



IS ITALIAN AGRICULTURE A ‘PULL FACTOR’ FOR IRREGULAR MIGRATION – AND, IF SO, WHY?

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CONTENTS

2	INTRODUCTION: UNPACKING THE DEMAND FOR UNDECLARED WORK IN THE AGRICULTURAL SECTOR IN SOUTHERN ITALY
4	METHODOLOGY AND SCOPE
5	FACTORS DRIVING DEMAND FOR UNDECLARED AND SEVERELY EXPLOITATIVE WORK IN AGRICULTURE IN SOUTHERN ITALY
5	A. Historical trends and patterns of migrant involvement in agri-food production
10	B. Value chain dynamics and the impact of transport systems, retailers and market factors
12	C. Organised crime and corruption
12	D. Recruitment practices – the role of ‘caporalato’
15	THE IMPACT OF EU AND ITALIAN POLICIES
15	EU Policies
15	a. Migration and asylum
15	b. Labour migration
16	c. Labour mobility in the EU
17	d. Policies on trafficking and exploitation
17	e. The Common Agricultural Policy (CAP)
18	Italian Policies
18	a. Migration and asylum
20	b. Exploitation and trafficking
23	THE SOUTHERN EUROPEAN CONTEXT: SIMILAR CHALLENGES IN GREECE AND SPAIN
27	GOOD PRACTICES AGAINST LABOUR EXPLOITATION
30	CONCLUDING REMARKS
33	References

INTRODUCTION: UNPACKING THE DEMAND FOR UNDECLARED WORK IN THE AGRICULTURAL SECTOR IN SOUTHERN ITALY

In September 2017, the European Commission Communication on the Mid-Term Review of the EU Agenda for Migration mentioned undeclared work in specific sectors of the economy of various member states as a 'pull factor' for irregular migration to the EU. This study aims to provide comprehensive insights on the reality surrounding and framing the restructuring of agricultural production in southern Italy to demonstrate how on-going dynamics are the outcome of specific policy strategies.

The study seeks to analyse the broader framework in which the rights of migrants and workers are violated, going beyond the focus on the abuse endured by migrant workers in southern Italy—which has been reported on exhaustively over the last decade by the media and civil society organisations—and the rather narrow actions by the EU and member states to counter the exploitation. The aim is to investigate the multiple pressures on the agriculture system from the restructuring of agri-food chains and the factors pushing farmers to recruit migrant workers irregularly, profiting from their vulnerable condition.

The agricultural sector's restructuring over the last three decades has resulted mainly from the incorporation of farming in more capital-intensive production systems and its dominance by increasingly competitive agri-food chains in the

context of neo-liberal globalization. This process has been shaped by progressively hierarchized networks with the growing relevance of large corporations, high price volatility, and decreasing returns to producers. Through an increasingly unfair distribution of risks, costs, and profits along the chain, food industries and retailers use their oligopolistic market power of negotiation to impose price and conditions on farmers, who have faced a dramatic economic squeeze since the 1970s. These changes have taken place in the context of the Common Agriculture Policy (CAP), which has been regularly reformed to promote productivism through a modern and market-oriented agriculture. This process has contributed to widening pre-existing inequalities and polarizations within the European Union, enhancing cultural and territorial transformations of rural areas through socio-economic differentiations.

This is the framework that triggered the reconfiguration of agricultural manpower in its shift from family labour to externally-sourced salaried work and, eventually, from a local to a foreign workforce, with a growing presence of migrants in farming activities. In a context of a progressive rural exodus, the relative proportion of migrants in EU agriculture has been growing rapidly. Evidence indicates that rural areas represent a favourable setting for newcomers, as they provide for easier

access to basic livelihood sources and employment opportunities. Rural areas also offer degrees of non-visibility and informality that help accommodate migrants' varying types of legal status while simultaneously paving the way for irregular practices and situations of harsh exploitation.

Agriculture is the main sector plagued by the scourge of informal or undeclared work and serious forms of worker exploitation across Europe (OECD 2012). Demand for cheap labour is particularly high in Mediterranean European countries where agricultural labour is normally temporary and precarious, requiring workers to move from one region to the other according to seasonal agriculture needs in fruit and vegetable production. The systematic denial of the rights of women and men—especially migrant workers from eastern Europe, Africa, and Asia—underpins most agricultural production of seasonal fruits and vegetables in the EU Mediterranean region (Gertel and Sippel 2014; Corrado *et al.* 2016; Nori 2017).

In this regional context, conditions in Italy are particularly worrying. This, however, should not be solely a matter of national concern: the tomatoes, oranges, strawberries, grapes, melons, watermelons, olives and other goods produced in southern Italy eventually make their way onto supermarket shelves throughout Europe. The top export markets for such products are Germany, Austria, Switzerland, France, Sweden, and the UK (Oxfam 2018).

Although it is not easy to ascertain the precise number of foreign workers in Italian agriculture, the most recent official figures show that in 2015 roughly 48 per cent of the workforce employed in agriculture—or some 405,000 out of a total of 843,000 workers—were foreign nationals (CREA 2017).

Also, according to 2015 data, some 430,000 workers in this sector (i.e. more than 50 per cent) were employed without an official contract; 80 per cent of these workers, or 344,000, were foreign nationals and some 100,000 were identified as being at high risk of exploitation. Close to half—42 per cent—of irregular farm workers are women, who are usually over-represented in unpaid and seasonal work (OPR 2018).

The case of southern Italy is emblematic because of its historically seasonal and progressively specialized agriculture as well as because of some socio-economic features specific to the area. In Calabria, Sicily, Campania, Apulia, and Basilicata open-air or greenhouse seasonal productions of fruits and vegetables rely mainly on small and medium-sized farms; products are oriented to fresh consumption or processing, and serve distance distribution and large retailers. Furthermore, in agriculture as much as in the general economy, the labour market in southern Italy is characterized by informality in contractual relationships.

Workers' legal and social vulnerability results in many forms of human rights violations. The tragic deaths of 16 farm workers in two car accidents while traveling to tomato fields in Apulia in August 2018 are but the latest violent events concerning production relationships in Italian agriculture. Farm labourers often work for 10 to 12 hours a day, are exposed to toxic pesticides and endure the summer heat and the winter cold for pay that is considerably below the legal minimum wage. Most live in degrading and unsanitary conditions in isolated outbuildings on the farms, in dilapidated hovels, tent cities without heating, or in urban slums many miles from the fields where they work. These conditions also largely impact on migrant workers' capacity to integrate into local societies.

An illegal gangmaster system known as *caporalato* exacerbates the suffering of female and male workers. However, the forms of labour intermediation, recruitment, and organisation of farm workers are differentiated, sometimes set by cooperatives or temporary work agencies. The conditions in which the *caporalato* system flourishes include high demand for short-term and very flexible labour; indirect farming, with labour outsourcing, contract operations and leased land and machineries; workplaces that are very isolated (in remote rural areas) or present extremely harsh work conditions (e.g. greenhouses); inability of producer organisations (POs) to effectively represent local producers' interests; the presence of criminal organisations and a lack of official recruitment services (Ismea 2017).

METHODOLOGY AND SCOPE

The study focuses on agriculture in southern Italy. It analyses the dynamics of specific agri-food productions and chains (i.e. fruits and vegetables) where migrants are primarily employed in exploitative conditions and their labour is relevant for national as well as European markets.

The study is based on desk research and follow-up interviews with various key stakeholders. By focusing on the demand side rather than on the supply side of irregular migration or undeclared work by migrants and refugees in Italy, the study aims to contribute to reframing the debate around EU policymaking on migration towards a more holistic approach to migration management. The research also contributes to broader efforts to change migration narratives by highlighting the invaluable role played by migrant workers and how a well-functioning and sustainable agri-food system could lead to benefits for all, including consumers. Data available and utilised might show some inconsistencies as different sources have been used, while the quantification of informal contractual relationships is obviously difficult.

The analysis draws attention to the dynamic relationships between the socio-economic context and the relevant EU and national policies, including migration and asylum policies; labour mobility policy; and the EU Common Agricultural Policy. Recruitment systems within Italy and from abroad and the role of organised crime are other specific factors that are considered.

This study also reviews relevant good practices from the private sector aimed at guaranteeing decent work conditions for agricultural labourers. The case of southern Italy is contextualized through brief comparative references to similar patterns in central and northern Italy as well as in Greece and Spain. Finally, small-scale local initiatives undertaken by local trade unions and associations or by larger groups or retail chains are also showcased.

FACTORS DRIVING DEMAND FOR UNDECLARED AND SEVERELY EXPLOITATIVE WORK IN AGRICULTURE IN SOUTHERN ITALY

A. HISTORICAL TRENDS AND PATTERNS OF MIGRANT INVOLVEMENT IN AGRI-FOOD PRODUCTION

Agricultural labour in Italy has been historically characterized by harsh conditions that were precarious and framed within relationships of significant exploitation that resulted in frequent rebellions and protests against landowners' abuses and agitation for labour rights (Militello *et al.* 1978). The processes of industrialisation and tertiarisation of the Italian economy, in conjunction with the impetuous mechanization of agricultural production, have progressively led to a drastic reduction of employees in the agricultural sector over the course of the last 60 years.

TABLE 1

Employed labour force in agriculture and percentage of the total of employed people in Italy (Annual work units)

	EMPLOYED LABOUR FORCE IN AGRICULTURE (X1000)	% OF TOTAL LABOUR FORCE
1951	8,261	42.2
1961	5,657	29.0
1971	3,243	17.2
1981	2,240	11.1
1991	1,630	7.6
2001	1,154	5.5
2011	1,277	4.3

Source: Istat, data elaboration

The consistent decline in the number of workers employed in agriculture has been mirrored by a process of replacement and substitution: in the 1960s, internal migration involved thousands of labourers who “accepted conditions [that were] inferior compared to the plain’s manpower, [that was] more organised” (Senato della Repubblica 1995, p. 3). Later on—with the mass emigration of men—there was a significant shift towards the feminisation of daily farm work, while, since the 1990s, demand for seasonal agricultural work has been covered mainly by foreign workers. The continuous replacement of manpower is also motivated by the socio-economic convenience for businessmen of recruiting docile manpower that is exploitable and cheap.

In the southern plains in particular, the intensification of agriculture and the monocultural reorganisation of production implied the need to secure a significant number of labourers exclusively for the brief harvest period of fruit and vegetable products. The market for farm labour has become progressively stratified, with migrants employed in the toughest and least-skilled activities. Specific features of such work, including seasonality, just-in-time mobility (to “chase” the different harvests), and informality exacerbate the conditions of extortion and vulnerability of migrant labourers due to a normative system that generally ties the migrant’s permit for legal stay to a labour contract (with the notable exception of asylum seekers and beneficiaries of protection).

For over 30 years, especially in the southern regions, employment in agriculture has been a channel of first access and inclusion in the undeclared labour market for many migrants. Ineffective management of migration has contributed to structuring a system of self-managed and informal mobility, intermediation, and job placement within an agricultural sector already strongly characterized by high rates of irregularity.

Migrants’ stay in the Italian south often lasted until one of a series of regular amnesties was issued, through which a significant share of these workers was periodically regularized (as in 1990, 1995, 1998, and 2009), allowing them to move to northern Italy or elsewhere in Europe where they could find better work and social inclusion opportunities. This produced a continuous stream of replacement and substitution in agricultural work by more recently-arrived migrants.

However, the 2008 economic crisis disrupted—and in some respects reversed—this fluid mechanism of transition from irregular work to regular work. The wave of redundancies that primarily affected the migrant segment of the population pushed thousands of workers to return to the countryside and agricultural work (Caruso and Corrado 2015). This overlap in agriculture between old and new migratory cycles has translated into a significant increase in the migrant labour share of the population that is unparalleled in other productive sectors. Processes of agrarianisation of migrant labour and ruralisation of migration have occurred.

Official data cannot offer an effective depiction of reality. This is due both to the significant weight of temporary and undeclared work as well as a practice known as “fictitious work” by Italians—that is, labour that is not carried out but declared in order to benefit from social security subsidies. A “grey area” is also facilitated by allowing employers to register working days at a later stage, so that in many cases employers declare fewer work days than those effectively performed by workers.

Nonetheless, data provided by the National Institute of Social Security represent important indicators, at least of the larger trends within agricultural occupation (Pugliese 1984). We thus see in the registry lists included under the INPS database that of the 1,035,654 agricultural workers hired in 2016, almost one-third (286,940) were immigrant workers (Table 2).

TABLE 2

Immigrant agricultural workers in Italy

YEAR	MIGRANT WORKERS IN AGRICULTURE			TOTAL AGRICULTURAL WORKERS
	NON-EU MIGRANT WORKERS	MIGRANT WORKERS OF THE A8 COUNTRIES THAT JOINED THE EU IN 2004	TOTAL IMMIGRANT WORKERS	
2007	73,091	111,077	184,168	1,032,308
2008	82,085	120,409	202,494	1,037,116
2009	93,042	129,056	222,098	1,023,871
2010	103,688	148,195	251,883	1,032,666
2011	113,304	154,531	267,835	1,021,020
2012	120,391	154,024	274,415	1,018,262
2013	124,077	154,271	278,348	1,015,556
2014	127,979	155,738	283,717	1,009,083
2015	132,577	155,899	288,476	1,034,525
2016	135,234	151,706	286,940	1,035,654

Source: INPS data elaboration, 2018

Table 3 compares data from ISTAT and CREA (ex INEA) sources, concerning migrant workers in the agriculture labour market. Data from CREA¹—which

also estimate irregular labour highlight a growth trend, from 0.3 to 48 per cent over 25 years.

TABLE 3

Migrant labour force as a percentage of agricultural labour force in Italy

YEAR	TOTAL OF AGRICULTURAL LABOUR FORCE (ISTAT)	ISTAT		CREA	
		MIGRANT AGRICULTURAL LABOUR FORCE	% OF TOTAL LABOUR FORCE IN AGRICULTURE	MIGRANT AGRICULTURAL LABOUR FORCE	% OF TOTAL LABOUR FORCE IN AGRICULTURE
1991	1,614,000	-	-	5,634	0.3
1996	1,402,000	-	-	62,083	4.0
2008	895,000	53,700	6.00	174,000	19.0
2011	850,430	103,192	12.10	281,577	33.0
2015	842,840	132,754	15.75	405,673	48.0
2016	884,000	146,924	16.60	146,924	16.6

Source: CREA and ex INEA data elaboration, 1992-2018; RCFL-ISTAT micro-data elaboration

It should be noted that while a regional breakdown of these data (ISTAT) shows that the percentage of migrant labour is higher in the northern regions due to the persistence of a significant presence of native agricultural workers in southern areas, in absolute terms the number of migrant workers is substantially higher in southern regions—and particularly in Sicily and Apulia.

Historical differences in agriculture between northern and southern regions reflects Italy territorial dualism as well as specific cultural aspects, and continues to affect the occupational structure up to date – as indicated in the last general census of agriculture. The intense use of casual labour in the south and high seasonality of the labour demand creates greater conditions of precariousness and increases the risk of exploitation. On the other

hand, agriculture in northern Italy is traditionally characterized by greater entrepreneurial solidity, more stable and guaranteed work relations, and strong inter-professional cooperation capable of mitigating conflicts and social tensions.

The presence of migrant labourers is higher in the agricultural districts of southern Italy. Indicatively, in the areas of Eboli and Capaccio, in the heart of the “fourth range” products (fresh fruits and vegetables that are washed, packaged, and ready for consumption) district of the Sele plain, the 2,558 migrant workers represent 66 per cent of agricultural labour; in San Ferdinando, Rosarno-Gioia Tauro Plain, 88 per cent of workers employed in agriculture are migrants. Similarly, Acate, in the Ragusa greenhouse area, has the highest percentage (33.1) of migrant population in Italy.

1 Until 2015 CREA carried out specific quali-quantitative surveys on agricultural work. From 2016 it only refers to the quarterly RCFL-ISTAT microdata (CREA, 2018), that probably underestimate migrant labour size, due to its mobility, but also due to administrative factors (Barberis 2013, p. 62; CNEL 2012, p. 86; ISTAT 2006, p. 15).

In terms of nationality (Table 4), the largest groups of agricultural workers by nationality are: Romanians, 112,894; Albanians, 24,870; and Moroccans, 23,932. These are also the top three migrant communities present in Italy. In addition to these three nationalities, Indian migrants stand out with their presence (26,900) and account for almost one-third of migrant labour in the agricultural sector alone. Their number has grown nearly 300 per cent over the last decade, in contrast to Polish migrants, especially female, whose number has shrunk by more than half over the same period.

In some areas, EU migrant workers have “replaced” African migrant workers, especially after the 2007 European enlargement process. This has been the case with Romanians in the area of Ragusa, where Tunisian workers were predominant. Many factors have fostered this replacement: Romanians are paid less than Tunisian workers who are more skilled in the sector, more unionized, and have developed solid contacts with local people. Furthermore, most Romanians accept substandard and even abusive working conditions, as this is seen as a temporary experience to collect money to be sent back home. Lastly, the irregular recruitment of EU workers is less dangerous for employers as they do not risk criminal proceedings for allegedly facilitating irregular migration (Palumbo 2016).

TABLE 4
Migrant workers in agriculture by country of origin

COUNTRY OF ORIGIN	2008	2016
Romania	77,250	112,289
India	9,867	26,900
Albania	17,018	24,870
Morocco	14,435	23,932
Poland	24,708	15,986
Bulgaria	14,482	12,036

Source: INPS data elaboration, 2016

Gender breakdowns of the same data show that between 2008 and 2016, the number of foreign women farm workers rose from 60,026 to 82,855, while the number of Italian women employed as farm workers fell from 379,539 to 270,168.

Non-EU women working in agriculture numbered 29,456 in 2016 (up 50 per cent from 2006), while the number of men rose from 85,965 in 2007 to 132,415 in 2016. The number of female workers from the A8 EU member states rose from 39,119 in 2007 to 53,399 in 2016, with a corresponding rise in the number of male farm workers from 71,958 to 98,307. In particular, the number of Romanian women farm workers increased from 21,466 to 39,441, while the Polish women fell from 12,039 to 6,369. In some of the agri-food districts of southern Italy, the number of EU female labourers is very relevant (INPS data).

As shown by the case of the Romanian women employed in the province Ragusa (3,272, that is 59 per cent of the total number of migrant women workers regularly employed in agriculture, in the province of Ragusa), female migrant farm workers often labour under the same harsh and exploitative conditions experienced by male migrant workers: 10 or 12-hour days in unsafe and inadequate condition for a daily wage of 15 to 25 euros. In addition, workers usually live on the farms, in a context of complete isolation and often in crumbling shelters. In this scenario of dependency on the employer, women's labour exploitation is often accompanied by sexual blackmail and abuse. Women with family responsibilities, in particular, seem to be the most exposed to abuse (Palumbo and Sciarba 2015).

B. VALUE CHAIN DYNAMICS AND THE IMPACT OF TRANSPORT SYSTEMS, RETAILERS AND MARKET FACTORS

In line with the dynamics of rearrangement on a global scale of production processes, the agri-food supply chains in Italy are buyer-driven, with client companies playing a central role in creating and managing a broad base of selected suppliers on which to build distribution systems. The increasing complexity of managing supply networks has concentrated control of the value chains in the hands of a few large retail groups.

In this scenario, Italy is characterized by a lower market concentration and greater sector heterogeneity compared to the English and German or French and Spanish cases. The largest share of Italy's domestic market is controlled by organised distribution (57.1 per cent) rather than by large-scale retail operators (41.5 per cent), with a strong presence of the cooperative system—Coop has 14.7 per cent and Conad 11 per cent (AGCM 2012). Yet, despite being the two largest coops, Conad and Coop post sales of just over 10 billion euros, about one-tenth of the turnover of the German Lidl Schwarz alone (DM 2017).

Unlike in many other countries, small retailers in Italy have survived in a more significant manner, despite the accelerated growth of large retailers in recent years. In particular, between 1996 and 2011, large food distribution chains doubled their turnover to nearly 100 billion euros and controlled 72.4 per cent of the agri-food market (Federdistribuzione 2014).

The expansion of large-scale retailing has involved a constant reshaping of the food sector. On one hand, this has fostered the modernization of the distribution chain, but on the other, it has severely weakened the power and profit margins of the agricultural-industrial sector; in fact, the value chain has presented a strong imbalance in favour of the downstream stakeholders that have a dominant position.

The process of concentration today is also articulated through the establishment of international super buying centres—that is, alliances between the largest distribution groups aimed at obtaining better contractual conditions through collective negotiation with suppliers.

Since the adoption of EC Regulation 1/2003, EU policies of market liberalization and competition have allowed the expansion on a continental scale of the largest European supermarket chains.

The oligopolistic control of prices by the large international supermarket chains through continuous revisions and auctions on the reduction/depreciation of products imposes an increasingly intense pressure on suppliers, based on production intensification, but also on intensive exploitation of the factors of production, i.e., the land and workforce.

According to Fabio Cicone, from *Terra! onlus*: “The responsibility for work exploitation lies with large retailers and their price-cutting strategies, with the total disintegration of the productive base and with a cultural bias according to which the migrant must be grateful for work!” (interview, 11 October 2018).

THE UNFAIR TRADING PRACTICES OF SUPERMARKETS

The reverse auction is a commercial practice of meeting supply and demand: the auctioneer proposes a high selling price that gradually decreases until it meets the interests of a buyer. Historically rooted in the Dutch flower sector, in Italy it is the preferred tool for buying and selling in fish markets.

In the fruit and vegetable sector, reverse auctions have become widespread, as in Spain where, for example, every year about 400,000 tons of fruit and vegetables are handled through the daily bidding auctions in one of the biggest markets, the *alhondigas* La Union of Almería, which contributes significantly to the definition of European-wide reference prices for some counter-seasonal products.

Some chains of the large-scale retail trade use this method through specific online platforms for managing supplies, but also activate a second level of bargaining based on the price identified after the first round of negotiations. This practice of two-stage electronic auctions effectively functions as an instrument of pressure on suppliers that increases the risk of cost-cutting being dumped on workers.

Discount chains use this practice for about 50 per cent of supplies, while a somewhat lower percentage concerns traditional supermarkets (Ciconte and Liberti 2018).

On 28 June 2017, an agreement was signed by the Italian Ministry of Agriculture with Federdistribuzione, an organisation representing organised large-scale retailing, and Conad (Consorzio Nazionale Dettaglianti), a leading cooperative of the organised distribution sector, to no longer resort to 'double auctions' for purchasing agricultural and agri-food products, but some actors are still resorting to them.

On 25 October 2018, the European Parliament approved its position on the proposal for a Directive on unfair trading practices (UTPs) in business-to-business relationships in food supply chain (COM/2018/173 final - 2018/0082 (COD), which will now be negotiated with the European Commission and Council.

According to many experts, the weakness of agricultural businesses *vis a vis* the large supermarket chains derives from specific characteristics of southern agriculture such as the fragmented character of production, the lack of internal cooperation, and a weak intra-sector integration of the supply chain (Nomisma-Unaproa 2016).

To give an example, in the case of the tomato value chain, together with the low degree of mechanization of harvesting operations, the ineffectiveness of southern Italian POs (Producers' Organisation)

is indicated as a major structural constraint: too small and located far from the field, they have failed to negotiate sustainable purchasing prices, with inevitable consequences on workers' wages. However, other factors also play a part in enhancing unfair relationships along the agri-food chain and include the monocultural intensive model of agriculture as well as a high concentration in the industrial sector, which results in a growing dependency on large retailers and a price squeeze on agriculture (Onorati and Conti 2016).

In addition, the infrastructure and logistical shortfall in Italy—together with the peripheral geographical position of the producing areas in relation to the large consumption basins—lead to an increase in intermediate costs. This also poses environmental problems: 90 per cent of agri-food production in Italy involves road transport for long intra-national or intra-European distances.

C. ORGANISED CRIME AND CORRUPTION

Today the criminal interests driven by forms of entrepreneurial mafia tied to the agricultural world have become ever-more relevant and are generally inserted into a so-called agromafia system (Eurispes 2015). This system includes activities that generate illicit profits or enable the laundering of black money, ranging from the production, processing, and transport of vegetable and fruit markets to the products' delivery to the large distributors.

The agricultural sector allows for laundering proceeds from drug trafficking, racketeering and usury, which are also the tools organised crime resorts to exercise control over these regions, alongside new methods which blur the boundaries between criminals, on the one hand, and political and economic actors, on the other, heavily influencing public and economic policies.

According to Istat, the non-observed economy in Italy is worth 208 billion euros, with an underground economy estimated at 190 billion euros. Agriculture is the second-ranked sector in the underground economy in terms of added value, representing 15.5 per cent.

The growth of exports and the rise in global popularity of the “Made in Italy” brand tied to the image of quality and excellence has always drawn investors from the entrepreneurial mafia.

Opportunities for criminal involvement are multiplying. First, there is management of labour and international trafficking in human beings in full cooperation with foreign criminal organisations. Other such opportunities can be found in the management of fruit and vegetable markets;

distribution and logistics; and counterfeiting Protected Designation of Origin and Geographical Indication products or other certifications. By reducing production costs and thanks to certification counterfeiting systems, niche products with higher profit margins are easily placed on the market.

Regarding control of fruit and vegetable markets, judicial authorities have published details about investigations into alleged criminal activities involving the transport sector and the general markets of Fondi (in the central Latium region), Vittoria and Gela (in Sicily). Criminal organisations were found to influence and control the flow and type of products as well as to determine their prices and marketing methods. Joint ventures by mafia organisations are now defining prices, packaging and transportation systems.

As far as logistics and large-scale distribution are concerned, there is an ever-increasing interpenetration of economic capital deriving from illicit activities as well as genuine corporate agreements between non-criminal and companies linked to crime. This translates into social and economic control over entire territories and into a tangible, continuous need for money laundering.

Finally, the growing involvement of organised crime in the management of EU Common Agricultural Policy funds is fairly visible. This illegal turnover for Italy amounts to around six billion euros per year for the CAP alone, not to mention other public subsidies. In this area, control is exercised through corrupt public officials.

D. RECRUITMENT PRACTICES – THE ROLE OF ‘CAPORALATO’

The agricultural labour market in Italy has historically been an anomaly in the national economy: accentuated seasonality, its characteristic as a refuge sector for the weakest social groups, and territorial dualism define a unique configuration compared to other economic sectors or even other European countries.

Unlike other sectors, the strong territorial character and consequent centrality of bargaining at the provincial level was not broken until 1977, with the adoption of the first National Contract. However, it was precisely in the 1970s, as labour activism and union control in the countryside faded, that a “general barbarization of labour relations in agriculture” began to emerge (Lagala 1987). This includes the spread of “anomalous relationships” such as the subcontracting of work phases, piecework payments, and third-party processing that expanded and became institutionalized in the 1990s, when there was a return to decentralized bargaining.

Labour market liberalization began with Law 608/96, “concerning urgent provisions regarding socially useful work, measures for income support and in the social security sector”, and, in particular, with the partial abolishment of public work placement services. New rules on contribution realignment, administrative simplification, and job flexibility allowed the emergence of a “dark grey” labour market, with the “transposition of exploitation within legal systems that ensure its formal regularity” (Olivieri 2016). The most innovative aspects in terms of job flexibility—the voucher system, the on-call job, repetitive temporary hiring—found a first field of experimentation in the countryside precisely in the attempt to shorten the continuously widening gap between real and nominal wages.

The voucher system was introduced to pay for occasional, one-off work. However, this system has been criticized for fostering ‘grey work’. In the period 2008-2015, the sale of vouchers increased, albeit less in agriculture (in part also because companies with a turnover of over 7,000 euros can only use vouchers for retirees and students). In any case, the voucher market, linked to occasional work, has grown in a more than proportional way compared to the agricultural labour market. The number of vouchers collected by non-EU workers is very limited: this is

probably because other types of contracts are applied or some of the hours worked are not paid with voucher. The voucher is also considered complicated to use (Burighel 2015).

In the context of the weakening of labour relations and labour law, responsibility for persistent labour exploitation in agriculture has been identified with the *caporalato*, the traditional Italian gang master system. The *caporalato* is historically and socially rooted in the southern countryside as a form of irregular and anomalous organisation of the agricultural labour market, in which some social brokers—not necessarily linked to organised crime—act as a link between agricultural entrepreneurs and labourers.

Liberalisation policies have given space to this form of intermediation; the wide availability of migrant labour power, as well as their condition of social and spatial segregation in isolated houses or shantytowns, have recently reinvigorated this system, which is increasingly structured along national and ethnic lines. According to Aboubakar Soumahoro of the USB labour union, migrant workers also often act as foremen, drawing on their own experience over the years. In his view, “since companies do not guarantee [transport], workers have to self-organise” (interview, 7 October 2018).

Today, in contrast with the inefficiency of the official job services, the *caporalato* has become *de facto* the only intermediation and recruiting system capable of guaranteeing in an efficient way the significant just-in-time availability share of non-qualified manual work, allowing for a significant reduction in labour costs. The *caporalato* system is widely used in many seasonal fruit and vegetable value chains such as tomatoes, oranges, strawberries, and wine grapes. In 2015, inspections by FLAI-CGIL of 8,862 agricultural companies in more than 80 districts found 6,153 irregular workers and 713 cases of *caporalato*.

However, the term *caporalato* covers a plurality of mechanisms, including simple team leaders who “select” workers and recommend them to employers, organise shifts, and control the volumes of product collected in the case of piece payment. The *caporali* plan and agree on the costs and timing of harvest, keeping a share of this logistical work of intermediation or coordination for themselves. Indeed, the *caporale* tightly controls and manages workers’ daily lives—recruitment, transport, housing, meals, social contacts and payroll criteria, work time and wages.

Serious exploitation is often reported, alongside violence, threats and blackmail. Victims are non-Europeans, but also increasingly EU labourers recruited directly in their countries of origin.

The possibility of posted work within the EU enables employers and intermediaries to set up work teams that are recruited directly in eastern European countries and brought to Italy during the specific period when seasonal agricultural harvesting takes place.

Furthermore, the ample opportunities in terms of flexibility and labour deregulation offered by the cooperative sector has led to the creation of ‘landless’ agricultural cooperatives managed by foremen who oversee the accounts and in which the worker-members are often subjected to forms of exploitation and financial extortion.

In recent years, including in northern Italy, there has been a growing incidence of abuse and exploitation in agriculture, in fruit and vegetable as well as wine production in Piedmont (Brovia 2018; Donatiello and Moiso 2017) and Tuscany (Olivieri 2016) as well as in the areas of Verona, Mantua, and Ravenna.

THE IMPACT OF EU AND ITALIAN POLICIES

EU POLICIES

a. Migration and asylum

Since the 1990s, member states have increasingly striven to contain irregular migration while significantly reducing legal migration entry channels. EU policymaking has followed this trend.

The 2015 European Agenda on migration has also entailed a new restrictive turn in migration policy. Through this Agenda, the EU aimed to respond to the human tragedy across the Mediterranean and manage migration in the medium and long term. The Agenda identifies the “root causes” behind irregular migration as a main issue to be addressed. However, a significant proportion of its actions have focused instead on cooperation with countries of origin and transit regarding effective return policies, border management, and measures against smuggling and trafficking networks. This approach has been further emphasised in the 2017 Mid-Term Review of the EU Agenda for Migration, which considers the implementation of the EU-Turkey Statement as well as the EU support to the Libyan Coast Guard as the main actions to have significantly reduced the flow of irregular migration.

Although it is clear today that the closure of borders fosters irregular migration through smuggling and trafficking in human beings, the Agenda on migration does not provide any legal safe migration channels, except for highly-skilled third-country nationals. By thus overlooking the fact that the large

majority of migrants find jobs mainly in low-skilled and low-paid economic sectors, the Agenda shows the shortcomings of EU policies in capturing and dealing with the ever-changing and complex nature of contemporary migratory processes (Palumbo and Sciarba 2018).

Albeit in a rather limited manner, the Agenda does refer to the issue of “potential sources of exploitation” coming “from employers inside the EU”. However, it focuses mainly on repressive solutions, especially through the full implementation of the Employers Sanctions Directive.

Considering the absence of channels for entry as well as of pathways to regularisation, the asylum system has de facto become the only means of gaining temporary legal status for many migrants whose labour is in demand. In this context, the inadequacies of asylum procedures and reception systems in countries such as Italy expose migrants to exploitation and abuse.

b. Labour migration

In the framework of an increasingly restrictive approach in EU migration policies, exceptions are made for highly-qualified workers (EU blue card) and seasonal workers.

Directive 2014/36/EU “on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers” was adopted in order to meet the need for seasonal work in the EU

economies while also addressing irregular migration and the exploitation of migrant workers (Peers *et al.* 2012).

Significantly, this Directive allows workers to change their employers and contains important provisions concerning accommodation, compensation, and the facilitation of complaints. It also provides for equal treatment of seasonal workers with EU nationals in core areas including employment conditions, the right to strike, back payments, social security, education, and tax benefits. However, member states are still allowed to restrict equal treatment.

The Seasonal Workers Directive also requires member states to adopt measures to facilitate the re-entry of seasonal workers. However, it does not include any provisions concerning access to long-term resident status after consecutive years of seasonal work (Guild 2014).

Although it marks an advancement for the rights of seasonal workers, the Seasonal Workers Directive contemplates an employer-driven system, providing member states with wide discretionary power in the implementation of the provisions concerning the rights and protection of seasonal workers. This system may foster workers' dependency on employers, confine a migrant labour force to specific sectors, and, simultaneously, facilitate their continuous replacement, thus profiting from specific situations of vulnerability (Palumbo and Sciarba 2018).

c. Labour mobility in the EU

The free movement of EU workers within the EU and their right to be protected from any discrimination based on nationality is guaranteed by Art. 45 of the Treaty on the Functioning of the European Union. The main relevant EU secondary legislation includes Regulation 492/2011, which sets out specific workers' rights, and Directive 2004/38/EC establishing the conditions for and limitations on the right of EU citizens and their family members to move and reside freely within the EU.

There are still many obstacles to the free movement of EU workers between member states, including coordination and implementation of social security systems (Resolution Parliament of 14 January 2014).

Moreover, in recent years there has been an increasing use of atypical forms of employment such as temporary agency work and posted work. Workers involved in these types of employment are particularly exposed to forms of exploitation (Gadea *et al.* 2016).

In this regard, it is necessary to mention that Directive 2008/104/EC on Temporary Agency Work has affirmed the principle of equal treatment with respect to basic working and employment conditions between temporary agency workers and workers directly recruited by the user company to perform the same job.

As for posted workers, their conditions of employment within the EU are regulated by the 1996 Posted Workers Directive (96/71/EC). However, this Directive has failed to ensure a balance between the freedom to provide services and the need to ensure fair competition and respect for the rights of workers. Rather, it has fostered social dumping dynamics. Moreover, in recent years, there has been an increase in businesses relying on illegal posting based on workers' exploitation, including in agriculture (Archain 2017).

In 2014, Directive 2014/67/EU was adopted to enforce the application of the rules on posting workers, addressing any abuse and fraud. Nevertheless, many issues have remained a matter for concern. In 2018, EU Directive 2018/957 amending the Posted Workers Directive was adopted to bolster the rights of posted workers and also ensure fair competitive conditions for companies, introducing important provisions on remuneration, temporary agency workers, and long-term posting. However, it has not dealt with key issues such as subcontracting.

d. Policies on trafficking and exploitation

Over the past 20 years, the EU has been consolidating its legal and policy framework concerning trafficking and severe exploitation through the adoption of several legal and policy instruments in line with the main relevant international instruments, such as the 1930 ILO Convention on Forced Labour, the 2000 UN Protocol on Trafficking and the 2005 Council of Europe Anti-Trafficking Convention.

In 2004, the EU adopted Directive 2004/81/EC on the “residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities”. The Directive’s aim, however, is combatting irregular immigration, not protecting trafficking victims.

Combatting irregular immigration is also the principal aim of Directive 2009/52/EC, which establishes financial and criminal sanctions against employers of irregular third-country nationals. This Directive likewise tends to subordinate the protection of victims to the prosecution of criminals, providing the possibility of granting a residence permit to third-country nationals who are victims of “particularly exploitative working conditions” if they cooperate in criminal proceedings against their employers.

As it only concerns undocumented migrants, EU Directive on employer sanctions has limited impact in addressing exploitation in sectors such as agriculture, where many migrant workers who are victims of exploitation are EU nationals or migrants holding some form of legal permit (MEDU 2015).

In this scenario, Directive 2011/36/EU on “preventing and combating trafficking in human beings and protecting its victims” marked a significant change in EU legislation in the field by adopting an integrated, human-rights-based and gender-sensitive approach to trafficking. This Directive has incorporated the definition of trafficking set out in the 2000 UN Protocol. Importantly, it defines the position of vulnerability—which constitutes one of the means by which trafficking can occur—as “a situation in which the person concerned has no real or acceptable

alternative but to submit to the abuse involved”, thus highlighting the need to consider the structural factors that lead people to “accept” exploitative working conditions. The 2011 Directive on trafficking also includes important provisions such as unconditional assistance for the victims and non-prosecution or non-application of penalties to victims.

Concerning the rights of victims, it is also worth mentioning Directive 2012/29/EU, which establishes minimum standards on the rights, support, and protection of victims of crime.

In 2012, the European Commission adopted the EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016), which focused on prevention, protection, prosecution, and partnerships and on increasing knowledge on trafficking issues. However, the Strategy does not refer to the principles of unconditional assistance and non-prosecution of victims. Also, it does not consider structural factors creating people’s conditions of vulnerability such as high levels of deregulation in the EU market; labour market segmentation on the basis of gender, nationality, and legal status; or strict immigration policies (Palumbo and Sciarba 2018). This limited approach can also be found in the European Commission Communication on the follow-up to the EU trafficking Strategy.

e. The Common Agricultural Policy (CAP)

The CAP was introduced in 1962, and for the first two decades mainly spurred agriculture productivism within a modernization framework. This approach led to excess food supply and related market distortion effects.

Overproduction, environmental problems, and consumer concerns for health and quality motivated subsequent CAP reforms through measures such as reduction of price supports (1992 MacSharry reform), cross-compliance with environmental objectives and support to multifunctionality and rural development (Agenda 2000), decoupling of direct payments from production through the single payment scheme (2003 Fischler reform). Following WTO agreements, CAP progressively moved towards a stronger market

orientation and agricultural sustainability. However, the related distortive effects mostly favoured food processors, the agrochemical industry, and large farms, but also export-oriented food traders and large retailers, with a controversial impact on developing countries (Fritz 2011; Blanco 2018). In Italy, such unequal CAP distribution favoured northern Regions, large farms, and the food industry (Sotte 2017).

Quality certifications aimed at supporting rural development (i.e. organic agriculture and denominations of origin) are widely used in Italy (De Devitiis and Maietta 2013). Specific crops, territories, actors and companies have been more able than others in benefitting from such schemes, which nonetheless often favoured medium and large farms. Such schemes have not been exempted from price squeeze processes, and the exploitation of migrant labour (Donatiello and Moiso 2017; Azzeruoli 2016). Similarly, EU support for producer organisations (POs) has often favoured the cooperation of the most powerful and economically-important sector stakeholders, leading to the establishment of “fake” consortia to safeguard specific certified products (Marescotti 2010; Lo Cascio 2016).

A comprehensively critical assessment of the CAP today would recognise its contribution in consolidating—and to an extent even widening—sectorial, social, and territorial inequalities, oftentimes to the advantage of larger farms and companies, higher-potential areas, and specialized agricultural enclaves. Conversely, and as a consequence, family farming and agro-ecologically marginal areas have undergone dramatic processes of abandonment and depopulation.

These dynamics have partially found a “solution” with the arrival of migrants in rural areas matching the demand for low-cost, flexible, and just-in-time labour but also countering the rural exodus and demographic decline. Apart from their direct contribution to agricultural activities, the presence and role of migrants has been critical in revitalising rural areas all over Europe (Kasimis *et al.* 2010; Caruso and Corrado 2015; Nori 2018; ENRD 2018).

Addressing the next CAP reform, the European Commission communication *The Future of Food and Farming* (2017) emphasised that “the future CAP

could play a larger role in addressing the root causes of migration”. It also stated that agriculture offers opportunities for seasonal workers and that “the CAP can play a role in helping to settle and integrate legal migrants, refugees in particular, into rural communities”. In Italy, Rural Development Policies 2014-2020 also reflect a new attention to rural migrants.

The conditionality of EU payments for farmers respecting workers’ rights is a longstanding request by the European Coordination of Via Campesina (ECVC), which has also recently been endorsed by Italian trade unions such as CGIL and USB. A form of conditionality is mentioned in a recent European Commission Communication (2018) concerning the rules on support for strategic plans by member states under the CAP. In the chapter concerning direct payments, advantages for employers may be foreseen taking into account standard costs of agricultural labour and compliance with labourers’ rights and working conditions. However, this provision is still considered “too abstract and not punitive for those nor respecting workers’ rights” (interview with Antonio Onorati, ARI/ECVC, 9 October 2018).

ITALIAN POLICIES

a. Migration and asylum

Italian policies on labour migration are based on an entry system for foreign workers into Italian territory which relies on an employer-driven mechanism requiring a specific request from a resident employer (Law No. 40/1998). The number of workers to be admitted is defined in a yearly government decree (*Decreto Flussi*) setting quotas for different categories of workers. However, this quota system has proven inadequate and difficult to apply and has resulted mainly in “ex post regularisations” (Amnesty International 2012; Salis 2012).

Since 2011, quotas for non-seasonal dependent employment have been drastically limited, while quotas for seasonal workers have been cut by almost half. At the same time, there have not been any regularization programmes for undocumented migrants; the last amnesty was in 2012.

TABLE 5

**Programmed annual quotas
(total and seasonal labour), 2001-2018**

	TOTAL	SEASONAL LABOUR
2001	89,400	39,400
2002	79,500	60,000
2003	79,500	68,500
2004	79,500	50,000
2005	99,500	45,000
2006	550,000	80,000
2007	252,000	80,000
2008	230,000	80,000
2009	80,000	80,000
2010	184,080	80,000
2011	60,000	60,000
2012	52,850	35,000
2013	47,850	30,000
2014	32,850	15,000
2015	30,850	13,000
2016	30,850	13,000
2017	30,850	17,000
2018	30,850	18,000

Source: elaboration Data Fondazione Leone Moressa 2011, and Ministry of Interior

In this scenario, the lack of an effective entry system for foreign workers capable of meeting labour demand in sectors such as agriculture has been offset mainly by the growing number of eastern EU migrants as well as by non-EU asylum seekers and refugees (Dines and Rigo 2015). These migrants' different situations of vulnerability seem to translate into a variety of possibilities for their exploitation (Palumbo and Sciarba 2018).

In the case of asylum seekers, the interplay between lengthy asylum procedures—which to date take an average of 13-14 months (Sciarba 2018)—and a lack of adequate hosting and protection mechanisms in the country produces a condition of uncertainty

and precariousness that fosters their exposure to exploitation.

This situation of vulnerability will most likely be significantly exacerbated by the provisions of the new Law-Decree on immigration and security ("Decreto Salvini") adopted in October 2018. This Decree abolishes residence permits for humanitarian reasons, which were rolled out by Legislative Decree No. 286/98 (Consolidated Act of provisions concerning immigration and the condition of the third country nationals) to protect people in situations of humanitarian need, including vulnerable migrant women and minors as well as victims of torture. Given that this permit has been issued mainly where international protection has been rejected, the new provision will entail an increase in the number of rejected asylum requests as well as of migrants losing their current legal status, which, in turn, will boost the number of irregular migrants, who are even more vulnerable to exploitation (interview with Alessandra Sciarba, Clinica Legale per i Diritti Umani - CLEDU, 23 October 2018).

In line with an emergency-based approach to migration, the new Decree also excludes asylum seekers from the decentralized state reception system SPRAR (Sistema di Protezione per Richiedenti Asilo e Rifugiati), which is run by local municipalities and supports migrants' social and labour inclusion. Asylum seekers will therefore be crammed into emergency reception centres known as CAS (Centri di Accoglienza Straordinaria), where the overwhelming majority (around 80 per cent) of them were already hosted at the end of 2017 (Asgi 2017). Most of these centres, as well as the government first-reception centres, lack adequate structures and services as well as hygiene and safety conditions, are also often overcrowded and do not provide effective inclusion programmes. Moreover, many of these centres are located in isolated rural areas, where they become a pool of cheap and easily exploitable migrant labour, especially in agriculture (Corrado and D'Agostino 2018).

At least 10,000 persons, including asylum seekers and beneficiaries of international protection, are already excluded from the reception system and live

in informal settlements (MSF 2018). This number is destined to increase with the provisions of Salvini Decree.

Lastly, the Salvini Decree bars asylum seekers from enrolling at municipal registry offices, with the risk of excluding them from a number of health and social services and rights.

b. Exploitation and trafficking

The institutional response to the exploitation of migrant workers in agriculture has been characterized by a repressive approach, focusing in particular on prosecuting *caporali*, who are seen as the main actors responsible for exploitation in agriculture. Notably, in 2011, Article 603bis of the Criminal Code introduced the crime of “unlawful gang-mastering and labour exploitation”. However, this provision proved difficult to implement (Mancini 2017).

In 2012, Italy inadequately transposed the Employer Sanctions Directive (52/2009/CE) into national law through Legislative Decree No. 109/2012, missing the opportunity to adopt some important provisions (such as those concerning the recovery of employees' outstanding wages) (MEDU 2015).

Directive 2011/36/EU on trafficking has been transposed into national law through Legislative Decree 2014/24, but also inadequately, especially with regard to the provisions concerning the rights of the victims (Palumbo 2016).

Against this background, Law No. 199/2016 on combating undeclared work and labour exploitation in agriculture is to some extent an important step forward. This law amended Article 603bis of the Criminal Code, targeting both abusive gang-masters and employers who take advantage of workers' neediness and insecurity. The amendment also provided for mandatory arrest in *flagrante delicto* and mandatory confiscation of proceeds and property, and introduced corporate criminal liability.

Law 199/2016 established that victims of labour exploitation can have access to Article 18 of Consolidated Act on immigration (Legislative-Decree No. 286/98), which provides victims of violence or severe exploitation with a long-term programme of assistance and social integration, as well as (in the case of non-EU migrants) with a residence permit for social protection, regardless of their cooperation with the competent authorities (through the so-called “social track”). However, Article 18 has often been implemented inadequately (Palumbo 2016).

Reviewing 46 investigations conducted by 16 prosecutor's offices into labour exploitation under Article 603bis as amended by Law 199/2016, a study found that most cases concerned agriculture and that the majority of the migrant victims were regular; many were EU-nationals, with some Italians and asylum seekers also involved. However, there is no reference to Article 18 of Consolidated Act on immigration (Legislative-Decree No. 286/1998) (Santoro and Stoppioni 2018). Marco Omizzolo (In Migrazione) confirmed this, stressing that victims who decide to report their abusive employers to the police frequently do not receive adequate assistance and protection (interview, 11 October 2018).

Law 199/2016 on combatting labour exploitation also amended the regulation concerning the *Network of Quality Agricultural Work (Rete del Lavoro agricolo di Qualità)*, which was established by Legislative Decree No. 91/2014 in order to register companies that respect fair labour and employment conditions in the agricultural sector. Law 199/2016 provides for the network's articulation into ‘territorial sections’ (local branches) aimed at developing active labour market policies and promoting actions to address labour intermediation. However, the development of these territorial sections has been slow due to the low level of cooperation among the institutional bodies involved (Mininni 2018) and from the businesses (Carchedi 2018; Caruso 2018): out of a total of 740,000 agricultural firms in Italy, to date only some 1,300 have applied to become part of the network.

Despite the new attention paid to labour exploitation, in recent years the number of inspections in the agricultural sector has dropped from 14,397 in 2006 to 7,265 in 2017. Irregular work verifications have remained significantly high and constant over this period, while the number of irregular agricultural workers identified in these inspections fell from

10,048 in 2006 to roughly 5,222 in 2016. Thus, the rhetoric highlighting better-targeted controls is statistically unfounded, as the percentage ratio between the number of inspections and irregularities in work has essentially remained the same, at around 70 per cent (Table 6).

TABLE 6**Inspections and irregularities in agricultural work**

	2006	2008	2010	2012	2014	2016	2017
Inspected Agricultural businesses	14,397	10,752	7,816	5,652	5,434	8,054	7,265
Irregular Agricultural Employees	10,048	9,543	7,102	4,297	3,720	5,512	5,222
Inspecting staff	6,453					4,500	

Source: Elaboration data of the Labour Ministry, National Labour Inspectorate, Annual labour and social security supervisory reports, respective years

At the local level, the spotlight on exploitation has resulted mainly in the implementation of emergency humanitarian policies rather than in the development of structural policies concerning such issues as recruitment, transportation, and housing. For instance, in Rosarno (Calabria), since 2011 the question of housing for seasonal workers has been addressed primarily by creating tent cities far from the urban centres, without transport services, which are under constant police surveillance. These facilities are inadequate for the thousands of workers arriving for the orange-picking season.

On the other hand, even in the case of good regional laws against exploitation such as those adopted by the Calabria Government in 2014, these are inadequately implemented by local institutions (interview Jean René Bilongo, Flai-Cgil, 12 October 2018).

In 2014-2015, in Apulia, an attempt was made to counter the *caporalato* system by establishing a transparent certification system (with the label “*Equapulia, no black work*”) to employers who hire workers regularly. However, the project failed because of a lack of participation by employers.

THE TERRITORIAL SECTION OF THE RETE AGRICOLA DI QUALITÀ IN FOGGIA

The territorial section of the Rete Agricola di Qualità in Foggia (Apulia) was activated in March 2018. Its members include: representatives of trade unions, employers' associations, the local prefecture, representatives of the Apulia Region and the Provinces of Foggia, employment centres, the income revenue authority, labour inspectors and the Italian Social Security Service.

The section focuses on intermediation between labour demand and supply, transport, and accommodation. It is working to set up a database of agricultural workers at employment centres so that companies can access it to hire workers in a transparent manner, without the intervention of irregular intermediaries.

The Region of Apulia is willing to provide funding for a call for tender aimed at developing a system of free transport service with minibuses for workers and to create an Uber-type app through which companies indicate where and when to pick workers up and where to transport them to work in the countryside.

However, a lack of interest and cooperation from the companies, which should provide the section with information about the activities and working days of the workers that they need, makes it difficult to develop these tools. As Iacovelli from FLAI-CGIL has pointed out, "probably many companies view the possibility of making transports trackable with fear and suspicion because tracking the transportation of workers also means verifying their contractual and contributory regularity" (interview 17 October 2018).

The Region of Apulia aims to allocate 400 housing containers for hosting seasonal workers. However, many municipalities have opposed placing them within their boundaries. Finally, the Municipality of San Severo managed to reach an agreement with the Fortore farm, owned by the regional government, to place some containers at its headquarters by 2018.

THE SOUTHERN EUROPEAN CONTEXT: SIMILAR CHALLENGES IN GREECE AND SPAIN

Agriculture in Italy, Greece, and Spain presents typical common features; the predominance of Mediterranean crops implies intense seasonal labour demand that requires large numbers of workers during the limited harvest period. The farming sector in these countries is furthermore characterised by a marked persistence of small and medium-sized family businesses, which provides for higher employment rates. The increasing weight of non-family, non-regular labour explains the high and growing relative proportion of migrant workers.

Moreover, these countries are characterised by a more consolidated emigration tradition, with a very recent history of immigration, to the point that some researchers speak of a real “Mediterranean model of migration” (King *et al.* 2000) in which transient employment in agriculture represents an outlet for newly-arrived migrants.

In Spain, official statistics estimate migrant workers at 171,600, or roughly 23.2 per cent of the total salaried agricultural workforce (Cuesta and Sánchez 2017). However, this figure underestimates their number, as, for example, temporary contracts are not considered. In Greece, migrants are estimated as comprising 90 per cent of total wage labour in agriculture (Papadopoulos 2015). As in Italy, the labour markets in Spain and Greece also follow an ethnic stratification of work marked by a continuous replacement of workers. Geographical proximity determined the development of a circular migration and recruitment in agriculture of Albanian labourers

in Greece (Labrianidis and Sykas 2009) and Moroccans in Spain (Checa 2001; Hellio 2016).

Overall, migrants from sub-Saharan Africa and from EU countries have also entered an increasingly segmented labour market, with more vulnerable groups competing both with local labourers and long-staying migrant labourers.

Migrant labourers dynamics in Spain are characterised by a marked internal circular mobility linked to harvest periods, i.e., between Murcia, Alicante, Albacete and Almería, or Barcelona and the provinces of Tarragona and Girona, or in Valencia, Alicante, Castellón, and Barcelona (Observatorio de las Ocupaciones 2014; Viruela and Torres Pérez 2015).

In the Greek context of economic recession, migrant labourers—especially Albanians, Bulgarians, and Romanians—increased their geographical mobility between different rural areas in response to their precarious position, labour insecurity, and low socio-economic status. Asian migrants also move from urban to rural areas for short-term employment (Papadopoulos 2012; Papadopoulos and Fratsea 2016).

Isolation and spatial segregation in slums and abandoned farmhouses are common elements of local ‘non-reception policies’ aimed at preventing the settlement or integration of labourers in the local territory beyond the harvest period.

The recurrent episodes of violence or racism by local populations towards seasonal workers—as in the cases of El Ejido in Spain in 2001, Rosarno in Italy in 2010, Manolada in Greece in 2013—highlight the ambiguous coexistence of economic demand for migrant labour in the fields and social hostility to their presence in the streets. Wage gaps, precariousness, marginalisation and extreme flexibility are recurring elements in all Mediterranean countries but are played out differently in the different contexts.

During the 1980s-1990s in Spain, the development of intensive agriculture heavily relied on migrant workers. The recruitment of seasonal migrant workers in their countries of origin (*contratación en origen*) took place over the years under the

'quota policy' in the standard work immigration system (known as *Régimen General*) and the FNAAC (Framework National Agreement on Seasonal Workers for Agriculture Campaigns). This agreement created a formal channel for a consensual, flexible decision-making process involving several public and private actors (including business associations) that directly selected the workers in their countries of origin. This model of migrant labour regulation has been criticised because employers often fail to comply with existing regulations regarding seasonal work and disregard labour rights. Moreover, by increasing barriers to migration and offering few opportunities for non-EU labourers to work legally in Spain, migrants have become more dependent on employers or intermediaries and, accordingly, more vulnerable to abuses.

STRAWBERRY PRODUCTION IN HUELVA

Over the last two decades, Huelva has emerged as Europe's most developed strawberry-growing region, annually producing 260,000 tons of strawberries—roughly 35 per cent of the entire European production. If the autumn work of planting requires 1,000 workers, at least 60,000 labourers are needed for harvesting. In Spain over 90 per cent of the work force recruited *en origen* is concentrated in Huelva and organised by the local interprofessional association FresHuelva.

For several years, in the spring months, bus caravans from Poland and Romania brought thousands of women to Huelva to meet the demand for labour, with the least productive workers sent back after 15 days of trial or when no longer needed for the harvest peaks as daily access to work was used as a tool to punish or reward labourers.

Following EU enlargement in 2007, eastern European women were replaced for a few years by workers recruited in rural areas of Morocco, with the mandatory requirement of having children as this was considered a guarantee for compliance with the re-entry clause at the end of the harvest.

In 2014, when the programme was reinstated after the quota system was overhauled in the wake of the economic crisis, 37 per cent of the 57,694 contracts went to Romanian labourers, who thus became, once again, the largest group (Caruso 2016).

In 2018, female Moroccan labourers in Spain staged several strikes and demonstrations against abuses and violence, including alleged incidents of sexual assault and exploitation on the part of employers (Moreno Nieto and Hellio 2018).

The private intermediation of farmworkers is ensured by Temporary Employment Agencies, (*Empresas de trabajo temporal*, ETT) regulated by Law No. 14/1994 (“Temporary Work Agencies Act”), which control most contracts in areas like Valencia or Murcia. During the harvest season, workers can have several of contracts. ETTs move workers across regions, provinces, or countries and play a fundamental role in the ethnic segmentation, replacement, and rotation of the labour force, which ensure flexibility but also cause job insecurity.

In Greece, migrants have covered local employment deficits and kept wages in agriculture down, thus helping to reduce production costs and to maintain agricultural activity, but also to expand it (Kasimis and Papadopoulos 2005; Kasimis *et al.* 2010).

A number of bilateral agreements have facilitated a process of seasonal/circular movement with Albania, Bulgaria, and Egypt (Triandafyllidou 2013). The introduction of a three-month visa for Albanian nationals has made it easier for them to take up seasonal work in peak seasons, although they are working irregularly. Consecutive migration laws have included specific provisions for seasonal/temporary labourers.

Every two years a joint ministerial decision sets the maximum number of positions for seasonal employment by region and sector. Non-EU citizens can enter the country to work for a maximum of six months through an “invitation” or “call” system (*metaklisi*), which is however difficult to apply.

In April 2016, the law was amended (Art. 13a Law 4251/2014) so that agricultural employers in regions where seasonal working positions exist and have already been approved may recruit irregular third-country nationals or asylum seekers already resident in Greece, thus providing them with a temporary, six-month permit. This amendment provided for the use of labour tokens (*ergosima*) for insurance payments and wages to facilitate employers’ use of regular employment for irregular migrants (Papadopoulos and Fratsea 2017).

However, this new provision does not seem to effectively address irregularity in agriculture in Greece. First, the implementation of this system is administrated by local prefectures, which often do not have the capacity to process any significant numbers. Also, from the workers’ perspective, it is not a solution: it ties the worker to the farmer; it only lasts six months, after which the suspension is lifted and the result is deportation (interview with Simon Cox, Open Society Justice Initiative, 19 October 2018).

STRAWBERRY PRODUCTION IN MANOLADA

Strawberry production in Manolada is characterized by widespread horticulture and the use of greenhouses. A number of factors have contributed to the rise in strawberry cultivation: the replacement of fresh strawberry plants with frozen ones, thus allowing for a longer harvest period and better organoleptic characteristics; the establishment of an export-oriented cooperative; and, finally, the availability of cheap and flexible migrant labour (Papadopoulos and Fratsea 2016).

While the number of Albanian, Bulgarian, and Romanian workers in Manolada has progressively decreased, the number of Bangladeshis has increased. Bangladeshi migrants, predominantly single males with a very low educational profile, live in collective houses or in makeshift tents. Most of them are irregular. This significantly increases their vulnerability to exploitation.

In 2013, 150 Bangladeshi workers went on strike in Manolada to claim unpaid wages. One of the employer's armed guards fired on the protesting workers, severely injuring 30 of them. The case was brought before the European Court of Human Rights (ECtHR), which in 2017, in the *Chowdury and others vs. Greece* judgment found that Bangladeshi migrant workers' conditions amounted to forced labour and human trafficking, and that Greece was in violation of its positive obligations under Article 4 of the European Convention on Human Rights.

Since the ECtHR's judgement, however, no significant measures have been implemented to prevent and address exploitation in Greek agriculture: "The Government's response has mainly been characterized by a repressive approach. But, what is really necessary is to define an agricultural work permit scheme and to enforce all labour rights regardless of immigration status" (interview with Simon Cox, 19 October 2018).

In 2017, Open Society Foundations initiated a para-legal project in partnership with a Greek NGO called Generation 2.0 that plans to build a community infrastructure in Manolada, for instance providing mobile legal clinics to address legal needs and rights issues of migrant workers.

GOOD PRACTICES AGAINST LABOUR EXPLOITATION

In recent years various forms of practices and initiatives against labour exploitation have been launched by different actors, mainly as quality certification schemes and as a result of increased attention by consumers, as well as of increasing unionisation among farm workers.

In particular, quality certification schemes are promoted according to three models: corporate responsibility strategies, alternative agri-food networks and fair trade.

Growing public awareness, calls to action denouncing exploitative practices, and reports highlighting large retail chains' responsibilities contributed to large-scale cooperative supermarket chain Coop Italia launching the "Buoni e Giusti" (Good and Right) campaign in 2016 for an ethical production and supply chain within Italy. In 1998, Coop Italia became the first company in Europe and the eighth worldwide to adhere to the SA8000 Ethical Standard. Coop brand producers are required to sign a code of conduct based on this standard. Audits are planned for every supply chain annually and sampling checks conducted at production sites through anonymous interviews with labourers on working conditions and with privileged observers such as trade unions or associations working in the sector.

The "Buoni e Giusti" programme seeks to strengthen this strategy through vertical control. It initially addressed 13 fruit and vegetable supply chains identified as being at risk and was then expanded to other ones. In the last campaign, Coop claims to have included over 800 suppliers of fresh fruit and

vegetables (national and local Private Label and non) covering 70,000 farms involved in the supply chains with a control plan based on risk analysis. Coop strove to link this approach with government initiatives by asking all companies that respect the standards of the campaign to join the Network of Quality Agricultural Work.

Coop has also focused attention on industrial food supply chains that rely strongly on agricultural production (such as olive oil and wine). Since January 2018, controls on workers' rights have been set up for Coop brand suppliers of the Origine Ortofrutta product line with suppliers' greater involvement making them more responsible for their supply chain.

Consumer feedback is positive and the initiative, which also featured a strong communications campaign, seems to have increased awareness among the Coop members, who have also responded positively.

Another model worth mentioning is the SOS Rosarno campaign, launched in 2011—one year after African labourers in the area rebelled against exploitative conditions—by two activist associations, Africalabria and Equosud, in Calabria's Gioia Tauro-Rosarno Plain to address the way the citrus supply chain relies on the exploitation of farmworkers and small producers. SOS Rosarno promoted an alternative supply chain of oranges produced by small farmers, collected by regular migrant workers, and marketed through more than 500 GAS (community-driven Solidarity Purchase Groups). What is now the SOS Rosarno association involves several producers who provide regular seasonal work contracts for picking

operations. This has enabled African workers to stay in one place, avoiding forced and circular movements from one ghetto to another.

To overcome the seasonal nature of both labour and income in the local agricultural model, which is based on an export-oriented oranges monoculture, crop diversification and food processing are being promoted. In 2015, the Mani e Terra cooperative was created, bringing together African and Italian members to experiment with the production of wheat that is grown and then made into pasta under a project dubbed 'The growing seed' (promoted by the Solidarity Purchase Group 'Utopie Sorridenti').

New ethical agriculture projects modelled on SOS Rosarno have emerged in other southern regions as a reaction to labour exploitation. These include Contadinazioni which produces olives in western Sicily, Funky Tomato in Basilicata, and Sfruttazero tomato sauce in Apulia. These initiatives have similar characteristics: they are small-scale projects that combine cultivation and manufacture of local products, involve both Italians and migrants, address the exploitation of wage labour in agriculture, market their products through alternative distribution channels in collaboration with solidarity purchasing groups and participate in the mutual aid network Fuori Mercato.

Another relevant initiative is the Tomato Revolution campaign launched by Altromercato, Italy's most prominent fair-trade group, distributed through specialised shops. The project produces organic tomatoes, regularly hiring workers and supporting farmers and social projects in Apulia. Altromercato promotes a transparent chain by using a 'narrative label' that provides information about the production process and the farmers involved (similarly to the Alce Nero organic brand and Slow Food movement's certified quality goods).

Ecor Naturasí group, which is dedicated to the production and distribution of organic products, also claims to ensure fair prices to farmers through a transparent supply chain.

In 2018, the 'In campo senza caporale' project was launched by *Terra! Onlus* in Apulia to develop transparent supply chains that emphasise the protection of the environment and workers' rights. It promotes the social inclusion of a group of foreign workers through professional training and work placement in selected organic farms, as well as housing in nearby urban centres. Workers and farmers will collaborate to launch a new product, which will also be marketed through large retailers, but with a 'transparent label'.

Lastly, it is worth mentioning the NO CAP association, an international network set up by Yvan Sagnet and other activists after the farm workers' uprising in Nardò (Apulia) in 2011. The initiative aims to counter exploitation by promoting an ethical chain based on oversight over whether labour quality standards are being respected, with quality defined as the protection of both workers' rights and the environment. The NO CAP brand, which will use a third-party certification scheme, aims to encourage farmers' participation by holding out the promise of higher prices and consumer responsiveness. To date, a pilot project has been started with a company in the province of Matera. No CAP has promoted an agreement with the farmers' trade union Altra Agricoltura to extend production; an agreement with a small/medium-sized distributor is also being negotiated. In addition to tomatoes, No CAP hopes to produce quality fresh produce and other processed products such as pasta and olive oil. It further aims to promote the establishment of a farm workers cooperative and of a project to use confiscated mafia assets to host the seasonal workers (interview with Yvan Sagnet, 8 October 2018).

The involvement of organisations and trade unions has also been critical in preventing and combatting exploitation. In Migrazione is a cooperative working to counter the *caporalato* system and labour exploitation particularly in the Agro-pontino area (Latium region). Its project "Bella Farnia" (financed by the Latium government), offered training, services and information to local Indian Sikh workers about the payroll system, contracts and intermediation. After uncovering abuses and cheating, workers mobilised individually and collectively, occupied a greenhouse, and organised a strike in April 2016 which was supported by the farm workers' labour federation FLAI-CGIL. Workers have obtained higher salaries and better conditions, not through "single and isolated episodes, but via broad and even confrontational processes", even though the better wages are still lower than what is legally foreseen as the minimum standard. However, "the labourers' awareness, having experienced a victory for the first time, has increased" (interview with Marco Omizzolo, In Migrazione, 11 October 2018).

The trade union USB (Unione Sindacale di Base) has focused its efforts on unionisation and on promoting coordination with farm workers, especially in the areas of Foggia (Apulia) and Rosarno (Calabria). USB offers legal assistance for regularization and the renewal of residence permits and for defending labour rights against employers. It also supports farmworkers' requests for transport and other basic services such as water, electricity, waste collection in the informal encampments, as well as for structural housing solutions managed autonomously by farmworkers. USB advocates for registration at local municipal offices to secure rights as well as access to health and social services and points out the responsibilities of producers to provide for transports.

CONCLUDING REMARKS

This report analyses the agri-food sector in southern Italy, deconstructing its effective functioning. A primary objective is to critically understand and evaluate how the agriculture system works in order to explore the different mechanisms, roles, and relationships behind the current exploitative and vulnerable conditions of migrant workers. These conditions are characterized by requirements for a flexible and 'just-in-time' workforce, which are often linked to very poor living conditions and a lack of working rights.

Contrary to prevailing opinion, evidence shows that migrants have represented an important element for the EU agricultural sector's resilience and for the rural world to cope with the recent economic crises. Migrant inflows have contributed significantly to tackling the social and economic mismatch of labour markets by filling the gaps left by the local population, thereby enabling many farms, rural villages and agricultural companies to remain productive and in business in difficult times. Migrants' contribution to rural areas is thought relevant not only in terms of agricultural work, but as well through a number of social and environmental services and domains - such as forestry, pastoralism, and care work.

Migrants' role seems to only receive limited recognition and acknowledgement in political and strategic decision-making in the agricultural sector and agri-food value chains. Food labelling in the EU is characterised by a plethora of different systems and cater to citizens' growing awareness about the benefits of safe, organic, healthy, local/traditional and environmentally-friendly products. Paradoxically, there is no official labelling system that addresses how agricultural workers are treated, though this represents a relevant part of the quality of production processes.

This is particularly astonishing in the Italian context, where the agri-food sector contributes significantly to the national image and GDP, and a huge emphasis is placed on the Made in Italy branding and on quality products, with considerable exposure to international markets via high-profile events such as the 2015 International Expo and Slow Food's annual global gathering, Terra Madre. Despite this, Italy remains one of the countries with the largest number of irregular workers employed in agriculture. It is also the country where migrant labourers appear to be most systematically exploited and the only country that has not developed any significant legal entry channel for these workers. On the contrary, linking residence permits and labour contracts represents a key element that keeps workers vulnerable and dependent on their employers' whims.

The following policy recommendations stem from this study and aim to address the drivers underlying the demand for irregular employment in the agricultural sector and to improve workers' conditions:

EU-level policies

1. Coordinate the roll-out of legal and safe entry channels to Europe by establishing regular programmes for migrant workers based on demand from employers, including in the agri-food sector. The European Commission's proposal for legal migration pilot schemes is a step in this direction, but EU member states must commit to taking part in the initiative so as enable them to be launched.
2. Revise EU asylum policies, ensuring effective access to asylum procedures, harmonising reception systems and ensuring all member states provide decent accommodation and social inclusion programmes. In the absence of the political will to reform the Common European Asylum System, better implementation of the existing *acquis* is needed.
3. Step up the protection of seasonal workers, including by revising Directive 2014/36/EU on seasonal workers by making some of its provisions - such as enabling migrant workers to change employer - mandatory.
4. Overhaul EU policies relating to labour exploitation by enhancing provisions on the protection of victims of exploitation and trafficking and ensuring all EU member states implement existing ones such as non-prosecution of victims and the principle of unconditional assistance to victims regardless of their cooperation with the investigating authorities and of non-prosecution of victims, as required by Directive 36/2011/UE on trafficking.
5. Promote actions to better regulate and control labour providers and employment agencies, including those recruiting workers in one or more member states for employment in another member state.
6. Seize the opportunity offered by CAP reform under the new Multiannual Financial Framework and meet an increasing demand for ethically sourced products on the part of European consumers by making CAP funding and subsidies conditional on respect for labour rights and standards, and ensuring appropriate monitoring and reporting mechanisms are then in place.
7. Promote agricultural diversification, shorter food supply chains and environmental sustainability, and support small-scale producers, especially in regions where the latter struggle to survive due to multiple factors driving prices down.
8. Promote the integration of migrants and refugees in rural areas, providing services, housing, training, transport to and from the fields and access to regular labour opportunities through comprehensive policies which include a rural development component and would therefore contribute to easing social tensions at local level.
9. Support initiatives to include labour and production standards in EU-wide labelling schemes, along the lines of those developed to certify fair trade and organic goods.

The report highlights the fact that although good practices, economic incentives and legislative measures could be part of the solution, what is nevertheless most needed is a coherent policy framework as well as consistency and complementarity between policies and the different policy levels. At the EU level, this would imply that European Commission departments dealing with home affairs, employment and regional development are also able to contribute to CAP reform, where social inclusion is currently covered by the agriculture Directorate General.

National level policies

1. Create safe and legal entry route, establishing regular channels for migrant workers to better match demand and supply at all skill levels.
2. Create permanent regularisation mechanisms along the lines of the '*arraigo*' system in Spain, whereby migrants who can demonstrate that they have lived in the country for a number of years and are employed are able to gain legal status.
3. Overhaul the reception system for asylum seekers and refugees, providing substantive and solid protection and integration measures, and reversing the trend towards cutting costs for social inclusion.
4. Ensure local and regional authorities develop programmes for adequate housing and transport for migrant agricultural workers, especially in high risk production areas such as the Plain of Gioia Tauro-Rosarno, Foggia and Nardò in Apulia, Ragusa and Campobello di Mazzara in Sicily, Vulture-Alto Bradano in Basilicata and Canelli in Piedmont.
5. Ensure assistance and protection to victims and the issuing of residence permits for social protection, independently of their cooperation with police and judicial authorities, as laid out in national migration legislation.
6. Support business-led initiatives aimed at ensuring labour standards throughout supply chain and meet consumer demands for ethically-sourced produce by removing administrative hurdles and rolling out national certification and labelling schemes.
7. Improve the labour inspection system by increasing the number of inspectors and ensuring they are adequately trained (including on provisions in migration law and penal law establishing protection schemes for irregular migrants who are severely exploited).
8. Strengthen prosecutions against criminal infiltration of supply chains.
9. Ensure 'double auctions' and other systems employed by retail chains which are driving prices below production costs are definitively sanctioned.
10. Encourage companies to sign up to the Network of Quality Agricultural Work, including by foreseeing incentives (e.g. preferential access to tenders for the provision of catering services in schools and hospitals).
11. Encourage local and regional institutions to actively cooperate in the implementation of the territorial sections of the Network of Quality Agricultural Work.
12. Ensure local and regional authorities enhance information provision about rights and access to justice and remedies by ensuring that workers are able to seek qualified legal counselling, and encourage them to support and enhance the capacities of agricultural producers and workers via training on labour rights, safety and health in the workplace, as well as on sustainable production models and techniques.
13. Encourage national and regional authorities to inform and raise awareness among consumers.
14. Encourage companies to have a label indicating their origin, as well as information about the supply chain.
15. Encourage national and regional institutions to train and support local authorities implementing inclusive and participative policies and initiatives at the local level.
16. Encourage national and regional authorities to support the role of farmworkers, trade unions and NGOs in monitoring respect for fair working conditions and supporting workers in claiming their rights.

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CENTRE FOR
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