop serious health issues due to the environment they live in.

54. It also learned about the significant negative socio-economic impacts of the pollution caused by the plant. This included the slaughter of almost 2,000 cattle, the prohibition of farming within 20 km ordered by local authorities because the level of dioxins found in milk and meat exceeded permissible levels, the prohibition of production of mussels in certain areas and the economic loss due to the lack of development of the tourism industry. Also, residents have seen the value of their properties drop drastically (down by 40%) and have described themselves as “trapped in cages” from which they cannot leave because of the impossibility of selling their properties and moving elsewhere.

55. Since 2012, ILVA has gone through complex legal proceedings. In 2012 the Taranto Public Prosecutor’s Office ordered the arrest of several members of the group’s management and political figures on charges of deliberately producing a high level of pollution. The preliminary investigation concluded that ILVA’s “hot working area” generated in the population “events of disease and death” and ordered its seizure without right of use, quantifying the costs of the clean-up at 8 billion Euros. Since then, the Government has issued several urgent legislative measures known as “Save ILVA”, which enabled production to continue without interruption, despite the findings of the judiciary. The Italian Constitutional Court, in its judgment no. 85/2013, stated that the 2012 Decree Law was placing an unreasonable balance between the principles of health and employment protection. Subsequent Legislative Decrees provided for criminal and administrative immunities for the future purchaser of the plant (Decree-Laws No. 1 of 2015 and No. 98 of 2016).[[29]](#footnote-30) In 2018, the Constitutional Court ruled that Decree-Law No 92/2015 authorising, inter alia, the continuation of the plant’s operations, was unconstitutional, insofar as it was giving excessive priority to the economic interest linked to production activities.

56. On 5 June 2017, the deadline for implementing the measures set out in the environmental plan was postponed by the Government until August 2023.[[30]](#footnote-31) In December 2020, ArcelorMittal and Invitalia signed an agreement that allowed the agency controlled by the Ministry of Economy to enter the shareholding structure at 50% (and later to rise to 60%), taking on the new name of Acciaierie d’Italia S.p.A.

57. In May 2021, the 2012 trial of the group’s management of ILVA and political figures ended with prison sentences from 20 to 24 years and the Taranto Court of Assizes ordered the seizure of the former ILVA plants. On 23 June 2021, a judgment that had confirmed the order of the Mayor of Taranto in March 2020 to shut down the hot working area because it was causing pollution and not respecting a municipal order, was annulled by the Council of the State.

58. Regarding litigation at the international level, in 2011 the EU Court of Justice launched infringement proceedings because the plant did not comply with EU emission standards (Directives 2010/75/EU and 2004/35/EC).[[31]](#footnote-32) Concurrently, the European Court of Human Rights, in Cordella and Others v. Italy, ruled that Italy had failed to take appropriate measures to protect the right to respect for the private life of its citizens, nor had it provided effective remedy.[[32]](#footnote-33) As of 2021, the Court found that compliance with measures stated in the judgment was still unsatisfactory due to the lack of information provided to authorities and persistent lack of effective remedies.[[33]](#footnote-34)

59. The Government-appointed Commissioners and the company currently running the plant, Acciaierie d’Italia, informed the Working Group during a virtual meeting that emissions fall within acceptable levels, that various measures have been introduced in recent years to control pollution, including 1 billion Euros of investments in technologies to reduce the emissions, and that regular reports are being submitted to relevant authorities. The company was also developing a plan to spend about 20 million Euros for community and children’s welfare. However, in March 2022, the plant had three predictive assessments that indicated its negative health and environmental impact: one at 8 million t/y, one at 6 million t/y and one at the minimum level of 4.7 million t/y of steel. This suggests that, regardless of the level of production, the plant will continue to negatively impact the rights of the local population.

60. Government authorities and Acciaierie d’Italia explained they have faced a dilemma between a desire to maintain thousands of jobs versus protecting the rights to health and a clean environment.

61. The Working Group visited Val d’Agri, the site of a major ENI oil production facility, where it heard the views of both community members and company representatives relating to the impact of the oil industry in the area. The territory of Val d’Agri, site of Val d’Agri Oil Center (COVA), has been identified as an area at high risk of “major disasters”, according to the classification criteria outlined in Directive 82/501/EEC,[[34]](#footnote-35) which requires, among others, a State obligation to produce External Emergency Plans.[[35]](#footnote-36)

62. The community raised significant concerns relating to environmental and health issues as well as the wider economic and social impact of the industry on the region and the community. The Working Group was told that the COVA area experienced a series of “non-incidents” (officially called events) characterized by flames, sudden noises, stenches, and allegedly polluting emissions into the air, soil, and water. From 2001, local associations have recorded 163 non-incidents. Some of these are the subject of judicial investigations, such as a leak of 400 tons of oil that led to the shutdown of COVA in 2017. This is the only non-incident that, 4 months after its discovery, was later recognized as a major accident. Despite this, the External Emergency Plan, pending renewal since 2009, has apparently never been triggered.

63. According to a 2017 study (by the Istituto Superiore di Sanità and the Institute of Clinical Physiology of the National Research Council (IFC-CNR)) on the population of the municipalities of Viggiano (the most affected by oil installations, on whose territory COVA is located) and Grumento,[[36]](#footnote-37) there is “robust epidemiological evidence supported by biological plausibility for associations between air pollution exposure and cancer of the trachea bronchi-lung and diseases of the respiratory and circulatory systems”. The study concluded that "for several diseases examined, as exposure to COVA emissions increases, the risk of death and/or hospitalization increases".[[37]](#footnote-38) This report recommended, inter alia, the improvement of environmental monitoring and assessment of health impacts and risks of different pollutants of harmful emissions, including their cumulative effects, and their impact on residents over time. The Working Group learned that even after four years, authorities have not followed up on recommendations, nor have they properly acknowledged nor addressed local communities’ concerns.

64. The company highlighted its efforts in environmental protection and community engagement. However, further efforts are required on ENI’s part to conduct meaningful human rights and environmental due diligence and build trust between the company and the community to ensure independently verifiable data is available to address any legitimate concerns.

65. Furthermore, monitoring activities need to be carried out transparently by relevant institutions and relevant data relating to developments around COVA need to be made widely accessible to the population. The Working Group expressed a wish when visiting Val d’Agri that the IFC-CNR study recommendations would be taken up and implemented through the involvement of all relevant stakeholders, including local authorities, health centers, and local communities.

VI. Gender dimensions

66. The Working Group learned that women and LGBTI+ people in Italy continue to experience workplace discrimination and gender-based violence. For example, the Working Group heard testimonies of women who faced sexual harassment, gender-based violence and other forms of discrimination, including online shaming, in the workplace.

67. According to official figures, in terms of women’s participation in the labour market and segregation in different sectors, Italy ranks 28th worldwide and last in Europe. Women’s employment rate is lower than men’s by over 20%.[[38]](#footnote-39) Occupational segregation in business sectors and the level of women in entrepreneurial activity are also a source of concern: 74% of women are employed in education, health, and social work, whereas just over 22% of businesses in Italy are owned by women.[[39]](#footnote-40)

68. Data also show a significant pay gap, and that women are at higher risk of poverty.[[40]](#footnote-41) Such a difference appears to be particularly striking in the private sector, with the gap widening as women’s experience and skills increase. Italy’s gender pay gap is estimated at around 5%, amounting to about 946 Euros less in annual salary for women. In the private sector, this pay gap rises to more than 20%.[[41]](#footnote-42) The Working Group also notes the disproportionate impact of COVID-19 on women, with recent ISTAT data showing a decrease in female employment that is 2.5 times greater than for men, tied to the number of women who work in sectors most affected by the pandemic. In December 2020, 98% of approximately 100,000 people who lost their jobs were women.[[42]](#footnote-43)

69. The Working Group welcomes the steps taken by the Government to advance gender equality, including the ratification of the Violence and Harassment Convention 2019 (ILO 190) and the adoption, in July 2021, of a five-year plan that is grounded in five strategic priorities and includes indicators and targets to monitor progress. Substantial progress has been made in the last decade, including through the introduction of Law No.120/2011 imposing gender quotas for boards of public companies, EU stock markets and Italian state-owned enterprises. This led to an increase in the number of women board members of such companies from 7% in 2010 to 33% in 2017,[[43]](#footnote-44) and through subsequent legislative interventions in 2019 to 38.8% from 2020 onwards.[[44]](#footnote-45) The Working Group welcomes Italy G20 Conference on Women’s Empowerment and is pleased that the G20 Leaders’ Summit Declaration[[45]](#footnote-46) embedded gender equality as a cross-cutting issue.

70. The Working Group commends the work of the National Office against Racial Discrimination (UNAR) aimed at combatting discrimination and promoting the inclusion of LGBTI persons, in the workplace. It is striking that, according to official figures, only 7.7% of companies with more than 50 employees complied with law 76/2016 recognizing the rights of workers in civil partnerships, including regarding leave entitlements and right to collective bargaining.[[46]](#footnote-47) For smaller enterprises, the percentages are much lower in all areas of inclusion and diversity, showing that most companies have yet to achieve progress on, and benefit from, diversity and inclusion.[[47]](#footnote-48)

71. A cultural shift to break patriarchal power structures and gender serotypes is required. This should be assisted by the adoption of adequate legislative measures and policies, with the participation of the private sector, trade unions and civil society to achieve substantive gender equality.

VII. Access to remedy and corporate accountability

72. The Working Group is concerned by the lack of robust judicial and non-judicial mechanisms to seek effective remedy for business-related human rights abuses. This means that businesses frequently act with impunity. Victims of abuses explained the various obstacles preventing them from seeking justice, such as lack of information about their rights and available remedies, lack of resources for free legal aid, lengthy criminal and civil judicial proceedings, and a general lack of trust in approaching institutions. While some cases have reached successful resolutions, many others remain before the courts, sometimes for years without a final determination. For example, under Article 18 and 22 of the 1998 Consolidated Act on Immigration, [[48]](#footnote-49) special residence permit “for humanitarian reasons” can be granted to third country nationals subject to abuse or serious exploitation, or to undocumented migrant who decide to cooperate with authorities in denouncing the exploiting employers. However, these mechanisms are limited to specific victim profiles: those who do not possess a valid stay permit, and victims of severe conditions of exploitation with an incumbent threat for their own safety. According to IOM, 250 migrant workers supported by IOM used these avenues in the last two years but there are thousands of migrant workers in labour exploitation conditions that do not fall in either of these categories and are therefore left with no legal or social protection.

73. Although the number of sentences issued by courts has significantly increased after Law 199/2016 to combat illegal work and caporalato entered into force, the impact of the practice in terms of protecting workers from unlawful and unfair recruitment is yet to be fully evaluated. The Working Group was informed that the Government presented amendments to the above-mentioned articles 18 and 22 as well as a proposal of National Guidelines on the identification, protection and assistance to victims of labour exploitation in agriculture, which include the promotion of a National Referral Mechanism to strengthen victims’ protection and assistance.

National human rights institution

74. Italy is one of only a few European Union countries without a national human rights institution (NHRI). This constitutes a major gap that should be addressed urgently, in line with State’s international and regional human rights obligations.[[49]](#footnote-50) Despite long and ongoing efforts to establish an NHRI, progress has been stalled in the Parliament. The Government and the Parliament should work together to establish a robust and independent NHRI in line with the Paris Principles.

75. As the Working Group highlighted (A/HRC/47/39/Add.3), NHRIs can play a crucial role in facilitating access to remedy in cases of business-related human rights abuses, including by developing synergies and working closely with the OECD NCP and NHRIs of other countries. It will be critical that the proposed NHRI is independent and has an explicit mandate to deal with corporate human rights abuses, has enough resources and powers, including to provide civil remedies, raise awareness and build capacity, and to protect human rights defenders.

OECD National Contact Point (NCP)

76. The OECD NCP, located within the Ministry of Economic Development, is an important non-judicial mechanism to address business-related human rights abuses. Although the Working Group notes that certain steps were taken after the 2016 peer review process to strengthen the institutional capacity and expertise of the NCP, more work is needed to enhance its visibility and ability to provide remedial outcomes. It is also critical that the NCP is not only independent but also perceived as independent by all stakeholders.

77. In 16 years (2004-2020), the NCP has taken up 24 cases, some of which concern alleged abuses by Italian companies abroad. While the number of complaints increased after 2016, it remains very low considering the instances of abuses that the Working Group encountered during the visit. Most of the victims with whom the Working Group met were unaware of this mechanism. What really matters to affected individuals and communities is not theoretical access to remedial mechanisms, but the realization of the right to effective remedies.

VIII. Mandatory human rights due diligence

78. The Working Group heard about challenges that businesses faced in conducting meaningful human rights due diligence beyond tier-1 and in ensuring respect for human rights across business relationships, particularly for businesses with supply chains abroad. These challenges were exacerbated by the pandemic.

79. It is part of the Government’s role to raise awareness, build capacity, and offer incentives to businesses, including SMEs to promote responsible business conduct.

80. While some companies, including state-owned enterprises, made progress in respecting human rights, including combatting discrimination in the workplace, more efforts should be made to ensure respect of all human rights, in all sectors and across supply chains. It also appears that few Italian companies have established operational-level grievance mechanisms in line with the UNGPs. The Working Group learned that a cause of these challenges was a lack of awareness about the UNGPs and the corporate responsibility to respect human rights. Stakeholders agreed on the need for a mandatory human rights due diligence law as part of the “smart mix” of regulation provided by the State.

81. The Working Group encourages Italy enact a mandatory human rights due diligence law, in line with the European Commission’s draft Directive on Corporate Sustainability Due Diligence,[[50]](#footnote-51) as well as actively engage with international processes to establish binding norms for businesses to create a global level playing field. The Government should begin a discussion with all relevant stakeholders to adopt a national law on mandatory human rights due diligence with a strong corporate accountability component. Doing so would help Italy, as well as its companies, to stay ahead of the curve and prepare for changes in the regulatory landscape.

IX. Policy coherence

82. The Working Group was pleased to hear from several Ministries about important efforts made by the Government to ensure policy coherence in its work across key Ministries and Departments. For example, the process to develop the second National Action Plan (NAP) on business and human rights was conducted with a whole-of-government approach. The coordinating role played by the Inter-ministerial Committee for Human Rights (CIDU) is praiseworthy. Moreover, the establishment of various inter-ministerial committees to deal with cross-cutting issues, such as ensuring a smooth ecological transition or dismantling the caporalato system, is positive.

83. The National Forum for Sustainable Development has been established to promote a wider multi-stakeholder dialogue for the implementation of the National Strategy of Sustainable Development, and the project “Policy coherence for sustainable development: mainstreaming the SDGs in Italian decision-making process” involves several actors. However, the Working Group would like to see these cohesive policy approaches explicitly including business and human rights issues in all relevant policy frameworks aimed at bringing a positive change in practice for people and the planet.

X. Conclusions and recommendations

A. Conclusions

84. **The Working Group welcomes the Government’s efforts to advance responsible business conduct and address remaining gaps in the regulatory framework, including some of the serious abuses suffered by workers, particularly migrant workers in the agricultural and other sectors. The existing legal framework which criminalizes the caporalato, the elaboration of institutional and policy responses at the regional and national level and the adoption of the second NAP on Business and Human Rights are just a few of the many positive initiatives in this regard. The Working Group shares the assessment of many stakeholders that some of the most severe forms of abuses can be ended through the effective implementation of existing legal and policy measures.**

85. **At the same time, it remains concerned about insufficient efforts to address root causes of abuses of workers’ rights, including labour exploitation and unsafe working conditions of migrant workers across supply chains. The absence of a coordinated and holistic approach to break the vicious cycle of abuses, by ensuring workers have access to all human rights, and businesses are systematically held accountable for any harm caused, is also concerning. The implementation of the second NAP represents a key opportunity to ensure the full integration of the “Protect, Respect and Remedy” framework of the UNGPs in Government actions.**

86. **The Working Group observed efforts by the Government to find a balanced approach towards industrial-economic development priorities and discharging its duty to protect human rights and the environment. However, protecting the right to meaningful participation of affected communities in environmental issues remained a challenge. The Working Group stresses that any measures to ensure an inclusive transition to a green economy and sustainable business practices, and social and environmental accountability, require the meaningful participation of all relevant stakeholders.**

B. Recommendations

87. **The Working Group recommends that the Government:**

(a) **Implement the second NAP effectively, including through indicators that are specific, measurable, achievable, and time-bound, with the allocation of adequate resources, and ensure that relevant Ministries and agencies can deliver on their responsibility under the NAP and be held accountable;**

(b) **Connect the NAP with other policy frameworks, such as the National Recovery and Resilience Plan and the Sustainable Development Plan, to ensure policy coherence;**

(c) **Take more proactive action to implement the UNGPs, including by strengthening oversight, setting clear expectations for companies to respect human rights through effective human rights due diligence processes in all sectors, and holding companies accountable for human rights abuses;**

(d) **Consider enacting legislation imposing binding human rights due diligence requirements for businesses of all sizes, in all sectors and covering negative impacts on all internationally recognized human rights and the environment throughout supply chains (including subsidiaries and contractual partners and suppliers). Such legislation should provide for corporate liability and access to, and effective remedies for, victims of corporate human rights abuses abroad. Consultations on the content and scope of such legislation should start straight away** **with all relevant stakeholders;**

(e) **Integrate human rights and environmental due diligence, and access to remedy, into trade and investment promotion activities, including when attracting investment, negotiating trade and investment agreements, and promoting Italian businesses abroad;**

(f) **Raise awareness about the UNGPs and the national action plan among all actors in society and among civil servants, and the judiciary and lawmakers to build their capacity to deliver on their respective obligations to prevent, investigate, punish and redress business related human rights abuses.**

(g) **Adopt a comprehensive approach to address the root causes of caporalato, including:**

(i) **Understanding and addressing the interconnected nature of abuses of migrant workers’ rights through a coordinated, comprehensive, and holistic approach that recognizes migrants as rights holders and ensures access to housing, transportation and decent working conditions regardless of migration status;**

(ii) **Designing measures with the inclusion of all local, regional and national State institutions that have a role in addressing the whole spectrum of human rights abuses described in this report, and with the meaningful participation of workers, civil society and trade unions, which are often putting their lives at risk to defend the human rights of migrant workers**. **This includes adequately resourcing and institutionalising cultural mediators who work in informal settlements to provide services to residents independent of the caporalato, and ensuring that these mediators are present in all localities;**

(iii) **Expanding channels for regularisation of migrant workers;**

(iv) **Creating an effective mechanism for matching labour supply and demand;**

(v) **Promoting and support ethical employment practices;**

(vi) **Implementing the relevant recommendations by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences in A/HRC/42/44/Add.1**

(h) **Ensure that existing labour rights and occupational health and safety regulations in all sectors and for all workers are effectively monitored and implemented, including in relation to working hours, weekly rest, night work, payment of overtime hours and work on public holidays. In this regard, the Government should consider the extension of the same regulatory and economic treatment provided by the national collective agreements to all suppliers and subcontractors to their and sub-contractor in the value chain;**

(i) **Adopt urgent action to strengthen the inspection regime and the imposition of effective sanctions throughout the national territory for more coordinated, effective and homogeneous inspections;**

(j) **Ensure that labour inspectorates have the necessary resources commensurate to the challenges described in this report, including ensuring they are adequately staffed and that inspectors receive the necessary training and resources to inspect all human rights pertaining to the workplace and to safety and working conditions in all sectors, with an emphasis on prevention;**

(k) **Ensure the offices of public prosecutors are provided with adequate resources to investigate abuses by businesses and hold them accountable. The Government should consider increasing the number of skilled staff to investigate and enforce relevant legislation related to corporate crimes. The offices of the public prosecutors should also collaborate more closely with their counterparts in other jurisdictions to ensure companies are held accountable for human rights abuses overseas (see A/HRC/35/33). Fines and other administrative or criminal sanctions imposed on businesses should be proportionate to deter criminal activities;**

(l) **Ensure that State-Owned Enterprises lead by example[[51]](#footnote-52) in respecting human rights and the Government should consider the inclusion of human rights criteria, including on occupation health and safety in public procurement, economic diplomacy, export credits and trade support for Italian companies as a means of promoting business respect for human rights;**

(m) **Ensure that the international investment agreements of which Italy is a party or intends to become a party, allow it to maintain adequate policy space to meet its human rights obligations in conformity with UNGP 9.[[52]](#footnote-53) The drafting of international investment agreements should take place in a transparent manner and consider the inputs of multiple stakeholders, including NGOs, specialized academics and other relevant stakeholders;**

(n) **Adopt measures to combat all discriminatory practices in the private sector and to address challenges in integrating and retaining individuals who face particular discrimination on account of their sexual orientation and gender identity;**

(o) **Strengthen measures to implement the principle of equal pay for work of equal value, to close the gender wage gap, and take decisive measures to ensure equal representation of women in leadership positions in businesses;**

(p) **Strengthen measures to combat sexual harassment and gender-based violence in the workplace, in society generally and online[[53]](#footnote-54);**

(q) **Implement training programmes to empower workers, especially those in vulnerable situations, such as migrant workers, to exercise their rights, including the right to create and join trade unions and to collective bargaining and take steps to address power imbalances between the workers and their employers;**

(r) **Ensure prompt and impartial investigation into cases involving threats, intimidation, harassment and violence against individuals and trade unions defending workers’ rights;**

(s) **Adopt a more holistic approach to environmental impact assessments and strengthen independent and transparent monitoring that considers cumulative social, environmental, economic and energetic impacts, with the meaningful participation of affected communities;**

(t) **Arrange for the prompt remediation of the polluted sites referred to in the present report, including the incidences of asbestos, and other sites that may exist, in consultation with affected communities;**

(u) **In relation to Taranto:**

(i) **Take urgent measures to safeguard the health and the right to education of children living in Taranto, including the immediate closure of the “hot working area”;**

(ii) **Require the allocation of financial resources by the company to comply with the principle of “best available technology” to avoid further pollution from production, and the provision of effective remedy, including monetary compensation, for the affected population;**

(iii) **Establish a multi-stakeholder mechanism, inclusive of relevant actors, with a mandate to discuss, plan and implement a human rights-based and environmentally friendly economic system for Taranto capable of meeting inclusive environmental transition in line with the 2030 Agenda for Sustainable Development and other relevant State international climate targets.**

(v) **Improve access to judicial and non-judicial remedies by removing barriers outlined in the present report to provide effective protection and assistance for all victims of corporate abuses in all sectors. This includes:**

(i) **establishing, without further delay, a National Human Rights Institution with an explicit mandate with respect to corporate-related human rights abuses and appropriate powers in line with the Working Group’s recommendations;[[54]](#footnote-55)**

(ii) **strengthening awareness, greater access and use of the NCP, including through awareness tools about its mandate, including in languages spoken by migrant workers. The NCP should also try to address power imbalances while performing conciliation and explore avenues to ensure that Italian businesses implement NCP’s recommendations.**

88. **The Working Group recommends that businesses and industry associations**:

(a) **Play a more robust role in disseminating the UNGPs and in promoting their implementation, including through the development of suitable tools to support their members (particularly SMEs) to carry out effective human rights due diligence;**

(b) **Strengthen awareness among businesses of their independent responsibility to respect human rights, including under the regime of occupational health and safety to protect workers’ life and health. This should be complemented by training programmes and information for workers to prevent the risk of accidents;**

(c) **Adopt a gender perspective when conducting impact assessments and design operational-level grievance mechanisms, based on the Working Group’s gender guidance for the UNGPs;**

(d) **Establish effective grievance mechanisms to provide remedies to affected individuals and communities in line with the UNGPs. Such mechanisms should not preclude access to judicial remedies;**

(e) **In the case of supermarkets, stop the practice of double bidding for goods and take collective steps to ensure that all workers in their supply chains are paid a minimum living wage.**

89. **The Working Group recommends that civil society actors continue to:**

(a) **Raise awareness about the State’s and businesses’ respective duties and responsibilities under the UNGPs;**

(b) **Document cases of human rights abuses, in particular those committed against individuals and communities in vulnerable situations, and assist in facilitating access to judicial and non-judicial remedial mechanisms, including operational-level grievance mechanisms;**

(c) **Contribute to and engage in any ongoing or future initiatives aimed at strengthening existing legal and policy frameworks on business and human rights, and facilitate the equal participation of all stakeholders in these initiatives. Lawyers and large law firms should provide strategic advice on business and human rights issues, supporting clients to formally embed ESG factors, including human rights, within their business models and governance.**

1. \* The present report was submitted after the deadline in order to reflect the most recent information. [↑](#footnote-ref-2)
2. \*\* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only. [↑](#footnote-ref-3)
3. <https://cidu.esteri.it/comitatodirittiumani/resource/doc/2021/12/secondo_pan_bhr_en.pdf>. [↑](#footnote-ref-4)
4. [Three-year Plan](https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-rome/documents/genericdocument/wcms_766362.pdf) (2020 – 2022). [↑](#footnote-ref-5)
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   %20Infrastrutture%20e%20dei%20trasporti%3B](https://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/Tavolo-caporalato/Pagine/Attivita-tavolo-Caporalato.aspx#:~:text=Il%20Tavolo%20caporalato%20%C3%A8%20presieduto,delle%20Infrastrutture%20e%20dei%20trasporti%3B). [↑](#footnote-ref-6)
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