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Consideration of reports submitted by States parties under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Fifth periodic reports of States parties due in 2009

Italy*

[9 August 2012]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

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I. Introduction

1. The fourth periodic report of Italy was submitted in 2003. The Committee on Economic, Social and Cultural Rights considered the report on 15 and 16 November 2004 and summarized the results of its review in its concluding observations adopted on 26 November 2004 (E/C.12/1/Add.103). This fifth periodic report provides the following responses to the Committee's observations.
2. The complex procedures for coordination between the parties involved in the process led to a series of delays, with the result that it was, unfortunately, impossible to submit the report earlier. To compensate for that time-lag, the report also contains statistics and other information detailing developments during 2006, 2007, 2008 and 2009.
3. The Italian Government involved civil society at an early stage in the drafting process when the fifth periodic report was being prepared. It hopes that there will be constructive dialogue with civil society as the process moves forward, particularly when preparing for the presentation of Italy's report to the Committee.

II. General information

4. **Body against discrimination.** The National Office against Racial Discrimination (UNAR) was established by Legislative Decree No. 215/2003 on anti-discrimination and works for the promotion of equal treatment and the fight against all forms of discrimination based on race or ethnic origin. Its main activities concern: the prevention of racial and ethnic discrimination, the promotion of projects and positive actions, the legal assistance to victims and monitoring the implementation of equal treatment principles. The Office has created a register of associations working against discrimination and cooperates with them in providing legal assistance and support to victims. A free call centre is available in different languages in order to offer support to victims who often have difficulties to afford the costs of legal assistance. It also supplies during the proceedings oral or written information, advice and observations regarding discriminatory acts or behaviour, and encourages informal conciliatory activity, providing solutions for the eradication of discriminatory situations, also through the creation of a network of territorial anti-discrimination points.
5. **Independent human rights institution.** Italy continues to be engaged in the domestic process aimed at establishing a National Independent Commission for the Promotion and Protection of Human Rights and Fundamental Freedoms in accordance with the Paris Principles. An interministerial working group drafted a governmental bill to this end, which was finally approved by the Council of Ministers on 2nd March 2011 and which is currently at the exam of the Parliament.

A. Ombudsperson for childhood and adolescence

6. On 22 June 2011 the Italian Parliament has adopted the law establishing the national ombudsperson for childhood and adolescence (Law No. 112 of 12 July 2011).
7. This authority, in line with the international principles known as the Paris Principles is conceived as an entity characterized by a position of independence, which will operate in close relationship with the territory, with the associations, and with children and adolescents, through active consultation of them.
8. The mandate of this Authority will cover all the issues concerning children's rights as well as family and educational issues. It will have autonomous powers as regards its

organization; it will be administratively independent without any hierarchical subordination constraints.

9. The duration of the mandate will be of 4 years and can be renewed once.

10. According to the Law No. 112, the Ombudsperson is appointed by the Presidents of the Chamber of Deputies and of the Senate and is chosen among personalities of recognized independence, high moral standards and specific and proven expertise and experience in the field of children's rights. Considering the independent nature of this role, the Ombudsperson cannot perform other charges, both in public and private sectors, all along the duration of the mandate.

11. As regards the functions assigned to the Ombudsperson, he is in charge of the promotion, the collaboration, the guarantee, the studies and the researches and he also have advisory tasks.

12. Among the promotion activities, he promotes the implementation of international conventions and of the European and national legislation. Furthermore, the Ombudsperson promotes the knowledge of children's rights in order to achieve the effective recognition of children as individuals entitled of rights.

13. The Authority also disseminates information concerning practices or memoranda of understanding developed by central, regional and local authorities, professional bodies or by the Administrations in charge of carrying out social welfare activities related to the rights of minors. He may also disseminate good practices in this field tested abroad. The Ombudsperson encourages the development of a culture of mediation and of any other useful practice to prevent or to resolve, through agreements, situations of conflicts involving minors, by stimulating the training of operators in this field.

14. Moreover, the law provides that the Ombudsperson collaborate to the activities of international networks of Ombudspersons for Children as well as with organizations and institutions for the protection of children's rights. The Authority also promotes the appropriate synergies with the Parliamentary Commission for Children and Adolescents.

15. The law also provides for the establishment of the National Conference for the guarantee of the rights of children and adolescents, chaired by the national Ombudsperson and composed by the regional Ombudsmen (or similar bodies), if existing. The Conference promotes the adoption of common actions and identifies shared forms of systematic exchange of data and information concerning the condition of children at national and regional level.

16. The national Authority also has an important advisory function. He is allowed to express opinions on bills and legislative acts of the Government related to the protection of children's rights; to deliver an opinion on the national plan of action and interventions to protect children's rights and on the Reports that the Government presents to the Committee on the Rights of the Child, pursuant to article 44 of the Convention on the Rights of the Child. He can also express comments and suggestions concerning the identification of the basic levels of social services for children and adolescence. The Authority may also elaborate comments and proposals for the prevention and fight against child abuse.

17. The guarantee tasks are mainly related to the opportunity of reporting to the Judicial Authority, and to other relevant institutions, the existence of abandoned minors and of monitoring if children enjoy of equal opportunities as regards the implementation of the right to healthcare services and the access to education.

18. The Ombudsperson may also request to administrations and to public and private bodies the necessary information to protect minors, in compliance with the privacy protection, as well as to visit public and private institutions where hosting children. The

Authority may also examine, even ex officio, situations where a violation, or the risk of violation of the rights of children, can be recognized.

19. The Authority also guarantees proper forms of consultation with children and family associations, as well as all national and international organizations that deal with child protection.

20. Moreover, the Authority for the accomplishment its tasks, have the right to request access to files or databases.

21. With reference to the activities of study and research, the Ombudsperson may promote, at national level, surveys on the implementation of the rights of children and adolescents, using the existing data and information of the National Observatory of Family, the National Observatory for children and adolescents, the national Centre for documentation and Analysis for children and Adolescents and the Observatory for the fight against paedophilia and child pornography.

B. Fulfilment of international obligations

22. To date, Italy has ratified all main human rights conventions thus accepting extensive international obligations related to the protection and promotion of human rights. In particular, Italy ratified the International Covenant on Economic, Social and Cultural Rights on 15 September 1978 and it participated in the Working Group of the Commission on Human Rights tasked to consider options regarding the elaboration of an Optional Protocol to the International Covenant (three sessions from 23 February to 5 March 2004, 10 to 21 January 2005 and 6 to 17 February 2006). Italy signed the Optional Protocol in 2009 and the domestic procedures for its ratification are under careful consideration.

C. Economic, social and cultural rights

23. The Italian Constitution ensures an equitable promotion and protection of civil and political rights as well as economic, social and cultural rights. The Italian Constitution envisages economic rights such as the right to property, the freedom to undertake economic initiatives, the right to work and to freely choose one's work, the right to form trade unions (Art. 39), the right to equal and favourable conditions of work (Art. 36), equal work treatment (Art. 37) and social security (Art. 38).

24. Besides, the Constitution envisages that the State implements social and welfare policies and promotes social justice. In this context the following rights must be guaranteed: the right to health and to the highest standards of physical and mental health, also by ensuring free medical care to all (Art. 32), a minimum standard of living to those who are in need (Art. 38), the protection of the family, in particular mothers and children (Arts. 29-31).

25. The fight against poverty is carried out through different measures, including the promotion of job opportunities, specific instruments for orientation and access to work, a retributive system that encourages economic development, and support measures for families living in poverty. Moreover, due to the international financial and economic crisis, in 2008 extraordinary measures were adopted, in order to increase the purchasing power of families, workers, retirees and low income persons.

26. According to Articles 3, 30, 33 and 34 of the Constitution, social inclusion and integration are fundamental principles of Italy's public educational system. Several measures have been introduced to guarantee the right to education as well as to ensure effective school attendance and to respond to individual and collective needs, including

students with disabilities or special needs, vulnerable groups, migrants and Roma children. Adequate financial resources have been allocated at the local and national levels, above all in areas where the high rate of school dropping-out has been recorded. Free compulsory school is envisaged for the primary and secondary school. In 2007 such obligation has been extended up to the age of 18. Textbooks are free in the primary school and in other school cycles specific measures are envisaged to grant scholarships to children belonging to disadvantage families.

27. The inclusion of foreign pupils – in particular those involved in recent migration flows – has always been at the core of the Italian school system, in order to ensure their prompt integration in accordance with their age and knowledge. In the last five years the number of foreign pupils has grown by about 140%: in school year 2007-2008 Italian schools registered approximately 575,000 foreign students.

D. Policy against discrimination

28. The National Office against Racial Discriminations (UNAR – see para. 32 above) is starting a new programme of actions to be implemented at the national level, thank to a joint effort of Regions and local authorities, in order to create an integrated system to prevent and contrast racial discriminations.

29. The first main action concerns the transformation of the existing call centre service into a web-based contact centre with access for potential victims or witnesses of discriminations, who compile a form in their own language which is immediately processed.

30. A second line of intervention refers to the conversion of the current UNAR Office in UNA, National Office against Discriminations (i.e. not only discrimination on racial or ethnic grounds) is currently under consideration.

III. Developments affecting the individual rights guaranteed by the Covenant

A. General provisions of the Covenant

Article 1. Right to self-determination

31. Promotion and respect of human rights and economic and social progress are the fundamental pillars on which the action of the Italian Cooperation is based. The Italian Development Cooperation Law (No. 49/87) aims at the full realization of fundamental human rights. It proclaims the respect of economic, social and cultural rights, in particular the rights to work, to an adequate standard of living, including the rights to food and to housing, to health, to education and to enjoy and freely participate in cultural life.

32. Italy recognizes that development is a comprehensive economic, social, cultural and political process which aims at the improvement of the well-being of the whole population and of all individuals on the basis of their active and free participation in development and in the fair distribution of benefits resulting there from. All Italian development cooperation programmes/projects aim at eradicating poverty and creating the conditions for achieving economic and social progress, ensuring the empowerment and active participation of women, disadvantaged and marginalized individuals and groups, employment and adequate work, basic resources and fair distribution of income, the provision of an adequate standard

of living, including food and housing, health services, education, participation in cultural life.

33. Italy is firmly committed to the achievement of the Millennium Development Goals (MDGs) by 2015, both at bilateral and at multilateral level as well as in the frame of the European Union, this not only stands as an ethical obligation of solidarity towards those populations deprived of their essential rights and needs but also as a strategic investment for the benefit of Italy itself.

34. The action of the Italian Cooperation continues to be inspired in particular by those MDGs directly linked to poverty reduction, health and sustainable development issues. In this context, in order to ensure a systematic application of the core principles of equality, non-discrimination, participation, transparency and accountability in all cooperation activities, the Italian Cooperation established multiannual strategic frameworks and guidelines to be adopted in providing international cooperation and assistance in selected priority sectors and cross-cutting areas, mainly Poverty Reduction, Democratic Ownership, Gender Equality and Women Empowerment, Health, Disabilities, Minors, Education, Agriculture and Food Security, Good Humanitarian Donorship. The Guidelines represent a shared vision through a consultation process with all development stakeholders (other Ministries, institutions, Civil Society Organizations) and understanding of how to work together more effectively to help partner countries reduce poverty, taking into consideration its different dimensions including food security, health, education, dignity and decent work, environmental sustainability.

35. Italy is committed towards implementing the principles on Aid Effectiveness set in the Paris Declaration and renewed in the Accra Agenda for Action and in the Busan Partnership Document. In particular, the Italian Cooperation is making an effort in order to endorse such principles at all levels. Since 2009 aid effectiveness markers have been introduced and all programmes and projects are assessed *ex ante* against aid effectiveness criteria. This mechanism has been put in place to ensure that some key principles are fully taken into account in Italian Cooperation actions, as well as when negotiating and ratifying international agreements, in order to ensure that economic, social and cultural rights, particularly of the most disadvantaged and marginalized groups, are not undermined.

36. Gender equality and women empowerment have been given high priority within Italian aid strategies. Specific programmes for women's empowerment and capacity building, including the promotion of women's participation in the reconstruction of countries in conflict or post conflict situation have been promoted (in particular in the Middle East Region). Beyond this, the cross-cutting gender issues are specifically taken into consideration within all cooperation programmes and projects.

37. With regard to minors, the Italian Cooperation promotes multi-sector integrated initiatives in which the young generations are considered as a fundamental resource for sustainable development, for the consolidation of democratic and peace-engendering processes as well as for the strengthening of gender policies. In this field, the Italian Cooperation operates at both bilateral and multilateral level in collaboration with UN agencies, Regions and Local Authorities as well as with CSOs. Programmes and projects promote human and civil rights of girl and boy children, adolescents, and young persons, so as to sustain and reinforce an action of cultural transformation that opposes all forms of disparity between, and discrimination of, human beings from the time of their birth. In particular, the Italian Cooperation initiatives tackle those factors at the basis of difficult and harmful situations for minors such as: extreme poverty, breakdown of family and community bonds, social exclusion, international trafficking of individuals (in particular of "women" who are still underage, adolescents, and children), child labour in its worst forms, child soldiers in armed conflict, migration of unaccompanied children and adolescents. Furthermore, the Italian Cooperation, in collaboration with Regional Administrations,

Local Authorities and CSOs, promotes education and awareness-raising initiatives aimed at improving the understanding of the conditions of children and adolescents in partner countries as well as amongst immigrants communities in Italy. Finally, Italy recently updated the guidelines on disabilities (elaborated in 2002) by including principles and instruments for mainstreaming the issue within development cooperation programmes and projects.

38. In recognizing the right of everyone to education, in line with MDG 2 (“achieve universal primary education”), the Italian Cooperation contributed to the initiative “Education for All Fast Track” and its financial backbone, the Education for All Fund, granting a total amount of USD 32 million between 2003 and 2010.

39. Each year Ministry of Education provides separate orders sharing out disbursements of funds for scholarships and for the provision of free textbooks to poor families. In the year 2011 funds were divided to € 103.000.000 for the provision of books and € 15.325.000 for scholarships.

40. In order to contribute achieving MDG 4 (“reduce child mortality”), 5 (“improve maternal health”) and 6 (“combat HIV/AIDS, malaria and other diseases”), the Italian Cooperation is constantly engaged in implementing projects and programmes to improve primary and child and maternal health care mainly in Sub-Saharan Countries and has contributed to the Global Fund to fight HIV/AIDS, Tuberculosis and Malaria for an amount totalling more than USD 1 billion since 2001 (USD 282 million between 2006 and 2008). The Italian Cooperation also contributed to the launching of innovative financial instruments for health, supporting research and vaccination programmes, combating diseases and favouring availability and access to affordable drugs, such as the Advanced Market Commitment (AMC), the International Finance Facility for Immunisation (IFFIm) and the Debt 2 Health, based on Italian experience of Debt for Development Swap Programmes in several countries.

41. Serious recent budgetary constraints obliged Italy to review its track towards the fulfilment of progressively increasing the volume of Development Aid towards the final objective of 2015, as agreed in Monterrey. However, the decline in the amount of funds allocated for development cooperation activities set by the annual Financial Law since 2009 needs to be assessed in a broader picture: in fact, until 2007/2008, Italy was among major donors providing technical and financial support for development activities in partner countries, also through contributions made to NGOs, International Organizations, the European Commission and the Global Fund to fight AIDS, Tuberculosis and Malaria. Furthermore, while only part of official development assistance (ODA) funds are managed by the Italian Cooperation of the Ministry of Foreign Affairs (as shown in tables 1 and 2), other development stakeholders contribute to the implementation of development cooperation activities and provide additional funding, mainly the Ministries of Finance, Economic Development, Agriculture, Environment, Health, Interiors and Defence as well as the Civil Protection Department, the Italian Red Cross, CSOs, the decentralized cooperation system (Italian Regions adopted laws and frameworks for international development cooperation).

42. The tables below show the overall ODA volume between 2006 and 2010 (Table 1) and the MAE/DGCS resources and allocations by the 8 MDGs in the same period (Table 2).

Table 1

ODA volume, channels and allocations

(USD million)

	2006	2007	2008	2009	2010
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	2006	2007	2008	2009	2010
Bilateral	2.000,92	1.270,31	1.838,26	874,70	759,14
Multilateral	1.640,16	2.700,31	3.022,38	2.422,79	2.237,25
Only DGCS		1.597,51	963,85	586,52	550,71
Total	3.641,08	3.970,62	4.860,64	3.297,49	2.996,39
ODA/GNI	0,20%	0,19%	0,22%	0,16%	0,15%

Table 2

**Resources of the Ministry of Foreign Affairs / Directorate General
for Development Cooperation (MAE/DGCS) – Allocations by MDG**

(USD million)

	2006	2007	2008	2009	2010
1. Hunger and poverty	35,122	61,880	171,0	157,956	138,560
2. Universal primary education	0,854	6,827	37,817	25,238	15,410
3. Gender equality and women	2,899	6,018	22,434	17,425	11,585
4. Child mortality	6,485	9,878	17,453	31,839	33,877
5. Maternal health	2,268	4,683	7,464	5,615	9,191
6. Combat HIV/AIDS malaria and other diseases	118,29	105,56	115,99	23,318	18,095
7. Environmental sustainability	9,632	15,143	46,421	65,529	36,298
8. Global partnership for development	54,889	43,539	250,971	187,502	138,783

43. The Office for the promotion of equality of treatment and the elimination of discrimination on the grounds of race and ethnic origin, in short UNAR, was established to implement the directive 2000/43/EC, relevant to the principle of equal treatment between persons irrespective of racial or ethnic origin.

44. The Italian government has determined in detail the functions that the Office must carry out defining its duties, powers and relative limits. The Legislative Decree No. 215/2003 and the correlated Presidential Decree of 11 December 2003 on the organization of the Office, enumerate in minute detail such different functions, which can be easily classified in four ample categories, identifiable in proportion with the purposes:

- The first sphere of action includes all the activities which aim to prevent any behaviour or act which could produce a discriminatory effect, by sensitizing public opinion and the professionals of the sector and through the activity of information and communication;
- The elimination of any circumstance implying discrimination constitutes the second group of activities. These functions are carried out with full respect of the Judicial authorities and include the faculty of providing free legal assistance to the victims of discrimination during the judicial and administrative proceedings or holding inquiries to confirm the existence of discrimination;
- The third sphere of competence includes the promotion of positive actions, studies, researches, training courses and exchange of experiences, also in partnership with the associations and the bodies operating in the sector, with the institutes of statistics

and with the non-governmental organizations. The purpose is defining guidelines concerning the fight against discrimination, codes of conduct, memoranda of understanding aimed at the realization of interventions to promote the equality of treatment;

- The fourth and last sphere of action groups the activities of monitoring and assessment of the actual implementation of the principle of equal treatment and the effectiveness of the mechanisms of protection. For this purpose UNAR, through a systematic statistical and qualitative control of the cases of discrimination on ethnic or racial grounds, every year prepares a report for the Parliament and another report for the President of the Council of Ministers about the work done.

45. As of last July, following the nomination of the new Director of the Office, an unparalleled development and consolidation phase of the organization and the functions of UNAR has been set in motion.

46. The first area of UNAR's activities to be deeply transformed has been that dealing with the policies to counter racial discrimination, focusing on the organization of a call centre service (800.90.10.10)

47. Since December 2009 and following the award of a European public tender the call centre has been turned into a contact centre through the creation of a website (www.unar.it) where the potential victims or witnesses of incidents of discrimination can freely access the service in their own language and without any limitation of time. After filling in the online form, the report is forwarded in real time to the first level of the contact centre.

48. The website, besides facilitating access to the service, works as a multimedia platform for the functioning of the virtual community.

49. Within the platform an interactive section addressed to the associations present in the Register referred to in Legislative Decree No. 215/2003, which allows the associations to directly put in the information periodically needed to maintain their registration in the Register has also been created. So the Office will be able to have up to date and comparable information on the activities carried out in the different geographical areas.

50. Moreover the service includes nationwide testing of forms of direct support to the victims of discrimination, also through the strengthening of the legal counselling and the possible setting up of a solidarity fund aimed at advancing the legal costs chargeable to the victims of discrimination and/or to the associations entitled to take action in their behalf according to Articles 4 and 5 of the Legislative Decree 215/2003;

51. Lastly an innovative activity of local counselling, training and technical assistance to the associations and the bodies referred to in Articles 5 and 6 of the Leg. Dec. No. 215/2003, as well as to the local networks for the prevention and elimination of racial discrimination promoted by the regional and local governments in agreement with the Office.

52. The new organizational model outlines as a core activity of the contact centre, also the constant and uniform monitoring of the press and the web.

53. With reference to the role of the media as a source where episodes of discrimination can be collected, another significant innovation is the establishment of a centralized monitoring service for discrimination incidents in the media and on the web.

54. The service includes the regular production of a thematic press review of national and local news, and the research and use of monitoring technologies to methodically scan the new media. Such activity includes the reporting of incidents of discrimination discovered in the media to the contact centre and the relevant processing following the same procedures used for the online reports.

55. The annual financial resources allocated for the operation of the service have been nearly doubled (from €350,000 to €648,000), as has the personnel belonging to the ACLI (from 6 to 12 persons), the contractor of the service.

56. Moreover with the inception of the new organizational model of UNAR's contact centre and its strengthening, in case a violation of the ethical Code of the Charter of Duties of Journalist and/or the failure to comply with the prescriptions contained in the Charter or Rome should be ascertained, the Office will proceed with the systematic reporting of the relevant articles published in the press, on the web or features broadcast on radio and television to the Journalists' Association responsible for that area.

57. The same articles or features will be then included in the newly established section dedicated to the phenomenon of the representation of foreign persons in the media, contained in the Report to the Parliament that the Office prepares annually according to Article 7, paragraph 2, section f) of the Legislative Decree No. 215 of 9 July 2003.

58. Five years after having been established, in the light of the activities carried out, the experience acquired and the instances put forward by the victims of discrimination and by the community, UNAR has proposed itself, within the scope of the new organizational model of intervention of the Office, as the promoter – in parallel with the transformation of the call centre into a contact centre – for the creation of an ever-growing national Network of Regional Antennas meant to survey and attend to the incidents of racial discrimination, through the finalization of memoranda of understanding and operating agreements with Regions and local authorities

59. With a specific reference to the relations with the regions, and hence being assured that the local monitoring of the discriminatory phenomena would need effective implementation, UNAR, by putting into practice the Memorandum of Understanding signed in 2007 by the Department of Equal Opportunities with the Region Emilia Romagna for the institution of joint projects concerning the implementation of the principle of equal opportunities and non-discrimination, has finalized on the 22 June 2009 an Operating Agreement with the regional Centre against discrimination of the Region Emilia Romagna.

60. The Agreement, which runs for three years, provides for the institution of a steady cooperation aimed at the consolidation of the activities carried out by both parties in the fight against discrimination; of particular importance, the establishment of a Network of Regional Antennas against discrimination, designed to register the incidents of discrimination on a local level in order to report to UNAR, which in return commits itself to providing legal and scientific support, the analysis and interpretation of information as well as statistical data processing.

61. Hence the aim to introduce and systematize the experimentation currently under way in Emilia Romagna into other regions and provinces, in order not only to involve the institutional levels but also the existing association fabric by providing support in their training and guidance activities as well as in legal matters.

62. By advancing such proposal to the Regions and the local authorities, the Office – exercising its institutional mandate to verify the implementation of the legislation against discrimination – has taken steps according to the Legislative Decree No. 286 of 25 July 1998, “Consolidated Act of provisions governing immigration and the conditions of the foreigner national” which in Article 44, paragraph 12 provides that “the regions, in cooperation with provinces and municipalities, associations of migrants and social volunteers, should, in order to implement the norms stated herein and to study the phenomenon, establish centres of monitoring, information and legal aid for foreigners that are victims of discrimination on racial, ethnic, national and religious grounds”, and has also complied with the opinion of the Committee of the Regions on the proposal for the Council directive on implementing the principle of equal treatment between persons irrespective of

religion or belief, disability, age or sexual orientation. In the aforementioned opinion the Committee confirms the importance of the regional and local entities in view of their proximity to the citizens, which allows them to gather and make available the information on the vulnerable groups/persons and their needs and, as well, to affect the everyday life of citizens having the responsibility for the great part of the social and economical aspects/services.

63. After assessing the implementation status of paragraph 12 of Article 44 of the Consolidated Act in accordance with the Office “Joint Conference*” of the Presidency of the Council of Ministers – UNAR has then proposed to the Regions a memorandum of understanding for the creation of regional Observatories/Monitoring Centres to prevent and tackle discriminations and to promote the diffusion of the culture of respect for diversity, in the perspective of a mutual exchange and reinforcement (*joint forum comprising the Conference State-Regions, the Conference State-Cities and local self-government authorities). The successive operating agreement would govern the relations and the co-operation of UNAR/Regional Centre in order to coordinate the monitoring and case management system, to allow a regular sharing of information to be used during training and refresher courses, and to define and promote every year joint projects to raise public awareness on anti-discrimination.

64. Included in this context is the endorsement of the memorandum of understanding with the Municipality of Rome, aimed at establishing a urban monitoring centre to prevent and tackle discriminations signed on 21 October 2009 by the Mayor of Rome and by the Minister of Equal Opportunities, as well as the succeeding memoranda of understanding signed on 6 December 2009 with the Region Liguria and on 17 December 2009 with Region Piedmont.

Articles 2 and 3. Non-discrimination and equality

(a) Regulative measures

65. On January 25th, 2010, legislative Decree No. 5 “implementation of Directive 54/2006/CE on the principle of equal opportunities and equal treatment between men and women in matters of employment and occupation (recast version)” has been adopted. This is a necessary measure and connected to the obligations arising from the entry of Italy into the EU, but in this respect it regards essentially the strengthening of the principle of equal treatment and opportunity between men and women, which must be implemented in all the fields, including employment, labour and salary. The new legislation also reinforces the measures to remove every kind of discrimination based on sex issues, that produces as a consequence the impairment or the lack of recognition of the exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil field, and in any other.

(b) Strategic agreements of general character

66. “Charter for equal opportunities and equality in the workplace” sponsored by the National Councilwoman for Equality in collaboration with several employers' associations, supported by the Minister of Labour and the Minister for Equal Opportunities, in order to enhance pluralism and inclusive practices in the job field. Several organizations have joined the Charter by engaging directly themselves in the fight against all forms of discrimination in the workplace (related to gender, age, disability, ethnicity, religion, sexual orientation) and engaging themselves, simultaneously, to enhance diversity within the business organization, with particular emphasis on equal opportunities between men and women.

(c) **Good practices – Projects implemented by the National Councilwoman for equality**

67. In line with the programme guidelines identified by the Minister of Labour, the National Councilwoman for Equality during 2009, extended also to 2010 with analogous resources, has promoted the projects described below, under the theme linked to the “women's work”. The projects were financed with the employment of the resources of the Fund for the activities of the Councilmen and Councilwomen for Equality. The projects represent one of the tools to give concrete implementation to the equality legislation and ministerial programmes to encourage and promote women presence in the labour market; the actions are planned for 12 months and can be replicated in order to ensure continuity.

(i) *“Action in support of the Office of the National Councilwoman of equality”*

68. This is a programme of actions aimed at the promotion of welfare policies, with particular attention to equal opportunities. Through the development of three lines of action, it is foreseen:

- (a) Production and gathering of data concerning the labour market by gender, territory and economic sector; undertaking an analysis of the different national collective employment contracts (CCNL) and programme agreements with the social parties and good practices on health and safety of working women, on the contrast and emergence of irregular employment, and on second-level bargaining;
- (b) Implementation of a plan for gathering information on local facilities for planning labour policies and training and risk prevention activities in the workplace;
- (c) Implementation of a plan of information on the European intervention tools in supporting women's employability.

(ii) *Project concerning the following areas*

- (d) Implementation and development of the Observatory on decentralized bargaining and conciliation of times and informal agreements and practices, and of the Database on judicial and extra-judicial anti-discrimination activity;
- (e) Development of the Plan on Employment/conciliation, development and promotion of instruments and actions in it foreseen (time flexibility; services package for reliant people, etc.), development of the plan on training and guidance, identification of actions for the orientation of the course of study and work, with particular reference to young women;
- (f) Activities for the disclosure and development on the territory of the “Charter for equal opportunities and equality in the workplace”.

(iii) *“Support and development of analysis of systems aimed at the promotion of active policies and promotion and assessment of the Public Administration staff and labour policies finalized to the promotion of equal opportunities”*

69. The intervention concerns the following areas:

- (a) The production of information workshops for Councilwomen for Equality and Local units director officers of the PA on the contents and principles of the Public Administration reform (Lgs. D. No. 150/2000);
- (b) Supporting the activity of the Councilwomen for Equality in the regional and provincial territories, to fulfil the development of their activities of promotion and vigilance also in the public job field;

(c) Monitoring the good practices implemented through active policies in the public sector and related to the systems of performances appraisal and management; monitoring new and good actions put to use from Public Administration, also at a territorial level, deriving from the recent contract renewals and from the decentralized integrating bargaining, that allow using job instruments to ensure a well-organized time flexibility.

(d) Women's employment in Public Administration

70. Legislative Decree No. 150 October 27th, 2009, issued to implement Law March 4th, 2009 No. 15 ("Brunetta Law") on the optimization of labour productivity and efficiency and transparency of public government has substantially renewed on the policy and instruments of equal opportunities. With particular reference to the assessment and check system concerning the results of good practices in promoting gender equality and women's labour. The latter may be activated especially in a decentralized manner, through a joint effort with the Equality Adviser. An operating committee has been settled in the Department of Public Administration and Equality Adviser, which has developed a strong support planning aimed to implement joint actions and govern the subject and processes, identifying concrete tools for promoting and improving women's labour. There were three training seminars for chiefs of staff and advisers, a direct collaboration is ongoing between the National Councillor and CIVIT – Independent Commission for evaluation, transparency and integrity of Government agencies – regarding the assessment system based on the identification of objective criteria to measure, evaluate and finally ensure fair remuneration and career levels in a gender equality rationale.

(e) Women workers' health and safety

71. It should be taken into account what underlined below, with regard to the topic of the health and safety women workers protection. On May 3rd, 2010 a Communication Campaign of the Ministry of Labour and Welfare started. It was addressed to the active role of the Equality Adviser. The Consolidated Act 81/2008 on health and safety in workplaces goes over the traditional conception about the women's work protection as generally limited to the pregnancy issue. Indeed, it introduces a deeper risk assessment connected to gender difference features: work safety, mental stress, discriminations have a common denominator, as emphasized in Article 28. This legislative innovation incorporates and aligns with the European and International orientation, focused on promoting health and safety in workplaces, and highlights the issue of gender difference, as indicated in the 2007/2012 Strategic Plan. Moreover, an expert task-force was established at the Office of the National Councilwoman for Equality along with the General Directorate for Inspections (made up of Director / Labour inspectors) which has already produced an important result on the procedures for monitored and controlled maternity leavings. The same technical task-force board is completing a document to define the actions needed in order to develop the application of the Consolidated Act 81/2008. This campaign aims to inform the citizens, and in particular working women, on the role of the Councilwoman for Equality, that carries out concrete actions in every Region and Province in order to promote women employment and conciliation between labour and family, taking part directly in supporting equal opportunities, equality and safety in workplaces policies. Moreover, the Office of the national Councilwoman for Equality takes part in the Ministerial Commission that is drafting the previewed Guidelines for the application of the Consolidated Act, in order to provide a punctual definition of "gender difference" and concerning the activities related to prevention, health and safety.

72. Over the last years, the Italian Department for Equal Opportunities, as set up by the Decree of the President of the Council of Ministers (D.P.C.M.) No. 405 of 28 October 1997 and modified by the subsequent D.P.C.M.s (of 30 November 2000, 30 September 2004 and

25 February 2010), in compliance with the conclusions agreed at the Beijing Conference, has continued to promote and coordinate the Government's actions on: violation of fundamental rights to personal integrity and health of women and girls; exploitation and trafficking in human beings; violence against women.

73. The Code of Equal Opportunities between women and men was adopted with the Legislative Decree No. 198/2006, and represents a single set of provisions collecting and coordinating the current legislation on the prevention and elimination of any form of gender-based discrimination. It also introduces, within the limits of such coordination, the necessary modifications aimed at guaranteeing the logical and systematic consistency of rules, also in order to adjust and simplify the legislation language.

74. On 12 June 2011, the Act No. 120/2011 was approved, which envisages that the gender equality principle must be taken into due consideration within the boards of directors and the boards of statutory auditors of quoted and public companies, whose Regulations will be soon approved.

75. The Department for Equal Opportunities, being appointed as the national body responsible for the implementation of the 2007 National Action Plan, has promoted many activities linked to the drafting of the National Action Plan, as well as to the creation of guidelines on the implementation of the programme, while respecting the coordination principle with all the private and public entities of gender mainstreaming, including: anti-discrimination witnesses and experts, associations representing victims of discrimination and the European Network Against Racism (ENAR), Ministries, Regions and metropolitan cities, as well as the National Equality Councillor, interministerial technical panels with the State-Regions Conference and sectoral and thematic workshops, in which Ministries, representatives of social and trade organizations/associations and national trade unions have participated.

76. Pursuant to Article 21 of Act No. 183/2010, on 11 June 2011 (OJ No. 134), the Minister for the Public Administration and Innovation and the Minister for Equal Opportunities have issued the Guidelines on the functioning of "the Committees for the Protection of Gender Equality (*Comitati Unici di Garanzia*, the so-called CUG), the improvement of workers' well-being and the fight against discrimination". From the simplification and administrative rationalization points of view, the Committee for the Protection of Gender Equality takes over the functions that had been previously attributed to the Equal Opportunities Committees and the Joint Committees on the phenomenon of mobbing by the above mentioned Law and the Collective Bargaining. It extends its areas of concern also to discrimination based on gender, age, sexual orientation, race, ethnic origin, disability, religion and language. Therefore, it represents a unique, more complete and efficient point of contact, to which workers can refer if victims of discrimination and determined to receive protection. The Committee offers an effective and comprehensive tool against discrimination in the workplace. The protection covers the areas of economic treatment, career advancement, security and access to work. Thus, Public Administration will be obliged to guarantee a working environment aimed at achieving the organizational well-being, in which all forms of moral and psychological violence are carefully prohibited. The so-called CUG performs advisory, propositional and surveillance tasks.

77. Dated June 15, 2011 was signed between the Minister of education and the Minister of equal opportunities a document regarding gender diversity and subsequently sent to all Italian schools for the promotion of culture of gender in education through an innovative awareness capable to involve five key areas: family, work and equal opportunities, women and science, public space and social groups, language and media.

B. Individual rights guaranteed by the provisions of the Covenant

Article 6. Right to work

78. The Italian Parliament has recently approved the “Labour reform market law (Law No. 92, June 28, 2012, which came into force on 18 July 2012), with the aim of making the Italian economy able to seize the opportunities and take up the challenges connected to markets enlargement and technological change, boost competitiveness and exploit new technological and organizational patterns in order to timely react to economic recovery signs.

79. The concrete implementation is based on a structural reform of institutions and policies currently governing our labour market.

80. Such interventions are aimed at:

- Tackling labour market segmentation and restoring equity in the level of employment protection, hindering the excessive use of atypical contracts and at the same time redesigning individual dismissal rules according to changing labour market;
- Making social protection and active policies more efficient, fair and consistent both with economic background and with the changing labour market structure and protection legislation.

81. The action undertaken by the Italian Government has developed along four pillars.

(a) Review of labour contracts

82. Interventions on existing types of contract have the twofold scope of preserving positive aspects of labour flexibility (supporting a more efficient labour market) while limiting improper use of contracts which may hamper employers’ competition (e.g. atypical contracts stipulated in order to lower fiscal and social contributions burdens) and workers’ skills development.

83. Apprenticeship has been identified as the main path to enter the labour market with the aim of fostering stable employment relationships. For this purpose, a minimum duration to apprenticeship contracts has been introduced. Moreover, employers’ opportunities to hire new apprentices have been extended in proportion to the number of skilled workers employed, subject to a minimum percentage of transformation of past apprentices into stable workforce.

84. Contributory benefits have been defined in order to support disadvantaged groups, such as elder workers and women in disadvantaged areas, in case they are recruited under a fixed-term employment contract for a period of at least 12 months. Tax relief is extended up to 18 months after the date of recruitment in the event that the original contract is transformed into a permanent contract. A similar extension is conceded when the recruitment is made from the beginning in the form of a permanent contract.

85. Although this reform aims at boosting stable jobs, its intention is also to promote labour flexibility in order to cope with economic fluctuations and restructuring process. To this end, regulation of fixed-term contracts duration has been reviewed.

86. Consistently with the aim of combating job precariousness, fixed-term and temporary working agency contracts maximum duration has been fixed in 36 months. Moreover, restrictions were put on the employers’ faculty to stipulate subsequent temporary contracts with the same worker.

87. Finally, referring to casual works and professional agreements, the aim is to combat abuses by strengthening and extending presumptive elements which may drive to transformation in subordinate work. New measures are intended to streamline the use of contract jobs and avoid the abuse by the employer that hides a real working relationship with a subordinate nature.

(b) Individual dismissal rules

88. The reform also addresses the equilibrium between flexibility and security in the labour market. On one side, individual dismissal rules are reviewed, safeguarding fundamental workers' rights and respecting employers' needs. On the other side, social protection provisions are extended and strengthened in order to support unemployed during job search.

89. Redundant workers are now subjected to individual dismissal and measures are proposed to reduce time and uncertainty on the outcome of possible legal proceedings, thus cutting down indirect costs stemming from layoffs contests. A "fast judicial track" has been designed for labour disputes, which is based on the existing procedure for controversies regarding union rights violations.

90. To safeguard workers' rights, protection against unlawful discriminatory dismissal and unjustified disciplinary dismissal is reaffirmed. Depending on the size of the firm and on national collective agreements, the judge can sentence the employer whether to reinstate the worker in his workplace or to pay an allowance ranging from 12 to 24 wages.

(c) Unemployment benefits and passive policies

91. Consistently with renewed flexibility tools and employment protection legislation, the labour market reform aims to extend, strengthen and rationalize social security and income support measures, both for unemployed and underemployed.

92. The social safety net system will be redesigned and a new social protection benefit – ASPI (Employment Social Insurance) – has been introduced, which considerably extends social protection coverage both in terms of expenditure and in terms of recipients, and a mini-Aspi has been moreover introduced, which targets individuals who worked at least 13 weeks in the last 12 months.

(d) Labour market reform for female inclusion

93. Among the measures introduced, the labour market reform also includes interventions to facilitate work and private life balance with the aim of supporting parenthood. A provision of vouchers to access to public and private childcare services is introduced. Working mothers have the opportunity to benefit from such allowances for 11 months after the mandatory maternal leave, in substitution of voluntary leave.

94. Moreover, with the aim of promoting a gender-balanced distribution of childcare within families, and harmonising Italian legislation to European Directives and other countries' provisions, the labour market reform package introduces a mandatory paternal leave.

95. In particular, a mandatory full paid leave of one day has been introduced for employed fathers within five days from child birth. Besides, within the fifth month from child birth, fathers have the faculty to benefit from two additional full paid leave, in substitution to maternal leave owing to mothers. Fathers must notice employers in written form the leave days chosen at least 15 days in advance.

(e) **Illegal jobs (“black jobs”), workers protection, training for individuals with special needs**

96. The fight against illegal and irregular job surely represents one of the highest priorities of the Ministry of Labour, Health and the Social Policies, and that has recently assumed an increasing meaning, with regard also to the tied issue of health and safety protection in workplaces.

97. The actions implemented against the undeclared are essential to ensure the protection of working conditions, both under the economic and social dimensions, and to avoid social dumping phenomena, which represent a distortion factor, forbidding the free competition among companies. First of all, it seems appropriate to focus the attention on the more recent regulatory initiatives that supported the struggle against undeclared work, and that can be essentially divided into “pre-emptive measures” and “sanctions”.

98. Among general measures of “pre-emptive” character they fall within, in particular:

- The obligation of establishing and holding the unified employers ledger, replacing the books in force in the various productive fields – from all the private employers, with the exclusion of the housework employer only, which employ temporary subordinated, coordinated and continuing co-workers, also on specified projects, mini temporary employment contracts and associated in participation, for which a contribution of job should be foreseen – as introduced by Art. 39 L.D. 112/08 converted in Law No. 133/08;
- The obligation by all employers (private enterprises, Economic Public institutions, Public Administration) to carry out the hiring communication the day before the employment (dependent or independent, coordinated and continuous form also related to single projects, also as a working associate of associated cooperatives and also as associate in participation with working contribution), for so making impossible to regulate the situation successively to the inspecting verifications;
- The possibility for the companies to only have use of normative and contributory benefits if in possession of the Single Document of Contributory Regularity (DURC). Such document is a reconnaissance certificate which is released, upon request, from the INPS, the INAIL and, prior appropriate convention with the foretold Institutes, from “other institutes that manage forms of obligatory assurance” let alone, in the building industry field, from the Building funds which are allowed according to D.M. 24 October 2007. According to Art. 5 of the foretold D.M., DURC states the contributory regularity of the enterprise, in case it correctly performs its monthly or periodical duties, the Institutes confirm the effective deposits and assessed deposit correspondence, and the non-existence of non-compliances;
- *La disciplina della tipologia contrattuale* of the intermittent job (Art. da 33 a 40, D. Lgs. No. 276/2003; Art. 39 D.L. No. 112/2008, convertito in legge No. 133/2008), which, allowing a particular flexibility in employment of workers in determined days of the week and periods of the year (particularly in the fields of the tourism, the commerce, the public exercises), facilitates the emergence of irregular jobs;
- *La disciplina della tipologia contrattuale* of the accessory job, for the occasional activities (Art. 70-73, D. Lgs. No. 276/2003; Art. 22 del D.L. No. 112 del 2008, convertito in legge No. 133/2008; legge No. 191/2009), which is becoming more used and which can find application in a series of activities (i.e. family-based enterprises, housework, gardening, additional private instruction, sport manifestations, under-25 people during school vacations, all season-related

agricultural activities, grape harvest included) where use of irregular workers is recurrent;

- The cumulation, from January 1, 2009, of all pensions from dependent and independent job, e.g. the ones pertinent to general compulsive assurance and alternative and exclusive forms (Art. 19, D.L. No. 112/2008);
- The delay of the tax reduction of the productivity-based bonuses, with a 10% tax on hourly “extra” job, for a maximum of 6,000 euros, set by D.L. 185/08, for the employees with a maximum annual income of 35,000 euros.

99. For what it concerns, instead, the policies about sanctioning, we point out:

- The fact that Article 36 bis of D.L. 223/2006 (converted by Law No. 248/2006) raised by five times sanctions already provided for violations of regulations on labour field, social field, welfare and health and security on workplaces and modified the “super-sanction” for irregular job (already provided by D.L. No. 12/2002, converted by Law No. 73/2002);
- The suspension of the entrepreneurial activity (already provided for the building field from cited Art. 36 bis and for other entrepreneurial asset by Art. 5 of the Law No. 123/2007) are now provided from Article 14 of D.Lgs 81/2008 and successive modifications and integrations. The suspension measure is a new and incisive instrument for contrasting irregular employment, which allows inspecting staff of the Ministry to suspend entrepreneurial activity if they find serious law infringements. Such prerogative is recognized to inspecting staff of the Ministry (and, in case of prevention matters, to inspecting staff of Local Health Units), that will be able to proceed to the suspension of any type of entrepreneurial activity, in one of the following hypotheses: 1) 20% or more of the total staff employed present on the workplace is not officially declared on documentation; 2) serious and reiterated violations of safety and health measures, provided by D.M. of Ministry of Labour and Welfare.

100. Regarding the inspecting approach, takes note the organization and the methodology of action of the inspecting services in job and social legislation fields. To such purpose, it should be recalled D. Lgs. 124/2004, that redefined the rules regarding order, competences and powers of the competent organs to the exercise of the vigilance activity.

101. As a result of such modifications, the current system of vigilance comprises the traditional inspecting function and all the prevention and advertising activities of the inspectors, also through the introduction of measures intended to promote and direct correctly the employers and to give effective and prompt answers to concrete demands of the workers.

102. Another essential aspect which has been reformed is the coordination of the inspecting activities – entrusted to the Head office for the Inspecting Activity, instituted by the cited D. Lgs. and operating since January 1st, 2005 – considered an indispensable instrument in order to realize a meaningful action of contrast to the phenomena of law infringements and irregular job.

103. In such perspective, the legislator delineated a general and methodical system, functional to the enhancement and harmonization of the contribution of the territorial structures of the Ministry, but also of the existing synergies between the several appointed organisms to the vigilance (Carabinieri Command for the Protection of the Conditions of job, Welfare institutes, etc.).

104. Important modifications have been made also to the powers of the inspecting staff, through the innovation of old institutes as warning and mandatory prescription, and through

the establishment of new particularly meaningful instruments, as job credits assessment warning and single-sitting judge conciliation.

105. In this context, delineated by D. Lgs No. 124/04, is included the Directive on the Inspecting Services and Surveillance activities (enacted on September 18th, 2008), which – considering the radical change of the inspecting activities, determined by the deep legislative modifications recently made, and with the intention of completing the modernization process of the labour market reform (c.d. “Riforma Biagi”) – draws the attention on a vision of the surveillance activities, which takes into consideration quality and effectiveness of the inspecting action.

106. In the cited Directive it is, moreover, recalled the importance of the coordination with all the institutions charged of surveillance duties in the matters of competence of the Ministry of Labour and Social Welfare, to be realized with mutual exchanges of information between the involved subjects, which allow to address the inspecting activity on sensitive objectives of particular relevance.

Table 3

Labour inspection findings

<i>Inspection Body</i>	<i>Year</i>	<i>Inspected Companies</i>	<i>Irregular Companies</i>	<i>Irregular work</i>	<i>Illegal work</i>	<i>Contributive profile (in €)</i>
Ministry of labour	2005	153.205	65.536	63.811	25.978	300.760.421,00
	2006	150.854	69.174	85.321	37.749	257.739.831,00
	2007	197.247	101.209	161.437	52.998	267.471.237,00
	2008	188.655	92.885	173.289	49.510	282.586.718,00
	2009	175.263	73.348	173.680	50.370	317.803.872,00
	2010	148.694	82.191	157.574	57.186	214.832.586,00
	2011	148.553	73.789	164.473	52.426	165.479.636,00
INPS	2005	134.067	104.469	67.280	60.509	1.078.679.000,00
	2006	110.617	88.642	68.689	60.521	1.153.974.000,00
	2007	114.998	92.117	73.122	60.941	1.569.146.000,00
	2008	96.375	79.237	68.242	52.327	1.548.010.000,00
	2009	100.591	79.953	73.164	60.742	1.502.635.000,00
	2010	88.123	67.955	12.550	65.086	1.121.491.000,00
	2011	73.722	57.224	56.660	45.036	981.438.778,00
INAIL	2005	28.155	21.005	20.171	27.297	98.272.622,00
	2006	28.322	22.776	28.546	24.726	85.775.214,00
	2007	30.106	24.666	34.275	24.790	81.822.780,00
	2008	29.389	25.110	57.153	25.271	87.521.864,00
	2009	27.218	21.350	62.385	12.843	76.773.786,00
	2010	24.584	21.221	46.325	10.426	52.066.440,00
	2011	21.201	18.145	48.716	7.509	56.548.902,00
ENPALS	2005	N.D.	N.D.	N.D.	N.D.	N.D.
	2006	533	434	6.739	1.568	11.933.030,00
	2007	653	569	8.531	1.913	11.889.512,00
	2008	751	611	8.941	241	24.393.344,00
	2009	619	493	7.081	521	27.507.632,00
	2010	613	443	16.405	668	29.164.606,39
	2011	694	550	8.419	308	21.698.122,00
Total		2.073.802	1.285.102	1.752.979	869.460	11.427.415.933,90

107. The Services for the employment hold an important role in the fight to the irregular job, having activated specific doors and lines of service finalized to the information of the citizens, to the accountability of the companies, the accompanying of irregular workers towards regularisation of their working positions. In order to make more effective the activities of the Public Services for the employment in contrasting irregular jobs, a survey has been conducted which delineated a picture of a very differentiated phenomenon, related to field, to territory and to interested subjects. The establishment of a task force for awareness and support to emergence of irregular job has been funded, implementing the advising function of the operators of the centres and defining good practices to transfer. The fundamental strategy is that to help the Services to adopt policies that may make regular job more convenient regarding irregular or illegal job. Moreover, a National Net and a European Net have been activated in order to favour the exchange of good practices and the cooperation, to share esteem and classification methodologies, models of participation and prevention, solutions and policies of local intervention.

108. Among the instruments adopted for the fight to irregular job, one cites the plan “Policies and instruments of contrast to irregularities in working condition” realized from Isfol. Objective of the plan is to promote analysis on policies and instruments activated on a national and on local level in order to contrast irregularities of working condition, in the various forms that it assumes, with particular attention to the aspects of surveillance and control.

109. Such activity supplies some important additional interpretative modalities that add to those already programmed in relation to the specific objective “To improve the efficiency, the effectiveness, the quality and the inclusiveness of the institutions of the labour market”.

110. More specifically, the intervention guidelines apply to:

- The role of the systems for private and public job in prevention and contrast to the forms of working irregularity;
- The characteristics of the phenomenon and the specific policies adopted regarding meaningful targets (i.e. women, immigrants, disabled people, young people), with particular attention to the incidence of the territory;
- The use in compliance with the legislator addresses of specific devices and contractual institutes, among which the occasional accessory job and the systems of incentives provided by the law.

(f) Employment insertion programmes

111. In order to contrast the phenomenon that in the last decade has mainly characterized the Italian labour market, that is the strong contraction of the population in working age, the realized interventions were aimed to increase the participation of the workers, in particular the mature and old ones, to the labour market, lengthening the working period with disincentives to the premature leaving of the workers from the productive system. Moreover, in order to correspond to the recommendations of the European Union, through the Pact for Italy, which was signed in 2002, the Italian Government has shared with the social parts the objective to construct a Welfare to Work, comprising “all the instruments that are turned to encourage and to assist the citizen in its insertion or reintegration in the labour market, in order to achieve the objectives of the European Councils of Lisbon and Barcelona”.

112. The reform of the labour market (Law “Biagi” No. 30/2003 and the consecutive implementing legislative Decree 276/2003) and the reorganization of ordinary placement (legislative Decree 297/2002) have jointly represented the first two pillars of the strategy to “welfare to work”: on one side, through the creation of a transparent and efficient labour

market, founded on an effective system of services for the employment that can increase the job occasions; on the other side, through the introduction of new contractual types, that can adapt the organization of the job to the changes of the economy and to increase the participation to the labour market of subjects at risk of social exclusion.

113. To this, it must be added that, with National Action plan for occupation of 2003, Italy has characterized the policies for the insertion or the reintegration in the labour market with the objective of a strategy of welfare to work 2003-2006. These policies aim to raise the total rate of employment, on the basis of an effective and virtuous combination between “active” labour policies (services to the employment, guidelines, formation) and “passive” labour policies (support to the unemployed people's income). One of the fundamental pillars of this strategy is the reform of social safety nets, towards a universalization of the safety system, without distinction of field, contract type and dimension of the company.

114. It should be noted, moreover, the White Paper on the future of the social model “Good life in an active society”, published in May 2009, dedicated to the young people and their families, which propose a social model oriented to promote the centrality of the person and an underlying vision aimed to construct a dynamic, active and responsible society, in the perspective which favours the policies of equal opportunities, privileging the value of difference.

115. Finally, on July 30, 2010, the Council of Ministers approved the Triennial Plan for labour “To free labour in order to free the activities”, elaborated from Minister Maurizio Sacconi: the plan focus on conciliation policies, which realize through re-moduling of working hours, through promotion of care services for children, especially towards nurseries, and through promotion of female occupation.

116. Also the guidelines provided with Economic and Financial Programming Document (DPEF) 2007-2011 go along this direction, as the “Protocol” on Social security, Job and Competitiveness for a sustainable equality and growth.

117. Relating to what already expressed, it has been set the necessity to put finalized system actions, on one side to favour integration between labour, social and development policies, and on the other side to equip private and public operators of suitable instruments and methodologies to tackle the most critical issues of the labour market.

118. In particular, interventions have been made in order to:

- Experiment models and instruments for enhancement and qualification of labour policies governance;
- Supply assistance to private and public operators for the activation of the policies addressed to employability and the increase of employment rate;
- Manage and experiment actions for employment and employability related to specific targets of population, also considering the reform of the social safety nets system;
- Act on the side of disadvantaged workers, who may or may not receive indemnities and subsidies, who risk marginalization (young people, women, over 50, disabled people), through actions aimed to improve their chances of employability and to support them in overcoming logics of passivity, creating the conditions to enforce the “principle of conditionality” – that is, the right to receive an allowance against the duty to be active – so that it becomes the basic structure for the management of a common and sustainable system of protection;
- Build systems for monitoring the areas of suffering in support of planning and managing operations for re-employment.

119. Listed below are the activities performed during the period of time ranging from 1 January 2004 to 31 December 2008, with a synthetic description of the achieved results.

120. Programme Action Unemployed – PAD 2: Abruzzi, Basilicata, Calabria, Campania, Molise, Puglia, Sardinia, Sicily and Veneto Regions (November 1st, 2003-March 31st, 2005) – During the second season of PAD (the first one took place from May 31st, 2002 to October 30th, 2003 and favoured the stabilization of 5.350 workers, and in addition it allowed to make operational the monitoring system of the basin of the LSU, which can provide regular number and composition of active workers from the Fund for Employment), 8.853 workers have been reached, belonging in particular to the field of “socially useful workers” active for the Fund for Employment. The overall number, during the period of activity of the project, was reduced by 3.897 units, of which 2.247 (just slightly over 57%) earned a permanent job and 1.650 a temporary job.

121. Marco Biagi door – Lombardy Region, Municipality and Province of Milan (September 1st, 2003-March 31st, 2008) – The project, realized in collaboration with the Municipality of Milan and local employment agencies, has started to work 564 disadvantaged workers (including 158 Italians and 406 non-EU citizens).

122. Workmed Reggio Calabria – Common of Reggio Calabria (February 2nd, 2004-June 30th, 2004) – The project allowed the creation of 500 traineeships, as a result of which 360 trainees were employed under different types of contract, and the stabilization of 97 workers, including 85 LSU, a LPU and 11 workers determined by Article 7 of the Municipality of Reggio Calabria.

123. Occupation and services to the Person – Veneto Region (January 15th, 2004-June 30th, 2007) – 10.019 workers have followed a reception and orientation course; 4.764 families have turned to the service; 1.703 workers with regular employment contract were entered.

124. P.A.R.I. – Programme of action for the re-employment of disadvantaged workers (April 1st, 2005-September 3rd, 2007) – Through the implementation of 18 action plans in many regions, except in the region of Valle d'Aosta and the autonomous provinces of Trento and Bolzano, 21.828 workers have been reached by the actions of re-employment by the Centres for Employment (of which 8684 earners of social welfare measures and 13.144 beneficiaries of an income support foreseen by the programme). 16.149 workers were included in projects for re-employment (through the signing of a Pact of service) and some 4.780 workers were included in training courses. The final result is: 5.275 workers left their initial condition, of which 4.596 have been introduced or re-introduced to a job.

125. Other realized thematic participations, connected to programme P.A.R.I. 2005-2007, are: P.A.R.I. L.S.U. Policies of insertion of social useful workers – Basilicata, Calabria, Campania, Molise, Puglia, Sardinia and Sicily Regions (April 1st, 2005-September 30th, 2007) – 9.012 workers engaged in socially useful activities were reached from the Fund for National Employment. 6.698 workers were included in re-employment projects and 662 have been relocated.

126. P.A.R.I. CULPRITS – Action for the working reintegration of the immigrants – Campania, Lombardy and Veneto Regions and Provinces of Bergamo, Brescia, Caserta, Padua, Salerno and Vicenza (April 1st, 2005-March 31st, March 31st, 2008) – Through the direct involvement of 138 associations of foreign immigrants in Italy, the project has initiated actions for the working insertion of immigrants. In all, 647 workers were reinstated to work.

127. P.A.R.I. Micogen – Promotion of Micro-cogeneration and Energetic Saving – Regions Basilicata, Campania, Calabria, Piedmont, Sardinia – Provinces of Alessandria, Cosenza and Potenza – Municipality of Casale Monferrato, Civitavecchia, Lamezia Terme,

Monreale, Palermo, Potenza, Quartu Sant'Elena and Salerno (July 8th, 2005-September 30th, 2007) – Project that began four experimental actions in the field of micro cogeneration.

128. P.A.R.I. – Employment and Human Services – Lombardy Region (April 1st, 2005-June 30th, 2007) – The project has resulted in taking charge of 2.817 employees, of whom 586 were instated in the work.

129. P.A.R.I. – Vallecamonica, Valle Cavallino Sebino – Lombardy Region and the Provinces of Bergamo and Brescia (April 1st, 2005-September 30th, 2007) – The project has reached 510 workers, of which 454 were placed in re-employment projects.

130. P.A.R.I. Creating business on property confiscated from the Mafia – Provinces of Agrigento, Brindisi, Naples, Palermo, Siracusa and Trapani (January 7th, 2005-March 31st, 2008) – The general objective of the project was the creation of new jobs, through the development and use of property confiscated from the Mafia (as per Law No. 109/1996). In fact, a network has been created among those already involved in the management of assets confiscated from the Mafia consolidating relations between associations and cooperatives that manage the assets and the institutional bodies such as prefectures, including the State Property its regional companies. The project activities also led to the establishment of two cooperatives: the “Pio la Torre – Libera Terra” with 14 workers involved in the Province of Palermo and the “Terra di Puglia – Libera Terra” with 6 employees involved in the province of Brindisi.

131. P.A.R.I. 2007 (January 10th, 2007-June 30th, 2009) – With the second edition of the programme P.A.R.I. in 18 regions (Region of Valle d'Aosta and the Autonomous Provinces of Trento and Bolzano did not joined the programme), a total of 25.534 workers were reached (of which 11,659 earners of social welfare measures, 10.753 beneficiaries of an income support foreseen by the programme, and 3.122 LSU which are supported by the National Fund for Employment). 22.156 persons joined the programme, of which 7.392 were introduced or reinstated to work. Total leakage from their original situations were 8.416 persons.

132. I.C.S. – Interventions for Social Cohesion – Sardinia Region (January 7th, 2005-June 30th, 2008) – Through the project have been employed 1.169 workers, of which 704 with a permanent job and 465 a temporary one.

133. Models of development for the system of the artisan enterprises (c.d. “Craftmanship plan”) – Provinces of Ancona, Belluno, Benevento, Bergamo, Caserta, Lecce, Macerata, Modena, Prato and Udine (November 5th, 2004-June 30th, 2008) – The plan has allowed the stabilization in craft companies of 1.508 workers (68% of earned a permanent job).

134. Marks of area – Instruments for the development of the occupation in the agricultural and food-field – Regional Park of the Adamello (Lombardy Region), National Park of the Great Pebble and Mounts of the Laga (Abruzzi Region), National Park of the Cilento and Goes it of Diana (Campania Region), Province of Lecce – Earth of Salento (Puglia Region) – (June 1st, 2005-June 30th, 2007) – 182 formative assumptions and 29 trainings were realized.

135. Four-leaf clover – Municipality of Naples (September 1st, 2005-August 31st, 2008) – Through the plan 109 young people are preselected, of which 17 are inserted to the job.

136. “Plan Puglia for Re-employment” – Experimental intervention for the relocation of workers in the mobility of former Unified Nursing Homes and socially useful workers in the province of Bari – Puglia Region and the Province and the Municipality of Bari (November 24th, 2005-December 31st, 2008) – The intervention led to the assumption of 1.004 workers formerly employed in Nursing Homes and 176 socially useful workers.

137. Work placements Jobs in Benevento – Active policies of Labour and Employment – City and Province of Benevento (February 15th, 2006-February 28th, 2008) – 300 internships and 147 hirings were carried out, of which 56 project-related, 5 apprenticeship, 11 with a temporary job and 75 with a permanent job.

138. Job for the environment: funding cooperative companies in the protected marine areas – Island of Asinara (SS), Peninsula of the Sinis Island Mal di Ventre (OR), Plemmirio (SR) Isole Ciclopi (CT) – (February 15th, 2006-February 15th, 2008) – The plan has allowed the constitution of 4 cooperatives and has occupied 93 young people.

139. Special interventions in support of employment in the town of Taranto (01/09/2007-31/12/2009) – The Project fulfilled the hiring of 526 workers, reducing the number of safety valves perceivers thanks to the leakage of 80 workers. The intervention set in motion 523 internships and there will be possible future job opportunities for 199 young people.

140. Fiat Network of suppliers – Piedmont Region (06/12/2003-31/12/2005) – The activities carried out involved totally 3,378 workers: 853 workers were reemployed through income support measures.

141. Sport to job – Lazio, Lombardy, Piedmont, Tuscany and Sicily Regions (12/06/2003-06/30/2005) – The project enabled the provision of specific training courses to increase future employability opportunities for 217 former athletes.

142. Telephone installation companies – AIT 2 (09/01/2003-31/08/2004) and AIT 3 (01/09/2004-31/12/2004) – The intervention made possible the reduction of 967 units of the original workers' reservoir suffering from the general crisis that affected the telephone installation sector, in all regions, except for the Aosta Valley. Of those initially made redundant, 219 workers were subsequently re-employed (187 as employees and 32 as self-employed ones).

143. AR.CO. Programme – In 2008 a new initiative took place, similar to the one which interested the small firms specializing in arts and crafts. By virtue of Directorial Decree of June 24, 2008 anew programme was approved. The complete name of the programme was: "AR.CO. – Development Local Programme to increase the employment growth". It aimed at promoting sustainable local development and leading to an increase in employment levels through an intervention directed to craft and trade sectors.

144. "Welfare to Work for Re-employment Work Policies Action System" – In 2008 the new project "Welfare to Work for Re-Employment Policies Action System" was launched. This intervention has been funded through European Social Fund 2007-2013 resources. The plan encompasses recent governmental guidelines and takes into account the crisis that is affecting the current economic situation. It underlines also the need to intervene with integrated measures, able to influence the Italian labour market, and activate new interventions aimed at protecting jobs, with a specific focus on those vulnerable individuals, mainly exposed to the crisis effects.

145. The three years intervention consists of the implementation of the actions already tested through PARI and PARI 2007 programmes. These achieved a complex action for the realization of re-employment actions. The Ministry of Labour aims now to convert the mentioned programmes in a structural measure to cope with crisis or other employment emergency cases in regional context. Of all interventions realized to reduce the unemployment situation, some concerned specifically particularly the socially useful workers (that is, long-term unemployed, workers in zero hour extraordinary redundancy payment, etc.) Intervention described below. These specific measures will be described immediately below.

146. Stabilization Procedure for socially useful and the community services workers of the Calabria Region under Article 1, paragraph 1156, Lett. f) and f bis) under L.296/2006

(Budget Law 2007) – Article 1, paragraph 1156, Lett. f) and *f bis*) of Law No. 296/2006 (Budget Law 2007) was a specific regulatory action aimed at the employment of the community services workers, paid by the National Fund for Employment.

147. The rule provided a contribution supplied by the Ministry to the municipalities with fewer than 5.000 inhabitants in view of the permanent employment of socially useful workers (for qualifications not subjected to state competitive examination access). With particular regard to the municipalities of Calabria Region, the Law included also the community services workers' category. A Government circular letter launched the selection procedure of applications to get the public contribution. The selections ended with the appropriate recruitment authorization provisions, dated 1/4/2008, 3/6/2008 and 16/2/2009. The final recruitment authorizations were 2.156, with 465 municipalities under 5.000 inhabitants allowed to get the contribution. The intervention covered Basilicata, Calabria, Campania, Lazio, Molise, Puglia, Sardinia and Sicily Regions.

(g) Other actions taken for socially useful workers

148. In 2008, pursuant to Article 23 of L. 222/2007, separate agreements were concluded with Calabria and Campania Regions – two areas with a considerable number of social utility workers. The agreements concerned the award of, respectively, 60 and 10 millions of Euros, allocated for the stabilization of, respectively, 712 and 300 community service workers part of the regional reservoir financed by the Fund for Employment

149. In the same year, new agreements were concluded with Basilicata, Campania, Puglia and Sicily Regions – all covered by the “Convergence” Goal of the European Social Cohesion Policy for 2007-2013 – pursuant to Article 2, paragraph 549, L.244/2007 (Budget Law 2008). The intervention provided for a total allocation of 50 million Euros aimed to stabilize the position of 1,396 community service workers.

150. Finally, another agreement was concluded in September 2008, under Article 78, paragraph 2, lett. d) L.388/2000 (Budget Law 2001), by the Ministry of Labour with Lazio region. This convention provided for the allocation of 7 million of Euros. The funds were designed for active labour market policies measures – including the stabilization one – addressed to 1038 socially useful workers.

151. Additionally, four programmes – submitted by as many regions – were funded by the EGF – European Globalization Adjustment Fund established by Regulation (EC) No. 1927/2006 of the European Parliament and the Council. The four regions involved were: Lombardy, Piedmont, Sardinia and Tuscany. The intervention concerned the redundancies that occurred in textile companies, affected by changes in world trade due to the globalization process. Undertaken in 2007 and 2008, these projects provided for employment bonus for companies, involving a total number of 5,945 textile workers, both in job mobility and redundancy payment, with assistance measures for re-employment, for self-entrepreneurship support, counselling, training. Of those totally involved, 4855 workers formally acceded to a re-employment path, signing of a service agreement.

152. The Extraordinary Redundancy Fund (CIGS) is the most important Italian shock absorber, aimed at supporting employment levels. The CIGS is granted in cases of crisis, restructuring, reorganization, production conversion, privatization, bankruptcy, etc. It is addressed to industrial enterprises with more than 15 employees, businesses trades with more than 50 employers and to publishing companies with the aim of ensuring an income support for workers made redundant (that is, temporarily suspended from work). Companies are required to provide for a re-employment plan for workers at the end the crisis period.

153. From January 1, 2004 to December 31, 2008, there has been a progressive national rising of this phenomenon, with the highest levels in 2004 and 2005. The year 2004

registered a growth of 19% over the previous year, with a total number of employees receiving CIGS as many to 18.251, of these 11.301 men and 6.950 women.

In 2005, the number of workers in CIGS rose to 24.893 units, of these 14,561 were men and 10.332 women, principally located in Campania, Lombardy and Piedmont Regions, each with more than 3.000 units. In 2006 and 2007, there was a slight decline in this phenomenon. Indeed, in 2006, the number of workers who took advantage of CIGS was equal to 23.715 units, but of these, proportionally the number of women rose to 10.641 units, while the men totalled 13.074 units. The largest number of beneficiaries is recorded in Piedmont, Campania and Veneto. In 2007, the number of who benefitted of the CIGS were equal to 21.938, including 12.209 men and 9.729 women. Campania and Piedmont confirmed their position as regions with the greatest number of beneficiaries. Official data about the number of workers who benefitted from the extraordinary wage measure are not yet available. However, the Directorate-General issued some social safety valves and employment incentives, with 2.109 granting provisions for the CIGS.

(h) Women's participation in the labour market: current situation and related policy

155. In the European context, Italy displays its peculiar labour market features. Indeed, it is still characterized by remarkable gender differences. Despite having performed a constant growth in the overall Italian employment rate during last years, especially in that of women, the objectives set out in the Lisbon Strategy have not yet been attained (total employment at 70% and women employment at 60%).

Table 4

**Employment rates 15-64 years by sex and geographical area
Deviation from 2010 Lisbon targets – Year 2007 Percentage**

<i>Geographical area</i>	<i>M/F</i>	<i>Males</i>	<i>Females</i>	<i>M/F</i>	<i>Females</i>
Italy	58.7	70.7	46.6	11.3	13.4
North	66.7	76.3	56.8	3.3	3.2
North-west	66.0	75.4	56.4	4.0	3.6
North-east	67.6	77.5	57.5	2.4	2.5
Centre	62.3	73.0	51.8	7.7	8.2
South	46.5	62.2	31.1	23.5	28.9

Source: Istat, Labour force survey 2007.

156. The last labour force survey data (ISTAT1 2nd quarter 2008 – see Statistical Annex Table 7) shows a further increase in women's employment rate (from 46.8% to 47.5% in one year time), but these figures do not illustrate a homogeneous trend in the whole country since the females' employment rate in the North regions reaches 57.8%, very near to the Lisbon target, while that one in the South is still very far from its attainment (31.8%). Furthermore, the gender gap in employment rates is larger than 20.0 percentage points (the total employment rate for men is 70.8%).

157. When looking at the employment rates of the women in the various age cohorts, it is possible to remark that the highest employment rate is recorded by women between 25 and 54 years (respectively: 59.0% for the women in the cohort 25-34, and 59.8% for the women in the cohort 35-54) who are supposed to be in their top reproductive and care giving years.

158. As far as part-time work is concerned 27.2% of the employed women were working in 2007 on a part-time basis while men part-timers represented the 4.4% of all men workers.

159. The gender gap in part-time employment rates is evident, and its persistence is a source of concern. In fact, although recourse to flexible working arrangements may reflect personal preferences and may help women to re-enter and stay in the labour market (as well as boost productivity, enhance employees' satisfaction and employers' reputation), the fact that far more women than men make use of such arrangements creates a gender imbalance which has a negative impact on women's position in the workplace and their economic independence. Indeed, this kind of contract has a number of potential drawbacks. Notably, it is associated with lower wages than a full-time contract, lower chances of promotion, and lower investment in training.

Table 5

Part-time employment rate by sex and geographical area – Year 2007

<i>Geographical area</i>	<i>Absolute changes on previous years</i>	<i>2006</i>	<i>2007</i>
Italy	2,421	13.5	14.1
Males	428	4.0	4.4
Females	1,993	26.4	27.2
North	1,323	14.3	14.9
North-west	741	13.7	14.4
North-east	582	15.2	15.5
Centre	530	14.9	15.1
South	569	11.2	11.9

Source: Istat, Labour force survey 2007.

160. Women participation in the labour market varies strongly as a consequence of the increasing of the family members. According to the Eurostat labour force survey of 2005, in Italy 6 out of 10 women without children have got an employ (64.5%), while only 3 out of 10 women with more than one child age 0-14 are still working outside their home (35.6%).

161. One similarity between the German and the Italian situation can be identified in the persistence of rigid gender stereotypes associated with the sharing of roles within spouses/couples.

162. Italian women still perform the high majority of family care work (5.20 hours per day) while men contribute to the care of children and housework for less than two hours per day (1.35 hours).

163. Some figures indicate that Italian women still do not succeed in balancing family responsibilities with professional life and even worst that the most of them have given up their ambition of being carers and workers at the same time (Italy shows one of the lowest fertility rates in Europe).

(i) Parental leave and stereotypes

164. The Law 8th March 2000, No. 53 has transformed the legal framework related to maternity leave introducing paternity and parental leave in Italy. A too short period (eight years) has lapsed since the coming into force of the Law to remark wide-ranging changes in family/social behaviours and organisational strategies of both private companies and public administrations. It is however possible to gather some indications on trends looking at the data provided by the National Institution for Social Security. These data refer to parental leaves paid by the Institution itself in the period 2002-2003, therefore immediately after the Law's approval.

165. Parental leave were utilised mostly by working mothers: 96.8% in 2003 and 95.3% in 2002 (99.2% for children 0-11 months and 98.4% for children 1 year old).

166. As the age of the children grows, it increases the number of fathers taking parental leave, although it remains below 50.0% of all paid leaves granted by the Institution (i.e. in 2003 the 21.6% and the 44.0% of all parental leave were taken by fathers with children aged 2-3 years).

167. Data seem to confirm the attitude of Italian people to maintain stereotyped roles for parents: mothers seem to be still considered major responsible for family care, whereas fathers continue to be considered as the breadwinners.

(j) Policies

168. In order to improve women employment rates and to reduce the existing gender gaps in the labour market, the Italian Government has confirmed gender equality on the labour market as a priority.

169. Both the National Reform Plan for 2007 and, lately, the Green Paper¹ on the future of the social model, published in July 2008, point out the need for specific policies to encourage women inclusion in employment especially those who never entered the labour market and those who have enjoyed a career break due to family duties. In the Green Paper great evidence is also given to the need of a global review of the Italian Welfare System to avoid social exclusion of women and to facilitate the reconciliation of work and family life.

170. The causes of the exclusion of Italian women from employment are identified as follows:

- Lack of acknowledgement in the society of the fundamental role that women can play as medium of economic and social development;
- Weakness of the welfare system;
- Unequal distribution of family responsibilities between partners;
- Persistence of stereotyped social roles for women and men;
- Lack of education and training for women who return to work after a family related employment break;
- Lack of willingness by the side of employers in reorganizing work and working hours in a more flexible manner with a view to the reconciliation of work and private life of their employees.

171. With the aim of increasing and improving women participation in the labour market the Italian Government has drawn up a four steps strategy:

(a) Promotion of women work among employers (i.e. financial incentives for the recruitment of women jobseekers who live in the depressed areas of the Country, such as the exemption of the employers from the payment of social contribution);

(b) Promotion of a gender friendly approach in guidance and lifelong learning within public employment services to sustain women's return in the labour market (i.e. implementation of the legislative Decree No. 181/2000 as modified and integrated by the legislative Decree No. 297/2002 according to which PES must offer to all women/men

¹ "Good life in active society". Green Paper on the future of the social model", Ministry of Labour, Health and Social Policy, July 25, 2008.

jobseekers a set of integrated services aimed to their full and prompt reinsertion in the labour market within 3 months from their first contact with the PES);

(c) Increase in the number and improvement of quality of childcare services as well as of care services for the other dependants that can facilitate the reconciliation of professional and family life (i.e. the National Extraordinary Plan for nurseries and innovative socio-educational services that is implemented by the Department for Family Policies of the Presidency Council in cooperation with local administrations, total amount €156,462,000.00);

(d) Incentives to female entrepreneurship (i.e. Law No. 215/1992, currently under revision, promotes positive actions for the start-up of firms and small enterprises by the side of women).

172. All these policies are supported by the actions implemented and co-financed in the framework of the regional and national Operational Programmes of the Structural Funds specifically devoted to: occupational inclusion and vocational guidance of women as well as business start-up by the side of women.

(k) Reconciliation of professional life and family life in Italy: best practices

173. In Italy, a great input to the modernization of the internal organization of private companies with the main goal of fostering reconciliation of professional and family life has been given by Law No. 53/2000 that promotes the balance between work, family care, training and interpersonal relation by means of parental leave and the extension of the support to parents of disable children, the institution of continuous training leave and the extension of training leave, the coordination of the city-times organization and the promotion of the use of time for social solidarity. The actions/projects funded by this Law are promoted by private companies with the aim of implementing renewed internal organization (production/services/ timesheets/etc.) for the bettering of their employees (men/women) quality of life.

174. It is possible to identify a number of projects that have proposed measures, tools, and sometimes patterns, to reconcile professional and private life focused on:

- Reconciliation and work organization – actions aiming at reducing or organising times and organization of work (part-time, flexibility, telework, etc.) differently;
- Reconciliation, children's care and care sharing – actions aiming at reducing or facilitating the timetable of family and children care (leave, voucher, kindergarten, etc.);
- Reconciliation and scheduling of city-times – actions aiming at reshaping, often personalizing, city-times through the experiencing of new modalities in the provision of services;
- Reconciliation and spare time – actions finalized at gaining spare time (flexi-time).

175. A further remark can be made about the role played by the European Union in this field. The European Union, in fact, has been on the one side a source of stimulus and input in facing the theme of reconciliation of work-time and personal-time and on the other side, it has provided the financial tools thanks to which it has been possible to implement projects (ESF and Initiative EQUAL).

176. The programme ITALY 2010 – “Programme of actions to foster women's inclusion in the labour market”, dated December 1, 2009 – outlined the courses of action needed to promote women's employment and conciliation. This programme was promoted by the Minister of Labour and the Minister for Equal Opportunities.

177. The plan aims to define a long-term strategy for Italy to promote both women's employment and gender equality.

178. The main courses of action are the following:

- Strengthening of services for early childhood;
- Implementing funding of conciliation projects addressed to companies (under the “new” Art. 9 of Law No. 53/2000);
- Promoting part-time job and other forms of part-time contracts through the second-level bargaining;
- Promotion women integration in the “green jobs” field.

(I) Actions of the employment services to support women's employment

179. The Public Employment Centres (hereafter PEC) work actively at the promotion of women's employment, on a provincial level, through the implementation of a series of coordinated actions. Considering the reference period of this Report, one should note that, even in 2004, 51.1% of the employment centres provided for specific services to support women's employment and training, especially in the central and northern regions of Italy. Four years later, in 2008, the activation of services designed to raise women's employment rate is greatly increased, both at national and local level.

180. The action that has been implemented is as follows:

- 69.3% of PEC set up dedicated front offices or specific information services;
- 45% of PEC provides for counselling services for women entrepreneurs;
- 39.9% of PEC works to promote the return to work of women who temporary left or lost employment as a consequence of maternity status;
- through the PEC, legal and regulatory advice is offered to 78.6% of women users;
- Support services for the reconciliation of work and family life are organized by 73% of the PEC (in the South this percentage reaches 83.6%).

181. During the 2007-2013 ESF planning, with regard to the 2009-2010 period, the Ministry of Labour – Labour Market DG, is financing, with the Italian technical support and Isfol, several projects aimed at improving the conditions of disadvantaged groups. These are: workers, disabled, prisoners and former prisoners, immigrants, people living in poverty condition.

182. With regard to the issue of women's employment status, it is noteworthy to cite some projects:

- Project “Employment Monitoring”. One of the main activities regards “Women's Participation in the labour market inactivity, maternity and double presence”. This activity aims to increase the level of knowledge about the maternity role as an impediment factor to women's participation in the labour market, in relation to the low Italian women's activity rates, identifying determinants and characteristics;
- Project “Monitoring action and qualitative analysis concerning the organization models and the delivery of business services” which recalls the gender issue within the activity called “Systems of work and contrast to the economic crisis in a gender perspective”. The overall objective is to support ongoing reforms aimed at curbing the effects of the economic and job crisis, particularly as regards a specific target of the labour market: women;

- Project “Cognitive support for specific processes reform” in which one section is addressed to the mature women workers topic.

According to a survey of the first and second quarters of 2009, there was a positive trend in female employment for North and Central Italy¹⁸³. The rising rate of female employment (15-64) in the second quarter 2009 is not uniform throughout the country: percentages largely insufficient in Southern regions. Women’s employment rate is equal to 57% in the North, remaining less than 4.3 points in the Centre, and 3.26% for South and Islands (Source: Istat, RCFL).

Table 6

Employment rates by gender – Target 2010 (first quarter 2009)

<i>Men</i>	<i>Women</i>	<i>Lisbon Target</i>	<i>Total</i>	<i>Lisbon Target</i>
68,5	46,3	60%	57,4	70%

Source: Eurostat.

184. Female employment rate is lower than about 12 percentage points and almost 14 percentage points far away from the targets set in Lisbon in 2010 (total employment level at 70%, and female employment at 60%).

Table 7

Part-time employees by gender (second quarter 2009)

	<i>Incidence % of the total employees</i>	
	<i>Average 2008</i>	<i>2nd quarter 2009</i>
Men	4,6	4,7
Women	28,1	28,4
Total	14,8	15,1

Source: Istat.

185. Part-time employment strongly grew in one year, no less than 2.4 percentage points. Percentage of part-time employment amounted to 14.8% (4.6% of men and 28.1% of women).

(m) Employment integration of people with disabilities

186. The Law of 12 March 1999, No. 68 aims at promoting inclusion and employment integration of people with disabilities through support services and targeted employment position. In order to make possible the employment of people with disabilities, the Fund for the right to work of the people with disabilities was set up, within the Ministry of Labour (by Art. 13 of Law No. 68/99). Until 2008, this Fund financed the cost of the incentives granted through the agreements signed with private employers.

187. Law No. 247/2007 amended the Article 13 of Law No. 68/99, providing for direct contributions, in compliance with EC regulations in favour of employers who employ people with disabilities. Instead of direct contributions, the previous provision provided for taxation (total contribution relief for a maximum of eight years, or the partial relief for a maximum of five years, according to the degree of disability). Criteria and rules for the distribution among the regions and autonomous provinces were defined in order to outline the availability of the Fund, by the Decree of the Minister of Labour and Social Policy, in consultation with the Minister of Economy and Finance of February 4, 2010.

188. As provided by Directorial Decree of August 6, 2010, registered by the Court of Auditors on October 1, 2010 and in course of publication in the G.U.², the resources of the Fund that must be included in the accounting period 2009-2010 (€ 42 millions) are allocated among the regions and autonomous provinces, on the basis of contribution requests for the recruitment of people with disabilities carried out by private employers in 2008 and in 2009, respectively.

189. Finally, by amending the Budget Law 2010 in paragraphs 144-147 of Article 2, the Law of December 23, 2009, No. 191 provides for adequate measures to encourage the integration or reintegration into the labour market of disadvantaged and disabled workers, as identified by Article 2, paragraphs 18, 19 and 20, Regulation (EC) No 800/2008 of August 6, 2008. These measures will be implemented through work agencies involvement, as mentioned in Articles 4 and 5 of Legislative Decree No 276 of 2003.

190. In fact, the ongoing recessionary cycle strengthened the results of State efforts to cope with to the employment crisis, in order to keep the highest number of workers in the production system, even through fixed-term contracts. In such a context, special consideration is given to certain categories of workers including people with disabilities. These categories are subjected to being excluded from the labour market. Moreover, the financial and economic crisis has decisively impacted on them.

191. In order to strengthen strategies to deal with the crisis, involving and motivating even private parties to contribute to a rapid relocation of workers expelled from the labour market, specific measures were adopted. Indeed, the Law of December 23, 2009, No. 191 sets up the establishment of experimental measures to encourage work agencies and authorized mediators to specifically care about disadvantaged workers, including people with disabilities, as identified by Regulation (EC) No. 800/2008, for actions aimed at their reintegration into the labour market.

192. Inspired by those forms of incentives successfully tested in the most advanced labour markets, the system provides for a bonus to work agencies for each re-employed worker only in the case the latter is recruited under dependent employment contract. In detail, the above mentioned provision provides for an incentive between 2500 and 5000 € for the recruitment of each disabled worker registered in the lists, having particular difficulties in getting a job. In addition, the provision foresees also the opportunity of permanent contract employment, with a contract term of not less than twelve months or with a placement contract, that may not exceed an eighteen months term, in accordance to Article 54 of Legislative Decree September, 10 2003, No 276.

193. The overall framework here outlined by the analysis on the implementation of the Law March 12, 1999 No. 68 shows a slow but consistent cultural change, that is interesting the labour and social policies for people with disabilities.

- (a) People Enrolled in Italy in the unique lists of mandatory placement:
 - (i) Year 2004: 575.487 total members, whereof 280.329 women;
 - (ii) Year 2005: 645.220 total members, whereof 327.929 women;
 - (iii) Year 2006: 699.806 total members, whereof 339.457 women (48.5%);
 - (iv) Year 2007: 768.394 total members, whereof 367.941 women (47.8%);
 - (v) Year 2008: 769.598 units, of which 379.635 women;

² "Gazzetta Ufficiale" is the official newspaper of the Italian State, which publishes approved laws, decrees, and various official announcements.

- (vi) Year 2009: 751.285 units, of which 36.5812 women.
- Visually impaired people enrolled pursuant to the Law No. 113/85
- Year 2008: 275 units:
- Year 2009: 343 units.
- (b) Employment starts up Report:
 - (i) Year 2004: 25.337 units, of which 9.451 women.
 - (ii) Year 2005: 30.865 units, of which 11.537 women.
 - (iii) Year 2006: 27.454 units, of which 9.751 women (35.5%).
 - (iv) Year 2007: 31.535 units, of which 11.578 women (36.7%).
 - (v) Year 2008: 28.306 units, of which 11.232 women.
 - (vi) Year 2009: 20.830 units, of which 8.414 women.
- Employment starts up of foreign people with disabilities:

Foreign workers with disabilities totally started up in 2008 had been 707, while in 2009 this category of starts up had fallen down to 520 units.
- Starts up for visually unpaired people:

Signed up in the National Register of visually impaired telephonists, the visually unpaired people started up to work in 2008 were totally 176. In 2009 the number fell down to 154 subjects.

194. The latest Report to the Parliament (IV), concerning 2006-2007 data, brings out an overall positive opinion of Law No. 68, 1999. In fact, targeted employment data related to 2007 show the highest ever recorded value since the introduction of the reform. However, despite the general positive assessment, the above mentioned data confirm a growing expectation by those subjects who apply to the authorized services to fulfil their right to work. This strain significantly impacts on job support services. After a long period of implementation of the law, this kind of services begins now to ensure a better performance, at least in their essential forms, throughout the whole country. In 2007, the total membership lists of employment recorded 768.394 units, that is almost 68.000 units over the previous year (699.886 in 2006), and more than 120.000 if compared to 2005 data (data PARL. REPORT IV.). Positive news updates come out from the data on the starts up related to 2007: 31.535 people with disabilities have been starting to work for the first time.

195. In order to draw up the Fifth Report to Parliament, under Article 21 of Law No. 68/99, information had been collected by administering specific surveys to the administration bodies responsible for the compulsory employment.

196. The data collected included also those relating to the enrolled in the mandatory placement, pursuant to the Law No. 68/99, and the related employment starts up occurred in 2007-2008. Innovative information requested included those relating to registration and starts up of a visually impaired telephonists and equivalent qualifications (Law March 29, 1985, No. 113, and M. D. January 10, 2000), as mentioned in Article 1, paragraph 3 of Law No. 68/99, as well as information relating to foreign people with disabilities enrolled in the lists, under the Law No. 68/99.

(n) Employment integration of immigrants

197. It is noteworthy to recall here some projects among those currently being developed by Isfol and Italia Lavoro, which aim at improving the social and working conditions for

immigrants: Project “Planning and organization of the services for the re-employment of immigrant”, implemented by Italia Lavoro, whose goal is to improve all forms of employment access and preservation for new immigrants or unemployed ones.

198. The project aims to strengthen the immigrants’ reintegration capability at local level, by working – once overcome the current critical phase for employment due to the crisis – also on the programming competences of the migration policies at local level, by including the qualified institutions. This result will be achieved through the support to the qualification of services and strengthening the provincial or regional governance systems. They refer especially to the procedures that can be enhanced by both levels of administration (regional and provincial ones) to improve the management of this phenomenon, especially considering the cooperation with companies and the integration of national and regional resources to support the reintegration of this target.

199. The goals and measures for this project are:

- Supporting the action of local institutions responsible for work and immigration with regard to the programming needs of labour, and the management policies for immigrants’ integration;
- Developing and strengthening methodologies and tools for immigrants ‘integration in Italy’;
- Training service operators for the Italian public and private employment sectors, having also recourse to the distance learning platform and to the companies community services;
- Promoting cooperation between public networks of service and the private operators in Italy, to expand the range of services to individual target and use the widest range of bargaining skills and tools useful to re-employment and qualification of workers;
- Strengthening local governance levels, with a particular stimulus at the closest level to the final receivers, companies and workers, and the provincial level;
- Supporting knowledge targeted at taking more focused policy decisions. Interventions to encourage the study on best practices and models of action are planned, in relation to the relocation of migrant workers and the exchange concerning regional policies on immigration;
- Strengthening of employment services for integration and re-employment through the classification of public services. This goal can help the employment services to develop their competence in cooperating with private operators, with particular regard both to the planning of reintegration interventions, and for the management of individual integration for new entries of foreign workers.

200. Project “Policies and instruments to enhance the continuity and regularity condition of foreign workers’ employment”, produced by Isfol, whose objective is to support the current reform processes to manage the presence of foreign workers in Italy, promoting the rule of law, contrasting undeclared work, and promoting participation in the labour market as a key element for the acquisition of a wider citizenship. Considering that immigration is a structural factor of the Italian economy and, as such, even in this crisis scenario, it represents a potential need for economic recovery. For these reasons, the relationship between regular presence and working conditions remains a central feature in the Italian social consideration and political agenda.

201. The specific objective of this activity consists of identifying conditions, tools and policies – currently in place, and that can be taken in future – are necessary to ease immigrants’ regular condition and their possible continuity status of employment. At the same time, this objective aims at verify which solutions can be provided to extend such

conditions to those immigrants entered in the country because of a reunification process. The general perspective is addressed to the promotion and development of new community services.

202. The executive planning of the DG Labour Market for 2010 provides also for the implementation of the project “Measures to combat illegal employment of immigrants spontaneous vacation and to promote socio-occupational integration” with direct assignment to IOM.

203. The project lasts 6, covers the development of complementary activities in 2011. It foresees an action plan to implement the system in order to suggest possible mechanisms of circular migration structured in close coordination with the administrations of the countries where the phenomenon of migration originates.

204. The expected results are:

- (a) Identification and analysis of spontaneous migratory flows and circuits of workers through a survey conducted by researchers from the countries of origin accompanied by Italian researchers;
- (b) A sample search on the conditions of seasonal workers;
- (c) An information and awareness campaign for employers' associations;
- (d) Study visits to/from the countries of origin for employers and stakeholders to identify the regular annual recruitment procedures of circular migration.

The activity Microcredit as a stabilizing factor and as a tool for new opportunities is planned by Isfol in 2010, within the project “Work Policies Evaluation”.205. Microcredit is part of the institutions promoted by the Italian Government to counter the effects caused on people by the economic crisis. Microcredit is considered as a useful tool to start up self-employment activities, micro- and self- enterprises, pursuant to Article 1 of D. L. of July 1, 2009, No. 78 turned into law August 3, 2009, No 102. In detail, paragraph 7 provides that the amounts resulting from the treatment of income support or Special Redundancy Fund in cases of companies’ crisis shall be provided to the workers, if these request to undertake an activity, or micro-enterprise, and in case of resignation from the company.

206. The activity in question will be conducted in close coordination with the provisions of the institutional tasks of the Permanent National Committee for Microcredit. As part of its responsibilities, the Committee promotes the microcredit as an aid in the eradication of poverty, identifies measures for the development of initiatives to be implemented by the financial systems for the creation of micro enterprises in favour of those subjects in poverty condition, facilitates the technical implementation of cooperation projects to assist developing countries, respecting the competences of the Ministry of Foreign Affairs. In order to enhance the struggle against poverty, Isfol decided to include the activity “Evaluation of territorial government interventions to combat poverty and support to families in need” in its Project “Work Policies Evaluation”.

207. In the light of the objectives stated in the new Social Agenda and of the data published by the European Commission in recent years, the Welfare Area of the Ministry of Labour conducted many activities of analysis, definition of models, experiments aimed at providing supporting tools to regions involved in the planning, monitoring and evaluation of outcomes processes, facilitating the comparison between the different local contexts and their harmonization, encouraging the growth of a culture and a common operating assets. In particular, all policies implemented at regional level for income support and poverty in general were set under observation, in the framework of the PON Extraordinary Plan “Actions of System”, Objective 3 2000-2006, Measure B1 Az 2. The lines of research have produced a comparative analysis of legislation and of calls related to the issues of poverty,

construction of some key indicators of poverty measures, and a specific study on child poverty. In accordance with the work already developed, it will be drawn up an activity that aims to provide an assessment of system interventions for poverty reduction. These assessments will be achieved by the regions and local authorities in Italy. In this sense, a central feature is the rising level of wellness for final beneficiaries, as a consequence of the impact of contrasting poverty measures to be implemented. This element will be strongly taken into account.

208. The main aim consists of strengthening the employment services, increasing the efficiency of networks between institutions and service providers, both public and private. It will be run by analysing the regional labour markets, the consequences of the crisis, the characteristics of the regional employment services. Along with these frameworks, regulatory databases have been implemented (in collaboration with Italia Lavoro and Isfol) and comparative analysis of regional arrangements, national and international, aimed also at identifying best practices.

209. In particular, it was important to focus on some actions – committed to Italia Lavoro – in support of the national and regional governance, with particular attention to the impact of economic and employment crisis. Through the implementation of these action it was possible to improve the efficiency and effectiveness of work services; strengthen the quality of services offered to the users; facilitate the matching of demand and supply of labour; to prevent the needs of the labour market; promote the integration of active and passive policies; to start up integrated actions with the different local actors that shall strengthen their ability to identify targeted interventions and implement a qualitative and quantitative growth of the effectiveness of the systems. In addition, following an agreement between the Directorate-General of the labour market and the Department of Public Administration, other actions have started to be defined, achievable through Formez. They included: support to the provinces for the promotion and implementation of innovative services in the field of work services; consulting and technical-training support actions aimed at employment centres designed to update, enhance and qualify the staff; support to the improvement of quality standards of services provided by the employment centres, and to strengthen their organization level.

210. Appropriate framework agreements with the regions (a total of 15 agreements) were concluded on the basis of what stipulated in the agreements between regions and the Ministry of February 2009. These agreements refer to the qualitative and quantitative purposes of the Regional Work Services and regulation of network services (authorization systems, accreditation, legislation, resolutions, regulations). Another important field of activity was connected to supporting the regions in the definition and implementation of anti-crisis measures, and in the implementation of the agreements INPS-Regions, in the monitoring of activities, identifying critical issues that can hold back the implementation course; in improving the reporting procedures, in the preparation of the three-year regional plans for work, even in connection with the reprogramming activity of the Social Fund.

(o) Inclusion of youth in the labour market

211. Particular relief in this policy area is given to:

- The project “Monitoring of employment”, which provides a specific intervention aimed at the evaluation of measures to counter the phenomenon of “brain drain”, as part of the actions aimed at analysing the youth unemployment.

212. The activity aims to define quantitative and qualitative characteristics, entities and reasons for the territorial mobility of the workforce with particular reference to the phenomenon of “brain drain”, both within our country, from Italy to abroad, and in particular to the countries of the European Union. Migration phenomenon is coming back,

especially in cases of highly skilled workers, often with high academic qualifications, whose investment in training should be a strategic resource for the production system (local and national). Despite their qualification, system cannot employ these qualified categories, that must move elsewhere.

213. The activity will produce a qualitative survey addressed to skilled workers who moved abroad, and will work out an stocktaking of measures and initiatives designed to encourage the return of workers from abroad in their areas of origin or training, as well as it will provide a comparison between the Italian situation and that of other Member States (of EU) and other foreign countries, in relation both to the dynamics and policies of intervention.

- Project “Monitoring and qualitative analysis of organization models and delivery of work services” including the activity “Analysis and examination about demand and supply of work services dedicated to the youth target”.

214. In particular, this analysis aims to collect and analyse the mechanisms set up by local employment services to facilitate job placement of young people, with special reference to job training and job placement even in geographic mobility process.

(p) Integration of other disadvantaged groups

215. The project “Services for the socio-occupational inclusion of disadvantaged categories, with the help of the SPL”, is designed for the integration or reintegration into the labour market of some disadvantaged groups, even including people with disabilities, prisoners and former prisoners. Italia Lavoro wants to use this project with the purpose of strengthening the measures to facilitate the job placement of particularly disadvantaged subjects in the labour market, maintaining and increasing social inclusion and integrated networks, thus optimizing the professional resources, both public and private, as well as the same economic resources.

216. The job placement of disadvantaged people and, in particular, of disabled persons, prisoners and former prisoners represents a priority for the European Employment Strategy and of the actions financed by the ESF. The Community strategic guidelines on economic, social and territorial cohesion 2007-2013 reaffirm as a priority the objective “to ensure inclusive labour markets for the disadvantaged or at risk of social exclusion categories, such as those who left school, the long-term unemployed, the minorities, the disabled”, prisoners and ex-prisoners through an even broader and diversified support to build pathways for integration and struggle against discrimination.

217. In particular, the intervention programme aims to promote active policies for targeted employment of disabled people through public-private networks, capable of delivering services with high quality standards, in compliance with Law No. 68/99, and implementing innovative models based on the International Classification of Functioning, Disability and Health (ICF) of the World Health Organization, in order to use it increasingly in the national system of assessment and evaluation criteria, thus making them more consistent and in line with the real needs of people with disabilities.

218. The activities planned with the intervention aim to:

(a) Support institutional governance at various levels (national, regional, provincial, municipal) integrating employment policies with social and health policies and other expertise involved (prison authorities), in accordance with the principles of subsidiarity, in order to optimize the interventions;

(b) Develop and qualify the system of employment services in relation to the inclusion processes of disadvantaged groups (disabled, prisoners and former prisoners) in a

logic of integrated territorial network of several public services (labour, social, health, prisons) and private ones (third sector, business profit, employment agencies);

(c) Develop and qualify the public/private network to support the processes of social inclusion of disadvantaged people, through the employment assistance programmes built on innovative methods of complex acceptance and integrated customized projects.

219. This initiative wants to promote uniform levels of protection throughout the country, to be addressed to the various categories of disadvantaged people, by offering activities for the development of intervention models, and for the strengthen of dedicated networking services. These innovations should be implemented by pursuing the integration of the services aimed at customizing interventions, with a central consideration of the “person”.

220. Social and employment inclusion of subject in a state prosecution will be encouraged, overcoming social and professional difficulties, through the qualification of work services and the involvement of actors part of the transition punishment-work.

221. Finally, it is necessary to remind the White Paper on the future of the social model “Good life in active society”. Published in May 2009 and devoted to young people and their families, this document proposed a social model directed to the promotion of the centrality of the person and founded on building a dynamic, active and responsible society. The main will was encouraging the achievement of equal opportunities policies, promoting the diversity as a crucial social value.

222. The White Paper has been followed by ITALIA 2010 “Programme of actions for the inclusion of women in the labour market”, drawn by the ministers Carfagna and Sacconi, of December 1, 2009. This new Programme outlined the guidelines to be pursued to promote women's employment and reconciliation.

The plan aspires to define a long-term strategy to promote women's employment and gender equality also for Italy.²²³ Five lines of action are proposed, respectively:

- Expanding services for early childhood;
- Providing financing arrangements for projects of conciliation at the enterprise level (under the “new” Art. 9 of Law No. 53/2000);
- The promotion of part-time work and other forms of part-time contracts through the second-level bargaining;
- The promotion of “green jobs” even for women workers.

224. On July 30, 2010, the Council of Ministers approved the three-year plan for work “Freeing work to make jobs free” set up by the Minister Maurizio Sacconi, who identifies reconciliation policies as provisions in favour of women’s employment. Essential actions to accomplish the goal consist of remodelling work time and promoting care services for children, with special regard to family nurseries.

225. Starting from 2007, within the framework of the initiatives organized for the “European Year of Equal Opportunities for all”, the Department for Equal Opportunities has been promoting the action named “Hidden Women”. This is a strategic action aimed at improving the overall development capacity of the country and increasing women employment rate, by combining the issues of working conditions, expertise enhancement, professional qualification and reconciliation between professional, private and family life.

226. The hidden labour market is mainly composed of female workforce, working under scarce or without any protection and includes both foreign women, mostly employed as “caregivers”, and Italian women, particularly those presenting poor employability due to their living in regions with little professional opportunities, their age, their low-level professional skills and the limited reconciliation between work and family life. The number

of foreign women working in the illegal labour market is significant, and they are often limited in or deprived of their fundamental rights, which increases the risk of consolidation of criminal phenomena such as racket and exploitation.

227. Moreover, the “Hidden Women” action has paved the way for the drafting of the Public Notice of December 2007, promoted by the Department for Equal Opportunities, for the funding of pilot projects aimed at combating undeclared work in the home care field. Fund’s top priority is to enhance the high demand in home care services through an appropriate and adequate professional supply, by contributing to increase women employment rate with actions aimed at advancing work qualification, combating undeclared work, discouraging work drop-outs and protecting employment.

228. The sum allocated by the Department for Equal Opportunities to start the relevant pilot projects was € 5,000,000.00. On the basis of the final list created and the allocated resources, 6 projects have been funded, for a total amount of € 4,917,420.00. These projects will allow to legally hire thousands of Italian and foreign women working in the home care sector throughout Italy and to raise awareness on the phenomenon of undeclared work. Illegal work is expanding across our country, as shown by a survey carried out by the State Statistics Institute (ISTAT), according to which undeclared work in this sector amounts to 41% of the total caregivers’ work (they are about 1 million).

229. The projects can be considered as anti-crisis measures, since their main objective and innovative aspect is the allocation of incentives for families, who legally hire home caregivers. Following a request to extend the deadline made by the 6 subjects responsible for the pilot projects, the Department for Equal Opportunities has granted a 12-month respite of the activities. According to such a respite all the projects will end in March 2012.

230. In the field of underground economy, the action of the Guardia di Finanza is based on a transversal approach aimed at targeting all aspects of illegality linked to the phenomenon of undeclared work – such as tax and social contributions evasion, exploitation of illegal immigrants, social security fraud, manufacture and trade of products bearing counterfeit brands – and is focused on all labour-intensive sectors.

231. This is the reason for which the Guardia di Finanza’s action plans are aimed not only at recovering the evaded taxes and contributions, but also at targeting the largest assets and properties amassed by those exploited irregular workers.

232. In the year 2011 the Guardia di Finanza discovered 26.474 irregular labourers, including 13.798 illegal workers and 12.676 unreported – of which 4.964 women. They all worked for 5.420 employers who were reported for employing irregular labour.

233. The investigations conducted by the Guardia the Finanza have identified the following business sectors as those prevalently affected by the phenomenon of unreported employment: the services sector (45.4%), tourism and public businesses (30.2%), the building industry (14.6%), agriculture (6.8%) and transportation (3%).

234. Since 1998, Italy is at the forefront of the fight against trafficking in human beings and the protection of victims, both children and adults. The Italian model, which is still considered a best practice in this field, was built upon the principle that an effective anti-trafficking strategy should be based on:

- A human rights’ protection and promotion approach;
- A multi-agency and integrated approach:

235. Therefore, Italian legal provisions against THB and exploitation are based on a victim rights-centred approach:

- Article 18 of the National Law on Migration (Legislative Decree No. 286 of 1998);

Article 13 of the National Law against trafficking in human beings (Law No. 228 of 2003).•

236. Article 18 of Legislative Decree No. 286 of 1998 (Consolidated Act of measures regulating immigration and the norms on the condition of foreigner citizens) foresees the granting of a special residence permit for victims of trafficking for reasons of social protection. The main objective of this law is to allow the trafficked or exploited persons to escape from the conditioning of the criminal organization or individual exploiters they are subjected to and to offer them the possibility to start a new life in Italy or in their country of origin. The granting of the special residence permit is independent from reporting the traffickers/exploiters to the law enforcement authorities by the victim. The only necessary condition to obtain the permit is to meet the requirements provided by the law and to participate in the “Article 18” assistance programme and complete it. The residence permit can be issued on the basis of two procedures:

- The “judicial path”, when a reporting to the police has been made or when a criminal proceeding has been started. It implies that the victim will co-operate with the police and public prosecutor. She/he will be instrumental in bringing charges against the perpetrator;
- The “social path”, when the NGOs or public social service assisting the trafficked persons consider that they are in current danger. The trafficked persons is not obliged to report the traffickers to the police, but is expected to give extensive information (“statement”) to the law enforcement agencies through the public social services or the private sector accredited NGOs.

In 2007 a law came into force that broadened the target group for the Article 18 provisions: Law No. 17/2007 ‘Turning into law the Law Decree December 28, 2006, No. 300, containing the extension of the limits foreseen by legislative provisions. Article 6, paragraph 4, provides that the Article 18 shall be applied also to victims of trafficking that are EU-nationals. They can therefore access the Programme of social assistance and protection and benefit from all services offered.²³⁷

238. Law No. 228 of 2003, “Provisions against Trafficking in Human Beings”, acknowledged the trafficking definition of the Palermo Protocol. The law introduced the offences of ‘Reducing to or keeping in slavery or servitude’, ‘Trafficking in persons’, and ‘Trading in slaves’, amending the related provisions of the Criminal Code (Art. 600, 601, 602). For these offences the law foresees a harsh punishment from eight to twenty years of imprisonment, with an increase of one third to a half when the victims are minors, or when reduction into slavery or servitude condition aims at further sexual exploitation or removal of organs.

239. Furthermore, with Article 13 the Law No. 228/2003 includes a provision for the creation of a short-term protection programme for both Italian and foreign victims of slavery, servitude and trafficking aiming at ‘temporarily guaranteeing adequate accommodation, food and healthcare conditions to the victims’.

240. The fact that the Italian response to human trafficking is focused on the protection of the rights of the victims, does not mean that scant attention is paid to the prosecution of the traffickers. On the contrary, the national law on trafficking foresees harsh punishment for traffickers and exploiters and furthermore, experience has shown over more than ten years that a victim rights-centred approach and a multi-agency coordination allow the victims to feel safe and to cooperate effectively with the judiciary authorities and the law enforcement officers to conduct useful investigations and to prosecute the crime’s perpetrators.

241. According to the data provided by the DNA (Direzione Nazionale Anti-mafia; National Directorate against organized crime) – which is the judiciary authority deputed to

the implementation and monitoring of the national law against trafficking – in 2011, 143 criminal proceedings were taken against 395 offenders for the crime of “reduction into slavery or slavery-like conditions” (Art. 600 of the criminal Code) involving a total of 399 victims; 62 criminal proceedings were taken against 250 offenders for the crime of “trafficking in persons” (Art. 601 of the criminal Code) involving a total of 100 victims.

242. The use of huge investigative resources and the largest development of cooperation between the States concerned are absolutely required by the extremely complicated modus operandi of the criminal organizations involved in smuggling of migrants or trafficking in human beings.

243. As to the international cooperation, some positive cooperation agreements have been enforced with Romania, Albania and Libya. Furthermore, an investigative pilot project is ongoing, according to which some Nigerian police officers have been seconded to the Italian police offices.

244. The Department of Public Security cooperates with the study visits organized within the framework of the EU Commission Technical Assistance Information Exchange Instrument Programme: they receive foreign delegations tasked with examining various matters of interest, (exchange of information, good practices, experts’ opinions), such as trafficking in human beings.

245. With a view to promote multiagency cooperation and the coordination of judicial authority, police forces and NGOs engaged in this specific sector – that are important actors in the fight against such a criminal phenomenon – on April 28, 2010, the Department of Public Security and the Anti-mafia National Directorate signed the “Memorandum of Understanding on the guidelines for coordinating the fight against trafficking in human beings”.

246. Furthermore, on the competent departmental offices’ request, the provincial police authorities have identified one or more reference points for a better coordination with the actors involved – the Questure reference points have been identified within the Squadre Mobili (Investigative Units) as to the investigative issues, and within the Immigrations offices as to the administrative aspects concerning foreign citizens.

247. On the basis of the above mentioned Memorandum of Understanding, a Working Group was set up at the Central Directorate of Criminal Police: one of its tasks consists in updating the indicators list.

248. The Italian State Police also engaged in promoting professional training for the Squadre Mobili personnel through several seminars.

249. Article 18 of the Legislative Decree No. 286 of July 25, 1998 “Stay permit for social protection”, established a very new element in the legal framework, by providing priority protection to foreign citizens who are victims of violence or severe exploitation by crime organizations.

250. When such circumstances are verified and the foreign citizen’s safety or life is considered to be endangered, a “stay permit for social protection” can be issued by the Questore (the provincial police authority), and the victim is asked to participate in the Programme of Social Protection and Assistance.

251. With a view to clarifying the content of the afore-said new regulation, it is important to provide the following information about its implementation.

252. The competent authorities shall evaluate and confirm the existence of the circumstances provided for by Article 18 before replying to the proposal of issuing the stay permit for social protection, in compliance with Article 27 of the Presidential Decree No. 394/1999.

253. Such a proposal can be presented by the social services of local administrations, or by private associations, organizations or other bodies, as indicated by Article 27, point a), that, during their social interventions, may have identified cases of violence or severe exploitation against a foreign citizen.

254. In such cases, the Questore shall consider the severity and imminence of the danger to the foreign citizen on the basis of the elements included in the above-mentioned proposal. It's worth mentioning that the issuing of the Stay Permit is not necessarily connected with the victim's report to the police, nor by his/her cooperation with police or judicial authorities. The Public Prosecutor's favourable opinion is not required.

255. A different procedure shall be followed when the victim makes statements in the course of criminal proceedings concerning facts of serious violence and exploitation. In this case, the proposal shall be presented by the Public Prosecutor who shall provide the Questore with all necessary elements supporting the existence of the above-mentioned circumstances with special reference to the severity and imminence of the danger. If the proposal has not been made or if the necessary elements have not been provided, the Questore shall ask for the Public Prosecutor's specific opinion.

256. Provided that the above-mentioned obligations shall be respected with regard to the afore-said proposal, whenever the competent authorities can verify the existence of situations of violence or severe exploitation of a foreign citizen, they shall consider the circumstances of the real danger to the foreign citizen's safety – as a consequence of his/her attempts to escape from the conditioning of a criminal organization – and regardless to his/her willingness to report to the police or to cooperate – and may grant, as soon as possible, the special residence permit in compliance with Article 27, paragraph 2, Presidential Decree No. 394/1999.

(q) Existing rules to protect workers from unfair dismissal

257. Law No. 108/90 provided for individual dismissals regulation in Italy. This Law provides the opportunity to dismiss the employee simply with an explanatory statement identifiable in:

- Just cause;
- Justified reason.

258. The employers have always the burden of proving both just cause and justified reason. In addition to the Law provisions, the definition of the reasons that can justify the dismissal decision must be identified by Collective Bargaining, by consolidated case law and finally by the court on case by case basis.

Article 7. Right to just and favourable conditions of work

259. The Italian Government takes cognition of the Committee requests regarding the recommendation to give further impetus to the process of ratification of ILO Convention No. 174 of 1993.

260. In this regard, it should be noted that the principles contained in this Convention are already widely implemented in our legal order by virtue of existing legislation on the matter.

261. Based on these considerations, the ratification would acquire purely a formal content.

262. The remuneration represents the compensation for the service provided by employee, who is entitled to – by virtue of Article 36 of the Constitution – a compensation which must be proportional to the quantity and quality of work done, and in any case

sufficient to guarantee for him and his family a “free and dignified existence”. The general principle of equal treatment laid down in the Constitution has a theoretical character. The dominant case law holds that there cannot be an absolute principle of equal remuneration, allowing the possibility for employers to favour an employee over another for economic reasons, as long as such conduct should not have discriminatory nature related to political, religious, race, language or sex reasons.

263. Based on this principle, the remuneration shall be freely determined by the parties and defined by the collective agreements in relation to each merchandising sector.

264. However, employers and employees are free to determine personal super-minimum (salary bonus), depending on the type of service or on employee’s particular merit; as long as provided the principle of non-discrimination mentioned above shall be guaranteed. Therefore, national collective bargaining constitutes the main base for determining the remuneration, with particular regard to the minimum, which remain valid until the expiration date of the collective agreement. Subsequent salary increases are linked to the qualification or to the renewal of the national collective agreement. In this regard, it is necessary to clarify that, in the current legal order there are no index systems or updates related to the remuneration, pursuant to article 7, paragraph 2, of the Covenant. The cost-of-living allowance amount was used until December 31, 1991. It had the function of adjusting the work remuneration to the increases cost of living. The system of calculation provided for the six-monthly update of a base amount equal for all workers, and another variable depending on qualification and belonging sector. An agreement between the government and unions agreed the end of this adjustment mechanism. As a consequence, from January 1, 1992, simply the amount of the cost-of-living allowance accrued up to that date is paid. In many cases the compensation shall be conglobated inside the minimum wage. As of January 1, 1993, all workers of the private sector (except managers), regardless of their contract and qualifications, are entitled to receive the payment of the DER – distinct element of remuneration –, that is a sum of € 10.33 per month for thirteen months. In some cases, DER is conglobated in the base wage.

265. Employees’ working conditions are governed by national law, or by the collective bargaining, if the latter is able to guarantee any more favourable condition. Laws intervene in particular on situations that affect health and safety conditions (i.e. setting of a maximum working time limit, overtime, a minimum annual leave, daily and weekly rest), as well as on social security matter. The provisions may be waived by collective bargaining, under the principle of the “*favor prestatoris*”, in case more favourable conditions for workers are provided for.

266. Legislative Decree was issued April 9, 2008, No. 81 (and as later integrated by legislative Decree 106/2009), according to the delegated Law No. 123/2007 in matter of workers’ health and safety. It amended the rules previously in force (Legislative Decree 626/94 and segments), updating them to reflect the most recent Community legislation. The decree can be applied to all activity sectors, public and private, and all kinds of risk, with exceptions for specific application procedures, for distinct sectors or categories of workers, included in ministerial decrees, or in specific sector regulations.

267. In relation to Minimum Support Income (RMI), it is stressed that this measure of combating poverty has been implemented in Italy on an experimental basis for four years in over 306 municipalities throughout the country. The measure was accompanied by monitoring and evaluation, in order to analyse the actual capacity to respond to conditions of poverty and extreme hardship. The trial period was completed in 2006, and a report was presented to Parliament in June 2007.

268. The Report highlights, among other things, the difficulty of application of homogeneous measures in an area characterized by great disparities. For so, there is

currently an assessment on how to intervene in support of people experiencing strong discomfort or extreme poverty, overcoming the limits that RMI showed. In particular, it highlights the need to identify support measures which allow people to exit their state of exclusion and encourage re-entry into the labour market. Moreover, other forms of income support, equivalent to RMI, are developing, in order to act effectively in situations of extreme social disadvantage, intervening only if there are no other possible solutions, under strict thresholds and modulated by territory and composition of households, linked with “exit routes” from situation of discomfort. The “purchase card” described in the footnote to Article 41 b), is one of them.

269. Women’s role is changing: besides their traditional family functions, also their presence in the labour market has increased. Although slowly, their participation in decision-making processes is also growing. This world revolution is reaching the most traditional societies, as shown in the last United Nations Millennium Development Goals Report, the global progress goals to be achieved by 2015.

270. The change in the labour market is slow but widespread.

271. Within the labour market, the so-called “glass ceiling” limits the presence of women in top positions, particularly in big companies. However, the first “successful progress” has been made and, in many parts of the world, it is bringing women to be employed in the managerial positions in almost all the employment sectors.

272. This phenomenon is mostly recorded in the public administrations, in non-profit organizations and in thousands of small businesses: a success that is not often publicly declared. It does not solve the problem, but it encourages women. In the light of such considerations, the Italian administrations are trying to effectively implement the regulatory framework, integrated in the Book III of the Code for Equal Opportunities between men and women (see Art. 3) on “equal opportunities between men and women in economic relations”: the Book III regulates all the issues relating to equal opportunities in labour and entrepreneurship.

273. Within the framework of the planning of 2000-2006 European Funds, the Department for Equal Opportunities has promoted and implemented some system actions aimed at analysing the phenomena of gender differences between women and men, particularly in relation to gender pay gap. To be more specific, the Department has launched the project entitled “Differenziali retributivi di genere: ipotesi di approfondimento e ricerca”. It has envisaged a statistical survey on a sample of Italian families and was aimed at analysing the crucial factors determining the gender pay gap origin. Furthermore, a research team, composed of some of the major experts in this field at the national level, was set up with the task of elaborating the data resulting from the survey. Finally, mention has to be made to the P.A.R.I. project – Padri Attivi nella Responsabilità Interna alla Famiglia (Participation of Fathers in Family life and Responsibilities) on the fathers’ role in the promotion of gender equality within the family and with a view to reconciliation between work and family life. The P.A.R.I. project was set up in December 2006 and funded by the European Commission.

274. As for employment, gender differences are more evident among persons with disabilities: only 1.8% of women are employed vs. 6.8% of men. The new generation of youth with disabilities, especially women, seems to have benefited of work integration policies much more than the previous one: among the persons with disabilities aged between 15 and 44, the percentage of employed women amounts to 13.9% against 22.3% relating to men. Gender differences are more evident in the age group 45-64 (10.4% is the female rate and 24.6% the male one). 80.4% of employed people with disabilities work full-time, with a lower level compared to the total population (88%). The rate of full-time employed women is definitely lower (70%) than that relating to men (86.4%).

275. The relevant legislation for workers with disabilities dates back to 1999. However, it must be recalled that it was later supplemented by the Act No. 67/2006 on “Measures for the legal protection of persons with disabilities victims of discrimination”, through which new legal tools have been introduced in our legal system, in order to guarantee effective equal treatment and to promote equal opportunities for people with disabilities, by extending the already existing special protection for persons with disabilities victims of discrimination in the labour market to all the situations related to it. The principle of equal treatment entails that any form of discrimination, both direct and indirect, against persons with disabilities is prohibited.

276. As for the legal protection of persons with disabilities, Article 4 of the above mentioned Act establishes that the associations and bodies identified by the Decree of the Minister for Equal Opportunities and the Minister for Social Solidarity, if delegated, are authorized to take legal action. On 21 June 2007, the Minister for Rights and Equal Opportunities together with the Minister for Social Solidarity, signed a decree regulating the necessary requirements to be authorized to take legal proceedings, in compliance with the aforementioned Article 4 of Act No. 67/2007.

277. With specific reference to their access to the labour market, some useful information is derived from the 4th Report to the Parliament on the status of the implementation of Act 68/1999 for the years 2006-2007, entitled “Regulations on right to work for persons with disabilities”, presented by the Minister of Labour, Health and Social Policy. An adequate gender analysis of the phenomenon of disability implies two main areas of observation: on one hand the high number and incidence of women with disabilities (having specific needs in relation to the system), on the other hand the issue of multiple forms of discrimination.

278. The main features characterizing the multiple discrimination of women with disabilities are a mixture of cultural, social and objective elements. Among the disadvantages they experience, there are: higher physical, psychological and social vulnerability; limitations in carrying out daily activities; lower access to social resources (school education and vocational training, training on new technologies, work, social and healthcare services, sport, culture and free-time activities); consequent obstacles to achieve high levels of education; disadvantages leading persons with serious disabilities to be at risk of poverty; they are often victims of sexual violence and abuse and are hindered or discouraged in the fields of sexuality, life as a couple and motherhood; they are often forced to leave their job if choose to become mothers.

279. Within the framework of the collection and analysis initiatives of data relating to female entrepreneurship, the Department for Equal Opportunities, together with the Ministry for Economic Development and in cooperation with Unioncamere, has promoted the drafting of a “National Report on Female Entrepreneurship”, set up for the first time in 2010 and at its second edition in 2011, aimed at guaranteeing the periodic monitoring of data, supplemented by relevant thematic in-depth examinations in order to create a knowledge basis on the Italian entrepreneurship, in particular on the female one.

280. Following the partial abrogation of Act No. 215/1992 on “Positive actions to promote female entrepreneurship”, and the entry into force of the Code for Equal Opportunities between men and women (Legislative Decree No. 198/2006), in 2006 the State’s incentives for the initiatives supported by women entrepreneurs were eliminated, whereas Regions continued to promote such interventions through their own resources, as well as through capital subsidies, interest rate subsidies, guarantee funds, revolving funds, etc. In this context, the Department for Equal Opportunities, by using ERDF resources, has funded studies and analyses within the convergence Regions, with the aim to contribute to improve the functioning of female entrepreneurship activities, as well as to enhance communication and information transfer in an organizational system characterized by many

institutional and non-institutional centres of competence, both at the central and local levels. In particular, the following studies have been funded:

- Analysis of the various forms of incentives allocated to women during the start-up phase and/or to develop entrepreneurial activities in the Calabria Region;
- Study on the good practices relating to specific actions to grant microcredit for weak groups in Campania;
- Final report on the results come out from the study aimed at collecting and analysing good practices, experimented organizational models and innovative services offered to people with disabilities and non-EU citizens in the city of Palermo;
- “Study on entrepreneurship in migrant communities and support tools for business creation” (Report) (Summary);
- Female entrepreneurship and support tools for women to create business.

281. In Italy there is not a specific crime for ‘sexual harassment in the workplace’. In all these cases the general rule of crimes against personal liberty (Art. 609 bis ss. c.c.) is applied. In particular, Article 609 bis c.c. punishes with imprisonment from 5 to 10 years the one who commits sexual violence. The punishment is imprisonment from 6 to 12 years in most serious cases, and up to 14 years if the victim is under 10 years old.

Article 8. Right to form and join trade unions

282. In the Italian law, the freedom of trade union represents the fundamental legal principle on which the system of Labour rights is based on, as provided by Article 39, paragraph 1, of the Constitution. This principle represents an independent and specific manifestation of the key principle of freedom of association, enshrined in Article 18 of the Constitution.

The freedom of association ratified in the said Article 39 manifests itself as:

- Freedom for individuals and employers to form trade unions within the same professional sector, or to say it better, within the same sector of production;
- Freedom for individuals to choose which union association to join in and, even, the freedom of not joining in any association;
- Freedom to define the scope of the activities implemented by the union.

283. Concerning the legal status of the union, it must be underlined here that the union is a traditional type of association. The union, in fact, began as a voluntary association of workers or employers who adhere to it in order to obtain the best possible implementation of their collective or professional interests. However, the failure in implementing Article 39 (paras. 2, 3 and 4) of the Constitution, means that, even today, the trade unions are governed by common law rules and, specifically, Articles 36, 37 and 38 of the Civil Code. Therefore, the trade unions can be considered as mere associations not recognized. In this sense, they are of-fact organizations, with legal subjectivity and autonomous balance sheet, like all non-recognized associations, but with no legal personality. Considering the applicability of the rules dictated for unincorporated associations to the trade unions, it follows that the internal legal organization and administration are governed by the members’ agreements (Art. 36 of the Civil Code).

284. Under Italian law, the right of union association within the boundaries of the state, as well as the right for all unions to become members of international organizations of workers and employers are guaranteed. The guarantees ensured to protect the freedom of association and the exercise of trade union activities refer also to Federations and Confederations. The structure of union representation is divided into two organizational

lines: a so-called “horizontal” one based on the territorial condition, and the other, the so-called “vertical” one, depending on the nature of manufacturing activities run from the enterprise where the enrolled employees are located.

285. With regard to ownership of trade union freedom and the right of association, the only limits foreseen in our system refer to the members of the army and the police. For members of the Police Forces (State Police, Prison Guard Corps, the State Forestry Corps), the legislator expressly ratified at Article 82 of Law on 1 April 1981, No. 121, the right to join trade unions, albeit with some limitations. The limits consist of the prohibition to join any unions other than those specifically provided for the category, as well as the prohibition represent workers employed in other categories. Police forces staff may exercise the right under Article 39 of the Constitution, but under a separate regime, since this category cannot join trade unions operating other work categories. Otherwise, the staff of the Military Police Forces (Carabinieri and Guardia di Finanza Corps) and the Armed Forces (Army, Navy and Air Force) is not represented by trade unions, but by representative bodies, but according to election, because of the prohibition by national law for members of the said Armed Forces and Military Police Forces Police to form trade unions professional associations, as well as to join other existing unions.

286. With regard to judges, current national Law does not establish any specific prohibitions, restrictions or influence on the possibility to hold membership in trade unions, or in the creation of associations. This particular status is due also to the distinct discipline they are subject to, in comparison to other categories of civil servants on the base of unique constitutional provisions. However, judges are subject to a system of public law and, therefore, exempted from the application of rules of common law in particular as to the process of contract system of employment relation. In that regard, nothing has changed after the judiciary reform recently implemented, through six legislative decrees issued under the delegate law for the reform of July 25, 2005, Law No. 150, subsequently amended by July 30, 2007, No. 111. The most outstanding aspects of the reform focused on the access to the judiciary, the system for assessing the professional organization of the prosecutors’ offices, the transition of the latter to those judging, as well as the disciplinary system.

Right to strike and trade unions in the armed forces

(i) Premise

287. With specific reference to the armed forces, the exercise of the right to strike, the establishment of military trade unions and membership of other trade unions are barred from military personnel, as required by Article 1475 of the Code of military order, as established in legislative Decree No. 66/2010 (former Art. 8 of the Law No. 382/1978, reformed in above mentioned Code).

288. These restrictions on exercise of Constitutional rights are also consistent with the general structure, finding justification in the “specialty” of the functions carried out by the armed forces, as confirmed by the Constitutional Court indeed.

(ii) Legal framework

289. The matter is regulated by the following legal sources:

- Code of military order, as in the legislative Decree 15th March 2010, No. 66, with particular reference to Articles from 1475 to 1483 (already travelled by the Law No. 382/1978, reformed by the Code);
- Consolidated text of the regulations on military organization, as in the Decree of the President of the Italian Republic No. 90/2010, with reference to the book IV, title

IX, which governs the implementation of military representation (rules already contained in the Decree of the President of the Italian Republic No. 691/1979, reformed by the mentioned Decree No. 90/2010).

(iii) *Application by constitutional judges*

290. The Constitutional Court has written on the issue of freedom of association with the judgment of 17th December 1999 No. 449. In particular, in the opinion of the Court, the union activities of the military must adapt to the needs of the specific functions of the armed forces, so it is natural that the instrument of the strike is removed. The Court thus dismissed the question of constitutionality of Article. 8, first paragraph, of Law No. 382/1978 (now Art. 1475 Military order Code), which prohibits members of the Armed Forces to establish a trade union and professional associations or to join other unions.

291. The Court has held that Article 52, third paragraph of the Constitution uses the expression “law of the Armed Forces” to sum the absolute specialty of that function. Although peaceful recognition of fundamental rights to individual military, like other citizens, in the matter under consideration it has to be considered not only the employment relationship with the military administration of belonging, and all of its rights and duties, but rather, with absorbent character, the service rendered in a special area as the military (Art. 52, first and second paragraphs of the Constitution): the declaration of unconstitutionality of Article 8 of Law No. 382/1978 could inevitably open the way to organizations whose activities may not be inconsistent with the character of internal cohesion and military order neutrality.

292. On the other hand – has yet seen the Court – Law No. 382/1978, while denying the freedom of association, gives the typical faculties to safeguard the collective demands, which may not necessarily materialize through the recognition of trade unions.

(iv) *Military Representation*

293. The organizational structure of the current system of representation, consists of the following items (not put to the hierarchical relationship in the strict sense), whose components are elected by the staff:

- Central organ (COCER), with international character, which is subdivided into Sections of armed force or armed body (Army, Navy, Air Force, Carabinieri Corps and Financial Guard) and in joint committees of category (officers, non-commissioned officers, volunteers);
- Intermediate organ (COIR) at the high command peripherals;
- Basic organ (COBAR) at the units to a minimum, consistent with the structure of each armed force or armed body.

294. The representative organs cannot handle ordering, training, operations, logistics, hierarchic and employment of staff. They do not have the characters of trade unions: they are thus enabled to bargaining and promoting strikes. Nevertheless, the COCER is legitimate to “concert” legal status and remuneration of staff with representatives of the Armed force and of the Government. It can also submit opinions, proposals and requests addressed to the Minister of Defence, which sends them to the Houses of Parliament for information.

Article 9. Right to social security**(a) Pension system reforms**

295. After the major reform that introduced the benefits calculation method based on contributions (Law No. 335 of 1995), in recent years Italy has further modified the pension system through a series of legislative measures. These aimed primarily at ensuring the financial sustainability of medium-long term public expenditure framework. A gradual application was consequent to the introduction of the contribution-based method in the Italian pension system, thereby the old method of earnings calculation has been maintained for all employees that have yet sustained at least eighteen years of contributions as at 31 December 1995.

296. The application of the contributory calculation fully regard to workers without contribution as at December 31, 1995. The retribution system has been maintained for workers with more than 18 years of contributions on the same date. Additionally, employees with a seniority of less than 18 years benefited also of the application of the mixed pro-rata system.

297. Consistently with the ongoing policies for the increasing stabilization and containment of the pension expenditure in relation to GDP, new structural reform measures of the pension system have been approved with the aim of accelerating the complete enforcement of previously introduced reforms, on the one hand – namely the increase in the retirement age and the adjustment of retirement qualifying conditions according to changes in life-expectancy – and, on the other hand, of pursuing the long-term sustainability objectives according to the following principles:

- Equity and cohesion both between and within generations, always with an eye to safeguarding the most vulnerable groups of the population, to be obtained by means of the extension of the contribution-based calculation system to all insured workers and the replacement of the seniority pension with the early retirement pension, the entitlement to which is reached under more restrictive conditions, agreed that exemptions are still granted to workers performing wearing jobs;
- Flexibility in the retirement age qualifying conditions, together with the introduction of incentives aimed at prolonging the working life as well as reductions in the pension amount in case of early retirement;
- Simplification, transparency and efficiency in the operational costs of the different pension funds' managing systems to be obtained through the harmonization of the various pension schemes as well as by merging some social security institutions.

(b) Old-age pension

298. Law by Decree No. 201/2011, converted into Law No. 214/2011 has deeply innovated the pension system:

- Effective from 1 January 2012, the defined contribution pension calculation system has been extended to all insured workers, also introducing a minimum qualifying condition of 20 years of contributions/periods of insurance;
- The retirement age qualifying condition has also been raised and made flexible: precisely, as of 1 January 2012, the retirement age has been fixed between 66 and 70 years for men. For women, the minimum retirement age has been fixed at 62 and will be gradually increased up to 66 in 2018;
- The former seniority pension, so far calculated according to the quota system of age + number of contributions accrued, has been abolished and replaced by the Early

Pension entitlement to which is reached through more stringent requirements (42 years + 1 month of contributions for men and 41 years + 1 month for women), with reductions in the pension amount applied to those who retire before they are aged 62.

299. All the above said age increases shall be adjusted according to changes in the rate of life expectancy (e.g. a 3-month increase applies starting from 1 January 2013).

Table 8

Retirement ages

	<i>Employees and self-employed</i>	<i>Civil servants</i>	<i>Employees of the private sector</i>	<i>Female employees of the private sector and self-employed</i>	<i>Social allowance</i>
<i>Years</i>	<i>Age</i>	<i>Age</i>	<i>Age</i>	<i>Age</i>	<i>Age</i>
2012	66	66	62	63 and 6 months	65
2013	66 and 3 months	66 and 3 months	62 and 3 months	63 and 9 months	65 and 3 months
2014	66 and 3 months	66 and 3 months	63 and 9 months	64 and 9 months	65 and 3 months
2015	66 and 3 months	66 and 3 months	63 and 9 months	64 and 9 months	65 and 3 months

(c) Annual indexation

300. The annual indexation consists in an increase in the pensions' amount which is applied each year as of 1 January as per Article 14 of Law No. 724/1994. The pension amounts are adjusted according to the increase in the cost of living based on the official ISTAT (the Italian Institute of Statistics) index, to adjust them according to the real purchasing power. Law No. 214/2011 has provided for the said indexation to be reduced for the two year period 2012-2013 and to be applied only to pensions of an amount up to € 1.405.

(d) Social allowance

301. The social allowance introduced by Dini reform Law (Art. 3, para. 6, of Law No. 335/1995) effective from 1 January 1996, has replaced the social pension and the relevant additional income supplements. The social allowance is a welfare based benefit which is means tested and granted to the indigent regardless of paid contributions. This welfare benefit is paid to the Italian citizens who reside in Italy and are aged 65 and over, with little or no means as provided by law.

302. The social allowance is not taxable and cannot be passed on to survivors, nor can it be exported (should the recipient migrate to another Country), nor transferable, detained or seized. It falls due as of the first day of the month following claim submission and upon condition that all qualifying conditions are met. Law No. 214/2011 provides that as of 1st January 2018 the age requirement to qualify for this welfare benefit shall be increased by one year.

Table 9

Social allowance

<i>Years</i>	<i>Age</i>
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<i>Years</i>	<i>Age</i>
2012	65
2013	65 and 3 months
2014	65 and 3 months
2015	65 and 3 months

(e) Aggregation of contributions

303. The aggregation of contributions allows the insured workers who have paid contributions into different social security schemes or pension funds to be entitled to a single old age, early retirement or survivors' benefit thus avoiding the risk that part or all of their paid contributions might go wasted. All employees, self-employed and professionals can be entitled to it and it is completely free of charge. Law No. 214/2011, effective as of January 2012, has made contribution aggregation easier because, it has abolished the minimum requirement of the three-year-period of insurance in view of the aggregation claim.

304. In order to support the income of pensioners, in recent years new rules have been introduced that allow, on the one hand, to compute all the years of contributory career and, on the other hand, to facilitate integration of pension with other incomes. This was achieved through a readjustment of institutions, such as the possibility to buy back periods not covered by contributions, the aggregation of different working periods and accumulation between income and retirement pension.

305. More specifically, Law No. 247/2007 has provided facilitation measures for surrender¹ since it provides, upon request of the person concerned and on payment of a contribution, the possibility to ensure insurance for periods such as college studies, military service and equivalent services. In the case of college studies, from 2008 it has been allowed also to family members to pay a contribution, rescheduling and partly tax-deductible, to their children even if they have not started to work, and therefore are not yet enrolled in any form of compulsory insurance.

(f) Central social security database

306. The Central social security database was established by Law No. 243 of 23 August 2004. Article 1, paragraph 23 specifically provides for the Central social security database, administered by INPS, to collect information related to all workers registered with compulsory insurance schemes.

307. Its task, among others, is issuing active workers' "contributions statement" yearly update. "The Integrated contributions' statement" (ECI is the Italian acronym for "Estratto Conto Integrato") provides a record of all periods of insurance accrued with all pension schemes or funds and checked against the database of all agencies involved in view of its approval.

(g) Supplementary welfare

308. Supplementary welfare has an important role in the national strategy on pensions for financial sustainability and the adequacy of benefits. Supplementary welfare had an organic discipline from the beginning of the '90s, but has recently been redefined by some regulatory action. The intention is to have a structure based on several pillars, considered more robust because it has the effect of diversifying the overall risk, trying to exploit the not-so-full correlation between the risk factors that, in a portfolio optic, distinguish the

basic pillar in relation to pension funds: the first system that is based on the capitalization rate tied to the GDP, the pension funds that are based on a capitalization actually linked to effective management of financial portfolios.

309. The system of supplementary welfare has also been set with great attention to transparency. This is a direct consequence of the choice of using the system of defined contributions, which in principle raises the risk of the investment on its members, and therefore requires that they have to be properly informed in order to make proper choices about their social security plan, particularly with regard to the risk profile of investments. A high degree of transparency is also required by the number and different types of pension plans that operate in the system, scheme against each other. With these aims, the system sees a significant involvement of representatives of workers and employers in the definition of the system, the governance and monitoring. The same surveillance system has been gradually developed, reaching a totally coherent and effective structure.

310. To encourage the membership of complementary welfare, the new legislation has introduced significant tax benefits, which relate to the three phases of activity of the funds – contributions, investment, supply – and is known as a “ETT scheme” (exemption, taxation, taxation). According to this scheme, the exemption of contributions, within certain limits of deductibility, goes along with the taxation of returns produced in the accumulation phase and that of the services provided (net of an amount of already taxed performances and net of non-deductible contributions). In particular, contributions to complementary welfare schemes by the employee and the employer are deductible from the tax-eligible income in an amount not exceeding € 5,164.57.

311. The profitability for the management of financial portfolios is taxed with a partial relief from the tax treatment of income on financial assets. Additional retirement benefits paid in a lump sum (up to a maximum of 50% of the amount accumulated) are subject to tax on their total amount, net of the part attributable to the income already taxed.

312. The tax-eligible capital-based part and the rent-based part of the performance retribution is taxed at a 15% rate, which is reduced by 0.30% per year in excess of the fifteenth year of participation in supplementary pension schemes, with a 6% maximum reduction.

313. Article 24 of Law by Decree No. 201 of 6th December 2011 as converted into Law No. 214/2011 concerning “Urgent measures to boost growth and equity, aimed at the consolidation of the national debt” under paragraph 28, has entrusted a Committee of experts with the task of suggesting further possible forms of flexibility to gradually access the defined-contribution pension calculation system by 2012. The last sentence of the said paragraph states that, by the above mentioned deadline, the discussion will focus on “possible forms of partial reduction of the contribution rate, as provided by law, in view of diverting a given amount of the levied contributions towards supplementary social security schemes particularly with regards to the younger generations”.

(h) Social security database – goals

314. Updated information about the functioning and development of the social security database must focus its attention on the activity of Control Unit of social security spending. This is based on the targets below, in relation to its coordination, monitoring and control of the Central Registry of active workers, as well as of the Central Registry of Pensions and Pensioners has set the following targets:

(i) Development of a unique database

315. The volume of the parties involved in this operation is equal to over 40 million of members belonging to different categories, such as:

- Private sector employees: 13,500 millions;
- Public Employees: 3,600 millions;
- Self-employed and freelancers: 5,500 millions;
- Para-subordinate workers: 1,800 million;
- Seniors: 18 millions;
- Retired/Pensioners: 1,700 million;
- Companies: 1,700 million.

(j) Definition of “Statement of Integrated Account” (SIA)

316. The objective is to choose, for each Body, some data to be included in the statement, to identify a suitable model to bring any period of insurance for each subject, although stored in other registries or parties of other Bodies, to define the procedures to send the statement to the policy holder and the transposition of the feedbacks.

317. The statement must also allow citizens to verify the accuracy and completeness of their own data, the results of requests for redemption and reunion, the possibility and convenience of proceeding to the aggregation of all periods of insurance.

318. Therefore, it is necessary to identify and define a range of procedures that allow the holder to directly access the database, to talk with the Central Register, to calculate its own possible pension level and its replacement rate. These tools should offer the opportunity to decide whether or not choose a supplementary pension fund.

(k) Creation of an integrated information system

319. The primary objective is to integrate the two Registries, that concerning the active workers and the retired one. This should offer the possibility to build a system with monthly follows up, also with regard to financial matters, such as entrances and exits, respectively, for contributions collected and benefits paid in the month, with particular regard to the control of pension expenditure.

(l) Goals implementation status

320. The above mentioned Control Unit achieved a satisfactory degree of implementation of objectives through the activities carried out. In particular, the results obtained are briefly described below.

(m) The realization of the unique database

321. The objective of forming a unique database and system of information exchange between the different Bodies can be considered as substantially achieved.

322. Indeed, in 2009, Bodies were asked to query the Registry, in which total contribution periods data (for all insured Bodies) were merged into, until December 31, 2008, at a six-monthly frequency and overwriting mode. In the first quarter of 2009 data transfer has also begun. The verification activities regarding this new method of transmission highlighted, however, a series of errors, both during transfer operations than in data loading, which made it necessary a massive overwriting transfer to consolidate data up to June 30, 2009, after interventions on transmission rules and transfer procedures.

323. Subsequently, transmission of information in one variation restarted, with data sending updated as at September 30 and November 30, 2009. The software procedures developed for transmission flows management gave good results: verified by each Body

involved, the updates are congruous, but with a limited number of anomalies, currently monitored and managed by the intelligence services and which will be gradually worked out.

324. Since January 2010 the information contained in the Active citizens Register are constantly updated with sending in one variation on a monthly basis.

325. Consequently, as at December 31, 2008 No 8,414,160 social security accounts had been transferred by Bodies, excluding Social Security (INPS). Of the total amount of the mentioned accounts, 8,151,553 had contributions paid, and 262,607 contained only personal data. The accounts of the INPS policy holders, reunited on tax Code basis, amounted to 37,957,032. For a correct interpretation of these data, it should be noted that 46,445,541 INPS policy holders may be enrolled in more management funds for the same Body.

326. The tables below (tables 10, 11 and 12) shows the number of accounts transferred as at June 30, 2009, stored in the Register, the details of the INPS management funds and distribution per year and per Body regarding the number of subjects with at least one contribution during the year.

Table 10

Body based distribution of the accounts as converged to the database June 30, 2009

<i>Body Code</i>	<i>Body</i>	<i>Employees with only one account</i>	<i>Employees with at least one valid contribution</i>	<i>Total</i>
1170	ENPAP	-	32.179	32.179
1173	ENPAPI	22	27.218	27.240
1178	EPPI	790	16.482	17.272
1180	E.N.P.A.I.A. – Separate management fund	-	5.015	5.015
1182	ENPAB	-	13.819	13.819
1186	EPAP	17	23.323	23.340
9931	INPGI	-	41.074	41.074
9933	ENPALS	241	1.173.732	1.173.973
9934	INARCASSA	66	206.038	206.104
9935	Pension Fund for Legal Profession	1.787	157.395	159.182
9936	ENPAM	17.676	356.926	374.602
9937	ENPAV	518	28.965	29.483
9939	Pension Fund for Building Surveyors	2.746	118.483	121.229
9940	Pension Fund for Accountants and Commercial Expert	280	34.126	34.406
9941	ENPAF	124	87.397	87.521
9942	Fund for Professional Accountants	132	51.267	51.399
9943	ENPACL	3	27.627	27.630
9944	Pension Fund for Notaries	-	4.623	4.623
9950	ENASARCO	38.477	766.631	805.108
9952	ENPAIA	-	35.757	35.757
9955	IPOST	126	289.481	289.607
9997	INPDAP	199.602	4.653.995	4.853.597
Total		262.607	8.151.553	8.414.160
9900	INPS		37.957.032	37.957.032
General total		262.607	46.108.585	46.371.192

Table 11

Distribution related to living non retired employees with paid contributions for INPS funds as at June 30, 2009

<i>INPS Fund</i>	<i>Lav. Totali*</i>	<i>Fino al 31 dic. 1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Farm Employees	3.566.357	1.828.048	431.642	490.837	517.399	533.690	557.675	806.884	853.179	868.138	854.159	866.132	941.044	948.477
Craftsmen	2.686.156	1.577.960	996.232	1.052.264	1.100.813	1.139.196	1.181.833	1.254.696	1.283.684	1.316.821	1.345.958	1.367.852	1.394.967	1.350.447
Farmers and Tenant Farmers	1.471.875	1.194.546	311.304	313.809	321.943	329.727	332.685	375.658	378.081	386.264	390.272	387.761	386.467	352.691
Traders	2.979.416	1.570.734	1.026.296	1.079.875	1.134.991	1.185.988	1.236.669	1.333.157	1.365.397	1.413.100	1.446.581	1.468.042	1.490.967	1.437.239
FPLD ³ (including house servants)	30.753.500	19.158.324	8.748.693	9.060.157	9.599.231	10.257.435	10.792.772	11.709.972	12.026.865	12.340.243	13.487.660	13.916.304	14.927.194	15.275.556
Para-subordinated employees	4.988.237	640.354	841.787	832.940	921.050	980.517	1.119.623	1.348.816	1.365.694	1.387.429	1.493.924	1.604.294	1.654.254	1.590.806
Total	46.445.541	25.969.966	12.355.954	12.829.882	13.595.427	14.426.553	15.221.257	16.829.183	17.272.900	17.711.995	19.018.554	19.610.385	20.794.893	20.955.216
Subjects with distinguished tax Code	37.957.032	25.193.160	12.094.962	12.563.699	13.295.515	14.099.796	14.847.434	16.262.217	16.683.457	17.110.238	18.187.841	18.731.072	19.837.017	20.090.168

* Subjects with at least one Insurance contribution in their working life.

³ FPLD (Individual Retirement Account for Employees).

Table 12
Distribution of employees and independent professionals with paid contributions divided per Body and as at June 30, 2009

<i>Body Code</i>	<i>Body</i>	<i>Total Workers(*)</i>	<i>Before 1997</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
1170	ENPAP	32.179	8.137	9.325	10.514	11.944	13.645	15.367	17.036	18.731	20.534	22.386	24.348	26.583	29.302
1173	ENPAPI	27.218	4.744	6.526	7.639	7.961	7.578	7.468	8.099	8.742	10.287	11.254	12.147	13.132	14.171
1178	EPPI	16.482	7.972	8.672	9.090	9.581	10.082	10.485	10.833	11.122	11.496	11.872	12.254	12.606	12.988
1180	ENPAIA-G.S.	5.015	2.349	2.588	2.934	3.159	3.374	3.526	3.612	3.690	3.807	3.917	3.985	4.043	-
1182	ENPAB	13.819	5.310	6.089	6.617	7.191	7.581	7.736	7.840	8.024	8.317	8.647	9.038	9.393	9.712
1186	EPAP	23.323	9.221	10.510	12.121	13.243	14.070	14.653	15.066	15.597	16.336	16.967	17.532	17.997	18.440
9900	INPS	37.957.032	25.193.160	12.094.962	12.563.699	13.295.515	14.099.796	14.847.434	16.262.217	16.683.457	17.110.238	18.187.841	18.731.072	19.837.017	20.090.168
9931	INPGI	41.074	14.958	15.861	17.212	18.869	20.973	23.875	25.262	27.178	29.418	31.504	33.388	35.145	32.655
9933	ENPALS	1.173.730	433.082	144.759	151.819	155.644	161.509	199.768	228.126	241.753	247.532	250.736	256.497	264.675	274.282
9934	INARCASSA	206.038	88.556	66.878	73.072	79.200	86.793	93.598	99.155	106.730	116.920	125.853	133.501	140.671	146.020
9935	Pension Fund for Legal Profession	157.395	70.428	70.303	76.655	83.408	90.433	98.498	105.634	113.446	122.173	129.563	136.369	142.247	135.228
9936	ENPAM	356.926	278.564	263.983	270.213	276.305	283.148	290.507	297.563	305.869	315.911	324.199	332.341	334.380	94.266
9937	ENPAV	28.965	16.356	16.020	16.803	17.608	18.417	19.297	20.182	21.268	22.444	23.449	24.443	25.388	26.185
9939	CIPAG	118.483	61.487	49.088	51.296	53.238	55.674	58.087	59.800	71.374	75.606	78.014	81.033	82.312	82.811
9940	CNPR	34.126	23.315	24.355	25.637	26.581	27.212	27.871	28.503	29.164	30.471	30.949	31.214	31.600	31.876
9941	ENPAF	87.397	47.617	46.916	48.739	50.785	52.909	54.932	55.978	58.586	61.587	67.659	70.299	73.281	76.195
9942	CNPADC	51.267	22.593	24.441	26.287	27.951	29.725	32.163	34.269	36.398	39.457	41.915	44.134	46.435	47.151
9943	ENPACL	27.627	15.859	13.867	14.481	15.151	15.988	16.854	17.524	18.135	18.999	19.808	20.668	21.681	22.688
9944	Pension Fund for Notaries	4.623	3.368	3.455	3.460	3.725	3.730	3.899	3.908	4.133	4.240	4.240	4.432	4.436	4.623
9950	ENASARCO	766.631	525.826	205.186	213.428	220.331	228.610	239.303	245.657	249.519	251.783	254.064	255.399	258.295	255.758
9955	IPOST	289.481	125.286	123.633	128.318	132.261	151.268	143.865	157.763	145.184	149.378	149.679	152.107	161.725	175.475
9997	INPDAP	4.653.995	3.003.209	2.166.871	2.336.338	2.526.010	2.716.520	2.827.186	2.878.887	2.895.488	3.033.553	2.406.967	2.888.539	3.175.097	3.201.171
Total		46.072.826	29.961.397	15.374.288	16.066.372	17.035.661	18.099.035	19.036.372	20.582.914	21.073.588	21.700.487	22.201.483	23.274.740	24.718.139	24.781.165
No. tax payers distinguished by tax code		39.948.966	26.894.510	14.835.389	15.482.362	16.377.210	17.362.732	18.263.172	19.799.032	20.285.963	20.849.672	21.006.035	21.973.817	23.288.017	23.507.577

* Subjects with at least one Insurance contribution in their working life.

(n) The Integrated Account Statement (I.A. S.)

327. The activity carried out on the Integrated Account Statement concerned the definition of the model, the selection and structure of data, notes, reasons for payment, the transmission modalities and return of the model.

328. With regard to the former feature, since 2006 analysis and elaboration of the model had been set up in order to display a single document, in chronological order, including the payments and the periods of insurance accrued in the different bodies or funds where the taxpayer has been insured.

329. A new common model of statement has been developed, by analysing the different models of statement of accounts already used by the Bodies and Pension Funds for their users.

330. A verification on the quality of the data transferred to the Database had been carried out, on the base of a certain number of tax Codes, selected by a sample for each Fund, in order to verify the completeness of the “contributory line” and the coherence of the information set out in the new model of integrated account statement.

331. This test revealed several errors which have affected the overall reliability of the data included in the Register.

332. This result implied the upload of all the data in overwriting and, consequently, a general shift of the timetable for sending the first stock of account statements, originally planned for the period of November-December.

(o) Developing the information system

333. A complex information system cannot prescind from a total integration between the Central Pensions Registry and the Central Registry of Active Social Security Account.

334. A careful examination of the Pensions Registry framework has been undertaken, with particular regard to goals, timing and updating modalities of the archive, as well as to the relations with the pension Bodies.

335. With regard to the updating timeframe, the rules provide for four quarterly transmission deadlines: April 30, July 31, October 31 and 31 January, and one addition annual deadline on November 30.

336. As a result of rules subdued to IRPEF Social Security Contribution and of the automatic holders’ revaluation of more retirement benefits, another deadline has been added to those mentioned above. This new deadline has been established for 28 February, relating to pension contributions granted in the previous years and those to be granted in the current year.

337. Under the current practice, the annual communication of November 30 and January 31 shall be made by Government jointly with the communication planned for February 28.

338. Finally, with regard to relations with the various participating bodies, table 13 shows the present positions in the Central Social Security Account Registry 2009.

Table 13
Central Register of the Pensions – Social Security Account by Bodies

<i>Body</i>	<i>N. Pensions</i>
INPS	18.381.210
INPDAP	2.665.238
INAIL	898.878
War pension	371.032
IPOST	133.478
ENASARCO	112.505
ENPAM	83.677
ENPALS	60.636
ENPAF	27.397
Pension fund for (building) surveyors	26.435
Pension fund for legal profession	25.380
INARCASSA	16.252
INPGI	7.431
ENPACL	6.702
ENPAV	6.243
Pension fund for accountants	6.123
CNPADC	4.983
National pension fund for notaries	2.469
IPSEMA	2.463
EPPI	1.244
ENPAP	961
EPAP	783
ENPAB	236
ENPAPI	298
ENPAIA GS	87
Subtotal	22.842.141
Remaining	279.712
Total	23.121.853

(p) Retirement due to age

339. Under current law, the right to retirement pension can be reached by the age of 60 years for women and 65 for men. With regard to contribution requirements, it takes 20 years in the pay and mixed system⁴, while five years are sufficient in contribution system. As already mentioned, the possibility of achieving an early retirement insurance is still in

⁴ The so-called “mixed pension” refers to those who, by the end of 1995, did not reached the minimum time requirement for maintaining the old rules, for so having their pensions calculated *pro quota* with both the old and the new method.

force for both employees and self-employed with at least 40 years of contributions, apart from the anagraphical requirements.

340. Referring to pensions calculated, at least in part, by the existing method, Law No. 243/2004 established two fixed periods for applying for retirements (so called “windows”), replacing the previous four. These dates refer to the period when requirements are achieved, and in fact they delay by an average of nine months the beginning of the disbursement of pension. Retirement pensions and early retirements (with 40 years of contributions) are subjected to this regime, while it does not apply to retirements due to age. Subsequently, the Law No. 247/2007 did not change the system of two “windows” for retirements due to age, while it has provided until 2011 the application of the four “windows” system to early retirements and retirements pensions.

341. Law No. 122/2010 has innovated further the discipline of retirements, introducing the so called “mobile windows” system, which gives the right to begin of the disbursement of pension after 12 (if employed) or 18 months (if self-employed) from the anagraphical and contributions requirements are met.

342. In 2004, requirements for retirement have been modified, also for contributory method: from the minimum requirements as they were in Law No. 335/1995 (which introduced contributory method), which provided a choice in a range between 57 and 65 years, five years of contributions and an amount of accrued pension at least 20% higher than social allowance, it has been established that new limits for access to retirement will either: a) equal to the age of retirement (65 years for men and 60 years for women); b) 40 years of contributions; c) age limits and retirement pay.

343. Law No. 122/2010 provides that, from 2015, anagraphical requirements for ordinary and early retirement and for social allowance should be adjusted every three years, according to variation of life expectancy corresponding to 65 years, as determined by ISTAT referring to the previous three years.

344. In 2008, the European Court of Justice condemned Italy, with sentence C-46/07 issued on November 13th, 2008, for non-compliance with obligations under Article 141 of the Treaty which establishes European Community, which prohibits any discrimination in pay between male and female workers, whatever the rule that generates inequality. In particular, Italy has been deemed in default for having kept a regulation which differentiates the retirement age for public sector workers, according to sex.

345. To meet the requirements of the European Court of Justice, the Italian Parliament amended Law No. 335/1995 with Law No. 102/2009, providing for a gradual rise of the anagraphical requirements for personal retirement from January 1st, 2010 for female workers, until they will reach the age of sixty-five by 2018. Law No. 122/2010 has further exacerbated the gradual rise of the anagraphical requirements for public sector female workers, establishing it to 65 years already as January 1st, 2012.

346. To counteract the financial effects of an ageing population, the same law also established that, with effect from January 1st, 2015, the anagraphical requirements for access to retirement should be updated according to the increase in life expectancy, as determined by ISTAT and validated by Eurostat, referring to the previous five years.

(q) Measures to support the income of pensioners

347. In order to support the income of pensioners, in recent years new rules have been introduced that allow, on one hand, to compute all the years of contributory career and, on the other hand, to facilitate integration of pension with other incomes. This was achieved through a readjustment of institutions, such as the surrender of the periods not covered by

contributions, the aggregation of different working periods and accumulation between income and retirement pension.

348. More specifically, Law No. 247/2007 has provided facilitation measures for surrender⁵, since it provides, upon request of the person concerned and on payment of a contribution, the possibility to ensure insurance for periods such as college studies, military service and equivalent services. In the case of college studies, from 2008 it has been allowed also to family members to pay a contribution, rescheduling and partly tax-deductible, to their children even if they have not started to work, and therefore are not yet enrolled in any form of compulsory insurance.

349. The law, with the introduction of new provisions relating to redemption of the degree, has made it really more convenient, both in terms of social security and burden. The legislation provides for those who submit their applications for redemption the possibility to pay the relative fiscal burden (which is tax-deductible by the person or the persons to which he or she is charged to) in a lump sum or in 120 monthly instalments. The redemption of years of graduation can also be requested by unemployed.

350. As for the aggregation, which already existed in our social security system, it should be noted that it is a tool that allows use for free of all the insurance periods to those who have contributed in a number of pension funds, but failed to achieve the right to a retirement pension in any of them. The aggregation is possible also in favour of those who have met the requirements for retirement in one of the schemes which have been entered.

351. The existing provisions guarantee the possibility of adding the contribution years, limited to retirement due to age or disability – for so, excluding the pension – and only if, having made contributions in more than one pension fund, failed to meet the requirements in any of the scheme which have been entered. Legislative Decree No. 42/2006 provided for the subjects enrolled in two or more forms of compulsory insurance the option of aggregating insurance periods which do not coincide and which amounts at least to six years (but 2008 reform reduced this limit to three years), in order to improve the requirements for retirement pension and retirement due to age.

352. Aggregation, which has undergone several changes in recent years, is a fairly controversial tool in the Italian regulation. On the one hand, the liberalization of the possibility of aggregating salaries and pensions could have encouraged people to put forward their retirement; on the other hand, this measure was seen as necessary for the emergence of incomes from activities carried out by retired people, which tended to work illegally not to get reductions to their pensions. Previous regulations guaranteed for a limited possibility of aggregation. Recent modifications introduced by Law No. 133/2008 completely abolished all limits on aggregating salaries and pensions. Retired people which still work with a quiescence allowance may now earn without penalties and be free to combine incomes from self-employment or employment and pension.

(r) Welfare benefits

353. Already existent welfare benefits in Italy (such as the integration to the minimum, the increase in minimum social pension, the grant of additional thirteenth month pay, etc.) have not been modified in last five years, except for the updating of the values of the amounts of benefits, in order to adapt them to the cost of living.

⁵ “Surrender” means the possibility to correspond contributions also for non-work activities, in order to make these periods valid for the calculation of requirements and the amount of pension.

354. Is worth, however, to do some considerations on support for pensioners' rates, established by Law No. 127/2007. The norm, in fact, provided that they receive once a year, along with the pension, an additional non-taxed amount, the so-called "fourteenth". More specifically, pensioners aged over 64 years and which earn an income that do not exceed 1.5 times the minimum (€ 8,640.84 per year in 2008) receive an additional provision amounting to € 420 from 2008, which is reduced or increased by 20% if contributions have been made, respectively, since less than 15 years or since more than 25 years (respectively 18 and 28 for self-employed). By the income are excluded the household/family allowances and attendance allowances, income from house, severance pay and delayed fees subject to separate taxation.

(s) Complementary welfare

355. Complementary welfare has an important role in the national strategy on pensions for financial sustainability and the adequacy of benefits. Complementary welfare had an organic discipline from the beginning of the '90s, but has recently been redefined by some regulatory action. The intention is to have a structure based on several pillars, considered more robust because it has the effect of diversifying the overall risk, trying to exploit the not-so-full correlation between the risk factors that, in a portfolio optic, distinguish the basic pillar in relation to pension funds: the first system that is based on the capitalization rate tied to the GDP, the pension funds that are based on a capitalization actually linked to effective management of financial portfolios.

356. The system of complementary welfare has also been set with great attention to transparency. This is a direct consequence of the choice of using the system of defined contributions, which in principle raises the risk of the investment on its members, and therefore requires that they have to be properly informed in order to make proper choices about their social security plan, particularly with regard to the risk profile of investments. A high degree of transparency is also required by the number and different types of pension plans that operate in the system, scheme against each other. With these aims, the system sees a significant involvement of representatives of workers and employers in the definition of the system, the governance and monitoring. The same surveillance system has been gradually developed, reaching a totally coherent and effective structure.

357. To encourage the membership of complementary welfare, the new legislation has introduced significant tax benefits, which relate to the three phases of activity of the funds – contributions, investment, supply – and is known as a "ETT scheme" (exemption, taxation, taxation). According to this scheme, the exemption of contributions, within certain limits of deductibility, goes along with the taxation of returns produced in the accumulation phase and that of the services provided (net of an amount of already taxed performances and net of non-deductible contributions). In particular, contributions to complementary welfare schemes by the employee and the employer are deductible from the tax-eligible income in an amount not exceeding € 5,164.57.

358. The profitability for the management of financial portfolios is taxed with a partial relief from the tax treatment of income on financial assets. Additional retirement benefits paid in a lump sum (up to a maximum of 50% of the amount accumulated) are subject to tax on their total amount, net of the part attributable to the income already taxed.

359. The tax-eligible capital-based part and the rent-based part of the performance retribution is taxed at a 15% rate, which is reduced by 0.30% per year in excess of the fifteenth year of participation in supplementary pension schemes, with a 6% maximum reduction.

360. Despite numerous reform efforts, the membership of the complementary welfare schemes are still modest compared to those expected. The data reported below show the

situation after the implementation in 2007 of a new intervention, on which outcome there were many positive expectations, that is to say the automatic transfer of pension funds for severance indemnities (TFR) of employees in the private sector⁶.

361. The operation implemented by two legislative Decrees, No. 252/2005 and No. 296/2006, provides for the automatic transfer of future flows of TFR to pension funds, except in cases where an employee shows clearly his or her disagreement to that: for who already works, this disagreement should have been made clear within six months after the entry into force of new legislation, while deadline for new employees is within six months from the date of recruitment.

362. In case the employee decides not to transfer the TFR to complementary welfare funds, that amount is no longer available to companies (with a size of at least 50 employees), but is paid to an INPS account. As financial resources arising from the TFR provisions are used by companies as a form of self-financing, as a result of new legislation, this function remains only for smaller companies.

363. According to 2007 data collected by COVIP⁷, following the thrust generated by the new regulation on the TFR, the total adherence to the complementary welfare fund have exceeded 4.5 million units (+43.4% from 2006). The private sector employees enrolled in complementary welfare schemes, which are the main recipients of assistance, reached 3.4 million, an increase of over 1.2 million units. The newly instituted contractual pension funds, which are the main actors in the system, have reached 2 million subscribers (+63.1% over previous year). Regarding to the total number of potentially interested parties, the results are not yet satisfactory. It has been noted, in fact, that at the end of 2007 the percentage of under-35 private sector employees who subscribed to complementary welfare is around 25%: while is still a significant improvement compared to previous year (17%), nevertheless it is still far below the percentage of same age on the total number of considered workers (39%).

364. Considering gender issue, among private sector employees, males workers enrolled in complementary welfare system amounted to 70% of the total enrolment, compared with 30% of female workers. The corresponding gender breakdown of the total number of considered workers shows a 10% higher proportion of women.

365. Considering the geographical issue, male private sector workers residing in Northern Italy which are enrolled in complementary welfare system are 63.4% of total enrolment, while the total number of considered workers residing in the same area is 56.8%. Only 15% of the total membership to complementary welfare systems is residing in Southern Italy, while the total number of considered workers residing in the same area is 23.1%.

366. Considering the size of the company, according to COPVIP estimates resulting by the division of the basin of the potential members of each fund, it emerges that workers who are employed in less-than-50-employees companies and who applied to the system are no more than 12%, while workers of bigger companies who applied are 42%.

⁶ The TFR is the sum of all the accumulated reserves during his working career and paid in a lump sum to the employee at the end of employment or, on request and subject to certain constraints, in particular situations, i.e. buying a first home or the need extraordinary medical care.

⁷ COVIP is the supervisor authority for complementary welfare schemes, which aims to ensure transparency and proper conduct and sound and prudent management of those forms, having regard to the protection of members and beneficiaries and for the proper functioning of the complementary welfare system.

Table 14

Percentage distribution of private sector employees who subscribed complementary welfare, by age and sex

<i>Age</i>	<i>2006</i>			<i>2007</i>		
	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
15-24 years	0.8	0.9	0.8	3.1	3.0	3.0
25-34 years	14.8	20.7	16.5	20.1	26.1	22.0
35-44 years	34.4	39.0	35.8	34.3	37.7	35.4
45-54 years	37.7	33.0	36.3	32.3	27.7	30.8
55-64 years	12.1	6.3	10.4	10.0	5.4	8.5
65+ years	0.2	0.1	0.2	0.2	0.1	0.2
Total	100.0	100.0	100.0	100.0	100.0	100.0
By sex	70.4	29.6	100.0	67.4	32.6	100.0

Table 15

Percentage distribution by geographical area of private sector employees who subscribed complementary welfare and of total number of workers

<i>Geographical area</i>	<i>2007</i>	
	<i>Members</i>	<i>Workers</i>
North-Western Italy	37.1	33.1
North-Eastern Italy	26.3	23.7
Central Italy	21.7	20.1
Southern Italy and Isles	15.0	23.1
Total	100.0	100.0

Article 10. Protection of the family

367. In Italy, the field of assistance to individuals and families was reformed by Law No. 328, issued on November 8th, 2000, and named “Framework Law for the implementation of the integrated system of assistance and social services”: the law included the establishment of the National Fund for Social Policies (FNPS). The Fund is the national source of support for assistance to individuals and families, through the funding of an integrated system of Regional Social Plans and Social Area Plans that describe, for each territory, an integrated network of services to people, intended to the inclusion of all individuals in difficulty, or at least to increase their level of quality of life.

368. These interventions allow for the establishment of a new welfare system, which starts from an overall vision of all intervention areas in order to work in a targeted manner on individual sectors, taking into account interdependencies between social phenomena and public policies. The FNPS resources are intended in particular to two areas:

- Economic transfers to individuals and families which are managed by the INPS;
- Transfers to Regions and Autonomous Provinces, which in turn and in accordance with their own laws and social programmes allocate resources to municipalities to help finance the integrated network of local social services. Local authorities are therefore responsible for the disbursement to citizens of services organized and planned within the area of social plans, in which more municipalities may join for an

integrated management of its services. Municipalities also have the power of defining beneficiaries of resources and services.

369. In view of its role as a leader in the sector of finance, the Ministry monitors both the progresses in money transfers and in spending for local services.

370. With regard to the session on reconciliation of time dedicated to work with time dedicated to family care, it is worth to indicate the "Action programme for the inclusion of women in the labour market" called "Italy in 2020", presented on December 1st, 2009, by the Ministry of Labour and Welfare and the Ministry for Equal Opportunities.

371. This plan is a programme for the reconciliation of time dedicated to work with time dedicated to family care, and for the promotion of equal opportunities in access to employment through five lines of action, already identified and that will be implemented pragmatically, according to an integrated view and with the participation of all actors involved, and entrusting the task of stimulating, coordinating and monitoring the actions to a defined "board".

372. In particular, it must be highlighted that the development of a family model that sees women more active in the labour market requires the overcoming of the uneven geographical distribution of services for children, encouraging the strengthening and diversification of supply of nurseries, also in Public Administration buildings and at workplaces. Several factors – mainly related to costs and application of workforce – affect quality and quantity of personal care services, which are now a highly deregulated area with a high rate of illegal employment and informality.

373. It should also be pointed out that, among the proposals made by the National Observatory for Children and Adolescents in the key of the Third biennial plan of actions and interventions for the protection of the rights of individuals and the development of children, special emphasis has been given to the objective of supporting families and especially women, through a series of actions to sustain and increase the active parenting and to support the ability to care of adolescents and implement interventions for the reconciliation of working and living. For this purpose, one of the action aims for an effective implementation of Law No. 53/2000, trying to achieve substantive equality of roles between men and women, so that the latter should not be forced to give up possible career expectations – or even possibilities of work. Hence the need for some legislative changes that determine the compliance with environmental rules than the percentage of salary during the period of leave and raising the age limit for children in order to use the possibility of leave.

374. Below, full measures provided for by this Plan are referred to:

The actions

Title:	<i>Expansion of the network of integrated services for children</i>	
Type of action:	Acts of the central government, in coordination with regions and autonomous provinces	Code: A01
Objective:	Educational services 0-3	
	Extending the social and educational services for infants (0-3 years)	

<i>Title:</i> Expansion of the network of integrated services for children	
Action/ Intervention:	<ul style="list-style-type: none"> Implementing and strengthening services for infants (from 3-months-old to 3-years-old) throughout the national territory (day nurseries, micro-nests, workplace nurseries, “spring sections” aggregated to nursery schools), by increasing the percentage of coverage among potential users and subscribers during the three years of the plan of action. Implementing and strengthening throughout the national territory of supplementary educational services to day nurseries and schools for children (play centres, playgrounds, childcare and parents centres).
People involved:	<p>Developers</p> <ul style="list-style-type: none"> Department for family policies, ministry of labour and welfare and ministry of education (development of legislation and of minimum levels of coverage, allocation of funds for the increase of the system); Regions (development of legislation and of minimum levels of coverage, allocation of funds for the increase of the system) Provinces (territorial connection and balance) Municipalities (system management and implementation of direct or indirect service) <p>Contributors</p> <ul style="list-style-type: none"> Local authorities and private sector (social and non-social sector) Companies (e.g. Workplace nurseries) Individuals (services implementation and management) <p>Final recipients</p> <ul style="list-style-type: none"> Directly: children and families Indirectly: broader social system
<i>Title:</i> Project for systemic and technical assistance actions for southern regions	
Type of action:	Acts of the central government, in coordination with Regions and Autonomous Provinces Code: A02
Objective:	Actions on distribution of services in the various areas in order to eliminate the imbalance between north and south of the country, supporting the eight Regions of Southern Italy in their process of achievement of service objectives, with specific reference to targets related to services for infants.

<i>Title:</i>	<i>Project for systemic and technical assistance actions for southern regions</i>	
Action/ Intervention:	<p>Realisation from biennial period 2008-2010 (and until 2013) a Project for systemic and technical assistance actions for southern regions, dedicated to the eight Regions of Southern Italy and divided into:</p> <ul style="list-style-type: none"> • Training activities aimed at strengthening the professional skills; • Technical assistance activities on the spot in order to support planning and implementation of regional plans; • System activity to spread, with web technology too, documentation, guidelines, operational instruments, etc.; • Exchanges and partnerships with other regions of Northern and Central Italy. 	
People involved:	<p>Developers</p> <ul style="list-style-type: none"> • Dept. of family policies • Ministry of Labour and Welfare • Ministry of Economic Development <p>Contributors</p> <ul style="list-style-type: none"> • CNDA <p>Final recipients</p> <ul style="list-style-type: none"> • Southern regions 	
<i>Title:</i>	<i>Parenting support: experimental "home childcare"</i>	
Type of action:	National planning with decentralized partnership	Code: A03
Objective:	Integration of assistance on employment and social services for the reconciliation of working and living in family.	
Action/ Intervention:	National funding, supplemented by local funding, of projects for controlled and verified experiments of so-called "home childcare", focusing on adequately trained people providing education and care of other children at home.	
People involved:	<ul style="list-style-type: none"> • Consultation at national level between government, regions and local authorities on the contents of a "public notice" for the financing of projects for the trial of the "home childcare". • Preparation of "public notice" by the competent ministerial structures. • Approval in the Joint Conference of the agreement between the Government, the Regions and Local Authorities on the "public notice". • Implementation of intervention through the enactment of consequential Acts by the involved public entities. 	
<i>Title:</i>	<i>Widespread of infantry schools</i>	
Type of action:	Acts of the central government, in coordination with Regions and Autonomous Provinces	Code: A04

<i>Title:</i>	<i>Widespread of infantry schools</i>	
Objective:	Extending the social and educational services for early childhood (3-6 years)	
Action/ Intervention:	<ul style="list-style-type: none"> • Expansion of kindergarten of the integrated system of national education, in order to ensure the educational provision for all children between 3 and 6 years; • Improvement of educational provision, through actions to encourage the raising of the quality. 	
People involved:	<p>Developers</p> <ul style="list-style-type: none"> • Department for family policies, Ministry of Labour and Welfare (development of legislation, programmes and actions, allocation of funds); • Peered private entities: Municipalities and peered private entities for direct or indirect implementation. <p>Contributors</p> <ul style="list-style-type: none"> • Ministry of Education • USR-USP • Regions • Local authorities and private sector <p>Final recipients</p> <ul style="list-style-type: none"> • Children and families • Educational system 	
<i>Title:</i>	<i>Encouraging the school attendance of the children from fragile families: educational services for 0-3 years, the school, educational services for 0-6 years</i>	
Type of action:	Acts of decentralized authorities	Code: A05
Objective:	Promote responsible parenthood, through the possibility of attending educational services for 0-3 years and 3-6 years, and nursery schools, for families in conditions of social and cultural exclusion.	
Action/ Intervention:	The various level of decentralized administration (Regions, Provinces, Mountain Communities and Municipalities, also in an associated form), each one for their specific competences and using forms and procedures that they deem appropriate, will support positive parenting through the establishment of criteria to prioritize the allocation of children living in poor families in rankings for education services and schools.	

Title: Encouraging the school attendance of the children from fragile families: educational services for 0-3 years, the school, educational services for 0-6 years

People involved: Developers

- Regions, Provinces, Mountain Communities and Municipalities, also in an associated form

Contributors

- Public and private schools

Final recipients

- Children from 0 to 36 months and from 3 to 6 years with their parents – particularly single mothers which live under poverty line.
-

375. In order to ensure, throughout the national territory, the implementation of the basic level of welfare for persons in need of care and to guarantee equality to all citizens in conditions of fragility, the Budget Law 2007 (Law No. 296, issued on December 27th, 2006) established the Fund for dependent people, distributed to the Regions and Autonomous Provinces. Its resources are devoted to taking care of the dependent person with individualized care plans, to strengthen the single point of access to network services and to ensure minimum levels of home care. National Fund resources were allocated in the amount of € 100 million for 2007, 300 million for 2008 and 400 million for 2009. This measure is intended to ensure progressive uniformity in interventions made so far by the regions in favour of people in conditions of limited autonomy, through the construction of a healthcare system that ensures full integration with social security system.

376. Referring to the request if the Member State has completed statistic surveys on nature and extent of the phenomenon of the use of children and whether there is a national plan to combat their exploitation in the labour market, Italy have established, since 1998, a special national coordinating body: the Coordinating Board between Government and Social partners on combating the phenomenon of child labour.

377. In 2006, the Ministry of Social Solidarity, in cooperation with the Ministry of Labour and Welfare, collecting the solicitations and demands that have emerged in recent years, has invited governments, research institutions, trade unions and employers' representatives, NGOs representatives, and regional, provincial and local authorities, to restore the Board in order to update the "Charter of commitments to promote the rights of children and adolescents and to eliminate the exploitation of child labour".

378. During the meetings occurred in 2006 and 2007, the Ministries promoters of the Board have collected the comments and requests from representatives, welcoming the willingness to start preparing renewed actions to combat the phenomenon of exploitation of child labour, and the fact that several proposals for action and intervention have been put forward. These proposals were collected in the draft update of its commitments under the Charter. It is, therefore, still pending the signing of the Charter and the resumption of work of the Coordinating Board and the special Groups set up to implement an Action Plan against the exploitation of child labour, which identifies the areas of competence of everyone involved and onward into the National Plan of Action for the development and protection of the rights of children.

379. With regard to the statistical surveys on the nature and the extent of the phenomenon of the exploitation of children in the labour market, the Ministry of Labour and Welfare, in agreement with the National Centre for Documentation and Analysis for Children and Adolescents, with reference to the period that goes from January 1st, 2004, to December 31st, 2008, has undertaken the following activities in the child labour sector:

- 2004: National Centre has published Book No. 30 “Children and teens who works: an overview from Italy to Europe”, focused on the acquisition of data and information relating to ongoing experiences at European level on this issue;
- 2005: came into full effect the execution of “Minors and work” website, sponsored by the Ministry of Social Affairs and administered by the National Centre for Documentation and Analysis for Children and Adolescents; the site collects all the nationally and internationally important information and news on the relationship between children and work, and provides guidance on major events taking place in Italy;
- 2006: The National Centre for Documentation and Analysis for Children and Adolescents has published the Italian translation of ILO text “Fight against child labour. Manual for labour inspectors”, distributed nationwide with particular emphasis on General Directions and Provincial Directions of Labour Inspectors, to which the guidelines are addressed;
- 2007: National Centre has published Book No. 30, entitled “Experiences and best practices beyond L. 285/97”, which reported the results of the survey conducted in 2006 on local planning policies for children and adolescents in five thematic areas, including child labour;
- In 2007, is also activated an awareness programme on child labour by promoting the feature film *Rosso Malpelo*; the Ministry of Social Solidarity has supported the distribution of the film, promoting the vision at several schools in 15 specified cities, stimulated to produce internal meetings and discussions with pupils, and allocating € 100,000.00 for this purpose.

380. The national legal framework on crimes related to violence against women is currently one of the most complete in Europe and provides for quite severe penalties. In particular the Law No. 66/1996 classified the crime of sexual violence among crimes against personal liberty, while before was considered a crime against public morality and decency; the Law No. 154/2001 introduced measures against of domestic violence, aiming to improve victims’ protection through civil and penal remedies, such as barring orders (to require the violent person to leave the family home) to ensure victims’ safety and allow them to stay in their own homes and not to change their own lives.

381. According to this Law, the judge can also impose the periodic payment of a check in favour of the member of the family victims of violence who, by reason of barring orders, remain without adequate means, setting terms and terms of payment and prescribing, where appropriate, that the sum is paid directly by the offender’s employer with a deduction from his/her wage. Moreover the perpetrators of domestic violence are punished with imprisonment from one to five years [p.c. 29, 31, 32]. If the fact results in a bodily injury [p.c. 583], the imprisonment shall be increased (from four to eight years if it results in serious injury; from seven to fifteen years in case of serious injury causing permanent damages; imprisonment from twelve to twenty years if it cause the death of the victim).

382. Concerning marital rape, our national legislation punishes rape with no regard to the relationship between victim and perpetrator, being the lack of consent to have sexual intercourse (i.e. a serious violation of individual freedom) what configures the crime of rape.

383. In 2009 the crime of “stalking” was introduced into Italian Criminal Law (Art. 612 *bis* of the Penal Code) by Law No. 38 of 23 April 2009. Stalking is defined as a crime against personal liberty, as well as sexual violence. This law was strongly supported by the Minister for Equal Opportunities. In order to prevent further violence and to protect victims of stalking, the law introduced a security order, named “ammonimento”, that the

victim could ask to the local Police Commissioner to apply in order to avoid the stalker to approach the victim or his/her relatives.

384. Moreover, the same Law introduces more severe provisions for sexual offenders/rapists, such as mandatory pre-trial detention in prison for crimes of: child prostitution, child pornography, tourism initiatives for the exploitation of child prostitution, sexual assault, sexual acts with minors, group sexual assault; mandatory arrest in flagrante for rape and group sexual assault, resulting in the possibility of proceeding with Direct rite; it also provides for free legal aid extension to all victims of sexual assault.

385. With reference to the improvement of the legal framework designed to contrast violence against women, a specific law on sexual violence is currently under examination at the Senate (AS 1675), which would complement the above mentioned provisions. This text provides for, inter alia, tougher penalties, introducing new aggravating circumstances, the crime of sexual harassment, the possibility of intervention in judicial proceedings of the Local Government and eventually the Presidency of the Council of Ministers (in the case of crimes perpetrated against children or within families), rape-crisis centre, NGOs; it also provides for measures to improve information and assistance to victims of violence together with prevention's programmes against violence and sexual discrimination aimed at primary and secondary schools. (To read more about proposal: <http://www.camera.it/465?area=16&tema=361&Contrasto+della+violenza+nei+confronti+delle+donne>).

386. Generally speaking, national policy on preventing and combating violence against women and domestic violence is based on the idea of a necessary integration of repressive and preventive policies, to be realized conjunctly by the public and the private sector and to be implemented with a multidisciplinary approach, involving coordinated actions in all the relevant fields involved (social, educational, informational and legal).

387. Following this approach, in November 2010 the Minister for Equal Opportunities has approved the "National Plan against gender violence and stalking", the first attempt to elaborate an organic response to address policies in this field, in synergy with the main actors involved at local level; on the other hand, there are already several regional law provisions (Abruzzo, Apulia, Basilicata, Friuli Venezia Giulia, Lazio, Campania, Liguria, Calabria, Sardinia, Tuscany, Marche, Piedmont) approved in order to discipline the development and funding of the local services' network.

388. The above mentioned "National Plan against gender violence and stalking" was however developed through a participatory process – starting from the national level, to arrive at the local level – involving all public and private stakeholders; most relevant NGOs and civil society organizations involved in the contrast of gender based violence and domestic violence and holding victims' support services, were invited to make proposal and suggestion at different stages of Plan's drafting, in order to increase the comprehension of the specific needs in terms of services to be offered and implemented. As a result, the Plan is now the main tool for developing and developed by all stakeholders – both public and private – coordinated actions to prevent and combat violence and provide protection, support and reintegration of victims.

389. According to its holistic approach, the Plan provides for specific line of actions in all different policy fields involved (socio-cultural, health, economic, legislative and judicial branches), aiming to achieve the following core objectives:

- (a) To ensure an adequate, widespread and effective level of information;
- (b) To provide and implement a national network of centres providing services for victims of violence (the so called "anti-violence centres"), as well as and other public and private relevant stakeholders working in this field at local or regional level, to ensure adequate protection and assistance to victims throughout the Country;

(c) To develop specific training interventions aimed to all professionals involved in the issues of gender based violence, in order to contribute to the diffusion of a culture of respect towards human rights and gender-based specificity;

(d) To provide a structured collection of data and information to better understand the phenomenon and monitor its evolution;

(e) To improve caring methods and support services provided to women victims of violence and their children;

(f) To increase protection for victims of violence by enhancing the collaboration with the Police.

390. The Department for Equal Opportunities is at the forefront in the implementation of the Plan. In 2011 targeted interventions were launched, for an amount of 18.6 million euro, assigned, to a large extent, by means of calls for proposal and public notices based on particularly competitive selection mechanisms. In particular:

- With a first public notice, aiming to the establishment and strengthening of local “networks against violence”, 3 millions euro have been allocated in support of 24 projects developed by municipalities in partnership with public and civil society organizations concerned with the issue of violence against women;
- A second notice aimed to support the so called “anti-violence centres” (centres offering support and residential services to women victims of violence and their children), allocated a total of 10 millions euro respectively for the implementation of measures of support to shelters for victims at risk of further violence already operating (6 millions) and to promote the widespread of shelters in areas where there is a greater gap between demand and supply of those services (4 millions); the notice has allowed to finance 34 centres and to open 12 new centres throughout the country;
- A third public notice, recently published, 1.7 millions euro have been allocated to promote specific training interventions for health workers who carry out the first cares to victims of sexual and domestic violence and stalking; is worthwhile to be mentioned that, at the end of training, for the hospitals that implemented the training projects it is mandatory the establishment, in E.R., of specific trails dedicated to victims of sexual and domestic violence and stalking. 27 projects have been finances with this notice.

391. To ensure an efficient implementation of the Plan, a specific Committee has been constituted (2011, October 10th) in order to monitor the progress of the planned activities. The Committee is composed of representatives of Central Regional and Local Administrations and bodies involved in the implementation of the Plan (namely Department for Equal Opportunities, Department for Family Policy, Department of Youth and Department for Regional Affairs of the Presidency of the Council of Ministers; Ministry of Interior; Ministry of Justice; Ministry of Defence; Ministry of Labour and Social Policy; Ministry of Health; Ministry for Education, University and Research; Congress of Regions and Autonomous Provinces; Italian Provinces Union). The Committee will also organize meetings with the representative of the anti-violence centres.

392. Moreover, in order to improve the level of understanding of the phenomenon of violence against women and its evolution, the Department for Equal Opportunities has entrusted the National Statistical Institute (ISTAT) with the updating of the survey concerning “Violence and mistreatment in the family”, realized in 2006. The updated survey will include a focus on violence on disabled women as well as on stalking.

393. However, even before launching the Plan, the Department for Equal Opportunities has promoted several initiatives to prevent and contrast violence against women and domestic violence, as such as the following:

- The National toll-free helpline 1522 for women victims of violence (launched on 2006, march 8th). This toll-free helpline was instituted to provide a first help to victims of violence and to address them to the nearest public and private specialized or general services providing support and assistance. The service is active 24 hours a day, 7 days a week and is available in Italian, English, French, Spanish and Russian. The service's telephone operators provide an initial response to the needs of victims of gender-based violence and stalking, offering useful information and guidance to the health and social services, public and/or private, present at local level. Moreover, it allows victims to gradually approach specific support services, with the absolute guarantee of anonymity. Since 2009, with the entry into force of L.38/2009, to victims of stalking; on 2010, a specific technical operational procedure for emergency cases, shared with law enforcement, has been successfully experimented. Since its start, in 2006, until December 2011, the 1522 has given assistance to more than 85.830 victims of violence, both Italians and foreigners, with a monthly average of about 1.500 calls from all over the Country. Service' staff and operators are periodically trained, if necessary with class held by expert of national and international level (such as, for example, Professor Caretti, University of Palermo), to improve service standards.
- The National Network Against violence, involving public administrations, the private sector and associations offering specialized or general services to women victims of violence, developed in association with the aforementioned national toll free number 1522.
- Memorandum of Understanding between the Minister for Equal Opportunities and the Minister of Defence (2009, January 16th) aimed to establish an expert Unit within the Carabinieri Corps (named "Nucleo Anti-Stalking") in charge of studying and monitoring reported episodes of stalking (in the view of improving prevention, by a better understanding of the phenomenon and trough the implementation of experimental programmes aimed at teaching perpetrators of domestic violence to adopt non-violent behaviour in interpersonal relationships with a view to preventing further violence and changing violent behavioural patterns) and to provide specific training for the Carabinieri Corps, in order to improve their attitude towards victims of violence and to detect the phenomenon, improving prevention and victims' protection mechanisms. Considering the relevant results already achieved, the memorandum has been recently renewed.
- Memorandum of Understanding between the Minister for Equal Opportunities and the Minister of the Interior (2009, July 6), signed with the purpose to reinforce the service offered by the 1522 number and the future adoption of the national action plan and also considering the new penal crime of stalking. The aim of the Memorandum is also to create training courses for police forces in order to uniformly assist victims of violence and increase awareness of women and children on this issue through the school system.
- Memorandum of Understanding between Ministry for Equal Opportunities and Minister of Education (2009, July 6), signed to promote the implementation of educational activities and awareness raising project to be carried out in schools, involving teachers, students and student's parents. Moreover, each year, in the first half of October an entire week (named "week against violence") is devoted to those important issues; during that week a prize is assigned to the best activities settled up by the schools. During the year, some of the activities are carried out by means of

the so called “Campus against violence”, a programme aimed to support the exchange of experiences and good practices among student on a national level.

394. Since 2006, but increasingly from 2009, the Department for Equal Opportunities has also launched specific, cross-media periodical information campaigns:

- Stalking: the campaign, under the claim “When attention becomes persecution...”, aims to improve the knowledge of the recently approved decree on stalking, a kind of violence that is still difficult to identify and report. The message is focused on the various kind of violence addressable as “stalking”, in order to inform victims about legal instruments to contrast it (<http://www.pariopportunita.gov.it/index.php/campagne-di-informazione/1175-stalking-quando-le-attenzioni-diventano-persecuzione>);
- Violence against women: with the claim “respect women, respect the world” the campaign aims to arise awareness in the general public on this problem, informing about legal instruments and existing services to contrast it (<http://www.pariopportunita.gov.it/index.php/campagne-di-informazione/1212-campagna-di-informazione-respect-women-respect-the-world>);
- National Toll Free Helpline for victims of violence 1522: the campaign aims to improve the knowledge, on a larger public, of the helpline service, that can address victims to the nearest support centres for women victims of violence or victims of stalking or towards the appropriate social and health services. The campaign intends to encourage victims to break their isolation and seek for concrete help under the claim “1522 – it’s time to react” <http://www.pariopportunita.gov.it/index.php/campagne-di-informazione/921-1522-e-lora-di-reagire>).

395. Finally, it is certainly worth mentioning the first International Conference on Violence against Women – held in Rome on 9 and 10 September 2009 – in the framework of the Italian G8 Presidency. The Conference scope was to underline, with renewed determination, the need for international cooperation and common strategy involving both Governments and civil society to tackle the common challenge of ending all forms of violence against women.

(a) Measures against sexual crimes on children

(i) Legislative framework

396. In Italy, since 1996 a number of legislative measures have substantially changed and improved the legal framework related to the fight of sexual crimes against children. With reference to this specific issue, the 3 main legislative instruments within the Italian system are the following:

- Law No. 66 of 15 February 1996 on “Provisions against sexual violence”;
- Law No. 269 of 3 August 1998 on “Provisions against the exploitation of prostitution, pornography and sexual tourism against children as new forms of slavery”;
- Law No. 38 of 6 February 2006 on “Measures to combat sexual exploitation of children and child pornography, realized also through the Internet”.

397. Moreover, on 23 April 2009, the Law No. 38 on “Urgent measures in the field of public security and the fight against sexual violence and stalking” has been adopted.

398. The legislation on this matter will be further updated through the ratification by the Parliament of the Council of Europe Convention on the Protection of Children against

Sexual Exploitation and Sexual Abuse, at the end of the current examination and discussion within the Parliament.

399. The Italian law punishes with imprisonment all sexual offences against children. The penal Code provides for the crimes related to sexual violence against children, a penalty of 5 to 12 years imprisonment.

(ii) *The Observatory for the fight against paedophilia and child pornography*

400. The Department for Equal Opportunities is actively engaged on issues relating to the protection of children, with particular reference to the fight against sexual abuse and exploitation, through the action of the Observatory for the fight against paedophilia and child pornography.

401. The Observatory was set up in 2006 by Law No. 38, within the Italian Prime Minister's Office — Department for Equal Opportunities, with the aim of acquiring data and information related to the activities carried out by all the administrations for the prevention and fight against sexual abuse and exploitation of children. The Law No. 38 authorizes the Observatory to set up a database to gather, with the aid of the other central authorities, all the information useful to monitor the phenomenon of sexual abuse and exploitation against children and to allow an up-to-date and in-depth reading of the phenomenon.

402. The database will be soon realized in cooperation with other public Administrations, which already have significant data at disposal, in a perspective of a cross-data approach. In particular, it refers to the Ministry of Interior, the Ministry of Justice and the Ministry for Public Administration and Innovation.

403. The Observatory operates within the Department for Equal Opportunities and is chaired by the Head of the Department. It is composed by 5 members appointed by the Minister for Equal Opportunities – one of them with technical – scientific coordination tasks –, by 1 member appointed by the Minister for Family policies, by 3 members appointed, respectively, by the Head of the Polizia, the Head of Carabinieri and by the Head of Guardia di Finanza. There are also 3 other members appointed by the most representative national associations operating in the field of the fight against sexual abuse and exploitation against minors.

(iii) *Projects for the protection of child victims of sexual crimes*

404. In September 2011, the Department for Equal Opportunities published the “Public notice to support pilot projects for the treatment of child victims of sexual abuse and exploitation”, which represents a highly innovative initiative regarding the protection of child victims of sexual abuse and exploitation and it is the first experience of the Italian Department for Equal Opportunities in this field.

405. The general aim of this initiative is for informing, training and guaranteeing awareness and involvement of civil society and institutions, other public and private entities and citizens in the prevention and the fight of sexual crimes against children.

406. The Public Notice has been realized taking strongly into account as its main reference the “National Guidelines for the fight against paedophilia and child pornography”, as indicated in the third Biennial National Plan of Action for the protection of the rights and development of subjects in age of development.

407. This document specifically provides for specific actions on the issue of fight against sexual crimes on children and recognizes the need to identify the essential levels of protection activities and educational support for child victims of sexual abuse and maltreatment.

408. The strategic aim of this public notice is to promote assistance actions for child victims of sexual abuse and exploitation that are characterized by a strong appetite for creating a connection between all the institutional and operative resources at the local level.

409. As pilot projects, the promoted interventions should express a model of innovative action, characterized by experimentation, cross-sector and transferability to different territories and contexts. The models will also be able to cover the main stages of the protective intervention for child victims of sexual abuse and exploitation, also highlighting specific training actions of operators involved in the implementation of the intervention and ensuring an overall and comprehensive multidisciplinary approach.

410. The models proposed and implemented through funds provided by the Notice will be used as a good knowledge basis for the realization of specific guidelines to identify the above mentioned essential levels of protection activities and educational support for child victims of sexual abuse.

411. The Public Notice was open to projects submitted by Regions, Local Authorities and other public or no-profit private legal entities (excluding individuals), having among its purposes the psycho-physical protection of the child.

(iv) *Emergency line 114*

412. The Children Emergency number 114 is an emergency line financed by the Department for equal opportunities, aimed to bring psychological assistance and psycho pedagogical consultancy in uneasiness situations that could be harmful for the children and teenagers psychophysical development, through the development of the services network present at the local level. The service is delivered all over the national territory, 24 hours a day, all days of the year, and without payment for callers.

413. The 114 line cooperates with services and European Centres for the management of some emergencies (The Association *Telefono Azzurro* that manages this service is member of different international networks such as Missing Children Europe, International Centre for Missing and Exploited Children, International Association of Internet Hotlines (INHOPE), Child Helpline International), especially for the development of shared procedures of child pornography cases and missing children.

414. In 2011 the Department for Equal Opportunities has planned a campaign to give information to citizens about this Service. The aim of this campaign, which will be broadcast during the year 2012 through the main media, is encouraging victims and witnesses of violence to report serious incidents that have children as victims and emphasize the social value of the service.

(v) *Plan of action for the protection of the rights of children*

415. In 2010 the Government approved the third National Plan of Action for the protection of the rights of children. The Plan contains a specific section titled "National Guidelines for combating child pornography and paedophilia".

416. The Plan identifies as institutional promoters of this action the Department for equal opportunities, the Ministry of Justice, the Parliamentary Commission for Childhood and Adolescence, the Regions and the National Documentation Centre for childhood and adolescence.

417. The actions provided in this context are the following:

- Identification of essential levels of protection activities and educational support for child victims of sexual abuse and maltreatment;

- Training and awareness activities for people who have regular contacts with children in the field of education, health, social protection, justice, law enforcement, family-type community, voluntary social and sports activities, cultural and leisure activities;
- Involvement of civil society, media workers, tourism and banking sector to participate in the development and implementation of prevention policies and to adopt codes of conduct;
- Definition of procedures to protect the child involved in civil or penal proceedings as a victim, offender or witness of violence;
- Definition of guidelines on therapeutic support, legal advice and information for the adults not offenders who can be potentially protective for child victims;
- Creation of a database for collecting:
 - Statistics on sexual offences against children;
 - All the guidelines and protocols implemented at regional and local level in the field of prevention and protection of children from violence;
- Comparative researches and analysis for the definition of common languages, tools and strategies on this field;
- Definition of minimum standards for national social services for prevention and protection of abuse against children;
- Definition of the specific operational procedures for assisting children victims of violence and maltreatment;
- Monitoring the implementation and updating of guidelines by the Regions that have adopted them.

418. The Plan identifies several targets of these actions: Regions, Local Authorities, Local Health Units, Judicial Courts, Police, Children, Adolescents, victims of abuse or at risk children, parents, teachers, operators of services, people convicted of sex crimes against children.

419. The measures provided for in the National Plan of Action for the protection of the rights of children, will represent a shared basis for the elaboration of a specific National plan of action on preventing and fighting sexual crimes against children, which will be soon drafted by the Observatory for the fight against paedophilia and child pornography.

420. The plan will be shared at a political level within the Interministerial Committee for the Coordination of the Fight against Paedophilia (CicLo.Pe.).

(vi) *“One in five” campaign*

421. In 2010 the Minister for Equal Opportunities hosted the official launch of the Council of Europe Campaign to stop sexual violence against children – (Rome the 29th and 30th of November 2010).

422. Two are the main objectives of the campaign: to support the process of signature and ratification of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and to make the general public aware of the size of the phenomenon of sexual abuse.

423. The campaign, which has as a protagonist an imaginative character called Kiko, invites parents to teach their children aged from 4 to 7 the “Underwear Rule”, according to which they cannot let foreign people touch them, how to react to people touching them and where to look for help. The rule is easy: children do not have to let anyone touch those parts

of their body covered by underwear. This rule helps moreover to tell children that their bodies belong to them, that they have to say no, that there are good secrets to be kept, and bad secrets that must be told precisely as there are many good ways to touch and many bad ones. From their part, adults must avoid creating taboos around sexuality, they must rather invite to dialogue, be always ready to listen and be sure children know to whom to address in case of anxiety, anguish or worry.

424. The “Underwear Rule” is explained by means of a simple and funny language through a TV commercial, a children book, posters, brochures and a dedicated website.

(b) Project “DICAM”

425. The Department for equal opportunities, through the action of the Observatory for the fight against paedophilia and child pornography, is involved in the project DICAM, financed by the European Commission through the programme “Prevention and Fight Against Crime 2007-2013”.

426. In the framework of this project, carried out within the national context, the Observatory collaborates with Save the Children, with the Postal Police as well as with the CISMAI – the Italian Coordination of services against child abuses.

427. The project is based on some considerations about sexual crimes against children: child sexual exploitation and abuse are severe violations of human rights and the Convention on the Rights of the Child. They have far-reaching and devastating implications for the present and future development of the child. The abuse continues when photographic evidence of child sexual abuse is circulated through new technologies and child protection systems fail to coordinate their actions to identify and protect the victims.

428. However, few of the children abused in connection with the new technologies become subject to child protection measures and can benefit of the therapeutic support that is necessary for their recovery.

429. The project will look at the phenomenon from a child’s rights perspective, with the declared objective of working towards the identification of the children and adolescents depicted in those images, and ensuring them adequate support. The aim is to identify and get over all those obstacles that undermine effective interventions, and develop best practices for the protection and the prevention of online sexual exploitation and abuse of children.

430. The project aims at enhancing the skills of professionals operating in the field of the contrast to child pornography by developing a multidisciplinary model of intervention which standardizes the operational procedures to be adopted while identifying the minor victims depicted in the pornographic materials, while assisting the victim as well as during the recovery therapy of the victim.

431. The following activities have been planned:

(a) The identification and analysis of existing practices/techniques in relation to the identification and support of minors through a child rights framework, at a national level;

(b) The development of a child-rights based intervention methodology targeting different key professionals, which will provide guidance for ensuring the best interests of the child throughout the identification process. In other words, from the on-start of investigations (the analysis of the child abuse material) to the necessary assistance and support to the abused children, their close relatives and carers in both the short and long term, and including assistance during judicial proceedings;

(c) To organize training seminars for key professionals – law enforcement agencies, child protection services, lawyers and judicial staff – on the above mentioned methodology, all over the country;

(d) The publication of an operational manual, which will provide standard procedures when it comes to working on victim identification.

432. The Law No. 154 of April 5, 2001: “Measures against violence in familiar relations”, deals with the protection of the victims from the violent relative from the family, through civil or penal action which introduced some of the judicial measures that already exist in other countries’ legislation. “Barring orders”, one of the measures introduced, ensure the separation of the perpetrator of violence from the family house: a change of perspective in facing violence against women, because it allows victims to stay in their own homes and not to leave their own habits of lives.

According to this Law, the judge can also impose the periodic payment of a check in favour of the member of the family victims of violence who, by reason of barring orders, remain without adequate means, setting terms and terms of payment and prescribing, where appropriate, that the sum is paid directly by the offender’s employer with a deduction from his/her wage. Moreover the perpetrators of domestic violence are punished with imprisonment from one to five years [p.c. 29, 31, 32]. If the fact results in a bodily injury [p.c. 583], the imprisonment shall be increased (from four to eight years if it results in serious injury; from seven to fifteen years in case of serious injury causing permanent damages; imprisonment from twelve to twenty years if it cause the death of the victim)⁸.433.

⁸ To give a more complete framework of jurisprudence in this field, some key judgments of the Court of Cassation, which relate to cases of domestic violence, are listed below.

- Sentence No. 984/2003: no contrast is configurable in case of concurrence of the two crimes of abuse in the family and sexual violence, because they are referred to the violation of distinct rights - in the first case, the mental and physical integrity or the personality of the person, in the second case, the individual freedom regarding sexual behaviour in the private sphere.
- Sentence No. 29262/2007: the crime of abuse in the family in Article 572 criminal Code does not necessarily presuppose the existence of a relationship of kinship or of a civil nature, but can also involve live-in partners, because they constitute a form of stable family unit that the law aims to protect.
- Sentence No. 37352/2007: reduction of sentence referred to the concept of “honour” are not applicable in case of husband killing his wife for jealousy, because that concept is to be considered a reflection of a narrow and archaic conception of the relationship between spouses and marriage, that openly conflicts with the current system of values well-established in the civil society.
- Sentence No. 11263/2008: in case of formal conflict between the crime of continued sexual violence and abuse in the family it should proceed for both even in case of acquittal for the offence more serious. The crime of sexual violence could coexist with that of domestic violence, established in a previous sentence of the Court (see above Sentence No. 984/2003).
- Sentence No. 12129/2008: to evoke the principle of criminal liability in cases of suicide following domestic violence and abuse, it is necessary that the event is the foreseeable result of conduct put in place from the offender and is not instead the result of a free capacity of the victim's self, unpredictable and not knowable by the offender, who, in this circumstance, is not liable for this.
- Sentence No. 20647/2008: live-in partners victims of domestic violence should be considered as such as legitimate wives, therefore, since they live permanently with the offender, they shall enjoy the same protections provided by the Law 154/2001.
- Sentence No. 22400/2008: abuse in the family occurs also in cases where one spouse, after the separation, commits abuses against the partner, for example refusing to conceive the allowance for the maintenance of children.

434. Several initiatives were carried out to strengthen the training of Law Enforcement. In particular:

- In the framework of the European Project DAPHNE II, aimed to combat every kind of violence and abuse against women and children, in 2004 the Central Anti-Crime Directorate of the State Police, in cooperation with the Association “Differenza Donna”, started to implement the S.A.R.A. “Spousal Assault Risk Assessment” method, focused on the early recidivism risk assessment with regard to family abuses;
- A project denominated “S.I.L.V.I.A” – Stalking Inventory List for Victims and Authors – was initiated by the Central Operational Service of the State Police in October 2007, in cooperation with the Department of Psychology of the Second University of Naples, in order to monitor the impact of stalking crimes in Italy before the criminalization of the relevant specific offence, introduced by the February 23rd, 2009 Law No. 38. S.I.L.V.I.A. project included the transmission of booklets with some suggestions to police personnel operating in case of “stalking”;
- In the framework of the European Project DAPHNE II aimed to combat every kind of violence and abuse against women and children, called “EARN in JVO” – “European Assessment of Risks/Needs in Juvenile Violent Offenders”, carried out by the Central Anti-Crime Directorate of the State Police, the Department of Juvenile Justice of the Ministry of Justice and the Department of Psychology of the Second University of Naples in 2008 and 2009, 3 seminars addressed to both police officers and operators of the Juvenile Justice Services were organized at the School of the Department of Juvenile Justice in Rome;
- In the framework of the European Project DAPHNE II, aimed to combat every kind of violence and abuse against women and children, in 2006 the Criminal Police

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- Sentence No. 26571/2008: humiliations towards ex-wife is to be considered a form of domestic violence, that has to be persecuted according the provisions of the Law 154/2001, because the duties of reciprocal respect and assistance do not cease at the end of the marriage.
 - Sentence No. 35862/2008: the crime of abuse may occur even in a family context characterized by high tensions, due to both the partners, creating a climate of mutual intolerance and intolerability; even such a situation, in fact, should be still handled respecting the rules of civil coexistence and the physical and moral dignity of the person and does not legitimate aggressive reactions, humiliations and mortifications to the partner and other family members.
 - Sentence No. 6490/2009: the crime of domestic violence only occurs when there is an explicit willingness to habitually and continuously subject a person to a series of physical or moral sufferings.
 - Sentence No. 9531/2009: the crime of abuse in the family can only exist as the expression of conduct that requires the offender to have a position of supremacy usual to which the victim subject. In case there is no such a leadership, the aforementioned offence is not punishable as domestic violence.
 - Sentence No. 22700/2009: The traditions governing family relations in culturally different societies cannot justify sentence’s reductions.
Furthermore, with regard to domestic violence against children, according the Court of Cassation, the offence is also configurable where the conduct has negatively affected the psychological development of the abused person. In this regard it is useful to mention the following sentences:
 - Sentence No. 34460/2007 on the abuse of the means of correction and maltreatment in the family: the case of children victim of constant abuse and violence, at the point to cause intolerable living conditions, are to be considered the most serious crime of abuse in the family.
 - Sentence No. 22850/2007: the crime of sexual abuse can occur together with that of abuse in the family, because they affect different legal right. The worse case occurs when the offender is the person that is supposed to be legal foster of the children.

Central Directorate of the Italian Department of Public Security has joined the Project called AViCRi (Attention for Victims of Crime), carried out by the Department of Psychology of the University “La Sapienza” of Rome. This project has designed and developed a standard training package as a best practice example in training police forces;

- In the framework of the European Project DAPHNE, aimed to combat every kind of violence and abuse against women and children, is ongoing the definition of another professional training for police officers dealing with gender violence: the project is called MuTAVI (Multimedia Tools Against Violence) and is carried out by the Criminal Police Central Directorate of the Italian Department of Public Security, the Department of Psychology of the University “La Sapienza” of Rome and the NGO “Institute for the Mediterranean”. The aim of this project is to design and implement multimedia tools to train operators in charge of the first contact and support of Intimate Partner Violence (IPV) victims, such as police operators, attorneys, social workers and health operators. The specific aim is also to sensitize and promote prevention strategies against violence, particularly IPV;
- Specialization courses on investigative techniques related to offences against children and sexual crimes have been programmed for the personnel belonging of the specialized sections of the Investigative Units. The courses are held at the Police School for Investigators in Brescia;
- Regarding the routine professional refresher courses, the specific subjects of Domestic Violence and Stalking, were included in the programmes. In particular, in 2009, domestic violence, with reference to the operative measures to be applied by the police during their interventions; in 2010, the “equal opportunities”, the right approach of police operators towards the victims of crime and “stalking”; in 2011, “stalking”, crimes against the so-called “weak categories” (women, children, elderly);
- Regarding the refresher courses for police officers in charge to coordinate the interventions of the patrols for domestic violence, some practical exercises have been carried out with regard to simulated interventions in case of family quarrels.

More generally, training courses for the Penitentiary Personnel always include issues relating to human rights, including, in a transversal way, the criminal nature of the acts of domestic violence. The human rights issue is also addressed with specific studies, including through conferences, seminars and lessons, at all levels, by reference to international law and bodies responsible for their protection.

435. A composite structure for the assistance to trafficked persons was built upon the aforementioned laws and there is in place at national level, functioning throughout three main tools:

- Programmes for temporary assistance (implemented on the basis of Art. 13 of L. No. 228/2003);
- Programmes for long term assistance and social inclusion (implemented on the basis of Art. 18 of Legislative Decree 286/98)
- National anti-trafficking Toll-Free Help-line (“system action” foreseen by the Ministerial Decree of 23 November 1999 – Art. 2, regulating the implementation of Art. 18 of Legislative Decree 286/98)

436. The Department of Equal Opportunities is the national authority in charge of promoting and coordinating action for the protection of trafficked persons. It supervises at the functioning of the national assistance system through the Interministerial Commission

for the Support to Victims of Trafficking, Violence and Exploitation, that is chaired by the Department for Equal Opportunities and is composed of representatives of the Ministry of Justice, Ministry of the Interior, Ministry of Labour and Social Policies, Under-secretary for Family Policies, United State-Regions Conference, National Association of Italian Municipalities.

437. Every year the Department for Equal Opportunities launches a call for proposals to fund the assistance programmes. Both local authorities and certified NGOs can apply for funding. All programmes need to be co-funded by Regions or local authorities, in the perspective of ensuring the local government ownership of actions to be implemented on a specific territory.

- The “Article 13 Programme” provides for temporary assistance measures to communitarian and foreign victims of “reduction to or maintaining into slavery or servitude conditions” and “trafficking” (offences envisaged by Art. 600 and 601 of the penal Code). According to the law, trafficked persons can benefit from a three months programme that, when applicable, may be extended for a further three months. They are provided with accommodation, social assistance, and health-care services. Once the programme is over, the assisted persons can continue to be helped under the Article 18 programme;
- The “Article 18 Programme” provides both foreigner and EU nationals with high standard social protection measures, such as individual recovery and social integration plans, long term residential care facilities, health care, counselling, legal assistance, education, vocational trainings, apprenticeships and job placement. The foreseen duration of this programme is 1 year, but it can be extended if necessary;
- The National anti-trafficking Toll-Free Help-line allows victims of trafficking to get in touch with professionals who can help them to escape from exploiters. It was established in July 2000. It provides detailed information on legislation as well as services granted to trafficked persons in Italy and, upon request, refers them to the relevant service providers. Information is provided in the various languages spoken by the main target groups, including English, Albanian, Russian, French, Spanish, Rumanian, Bulgarian, Hungarian and Chinese. The toll-free help line also facilitates networking among relevant stakeholders at national level and particularly it refers victims and potential victims to the appropriate services and/or to the “Art. 13” and “Art. 18” projects.

438. Apart from the aforementioned measures, the Italian national system of assistance to trafficked persons provides them also with the possibility to ask for a safe return in the country of origin. The project for the Assisted Voluntary Return is co-ordinated and funded by the Ministry of Interior and implemented by the IOM (International Organization for Migration) for re-integration of victims of trafficking in their country of origin. The project started in July 2001 and has already assisted more than 200 cases. These projects give the possibility of a secure and human return and reintegration providing the victims of trafficking with information, counselling and travel arrangements, in order to reduce their vulnerability to being re-trafficked.

439. Therefore the national assistance system for trafficked persons is structured as follows:

First contact with potential victims of trafficking and exploitation. Referral of the victims to the appropriate social services	→	Anti-trafficking Free Helpline
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Identification, case evaluation, damage reduction and first assistance	→	“Art. 13” programmes
Long term assistance, social inclusion of trafficked persons in Italy Or Return of the victims to their home country	→	“Art. 18” programmes Assisted voluntary Return

440. As for data collection and monitoring, the Department of Equal Opportunities is presently working to a project for the establishment of a National Observatory and a database on trafficking in human beings. The Department of Equal Opportunities can provide data and statistics with regard to the victims or presumed victims of trafficking who are beneficiaries of the projects of first assistance and social protection promoted and co-funded by the DEO. These persons, both adults and children, can be subjected both to forced labour and forced prostitution, or to other forms of exploitation (forced begging, illegal activities, etc.).

441. From 2000 to 2011 640 projects were co-funded in the framework of Article 18 Legislative Decree 286/98 and 146 projects were co-funded in the framework of Article 13 Law No. 228/2003. From 2000 to 2010, 18.196 persons were assisted in the framework of “Art. 18” programmes and 2.191 persons were assisted in the framework of “Art. 13” programmes as per the following breakdown:

Table 16

Projects (Art. 13 l. 228/2003) from 2006 to 2010

<i>Public Calls</i>	<i>Co-funded projects</i>	<i>Allocated funds</i>
Avviso 1 of 3 August 2006	26	2.500.000 euro
Avviso 2 of 31 July 2007	23	2.500.000 euro
Avviso 3 of 5 August 2008	23	2.500.000 euro
Avviso 4 of 10 August 2009	25	2.500.000 euro
Avviso 5 of 9 August 2010	27	2.500.000 euro
Avviso 6 of 7 July 2011	22	4.000.000 euro
Total	146	16.500.000 euro

Table 17

Projects (Art. 18 d.lgs. 286/98) from 1999 to 2010

<i>Public Calls</i>	<i>Co-funded projects</i>	<i>Allocated funds</i>
Avviso 1 of 10 December 1999	48	16 billion 500 million lire*
Avviso 2 of 6 November 2000	47	7 billion 500 million lire**
Avviso 3 of 10 October 2001	58	7 billion lire***
Avviso 4 of 26 September 2002	69	2.480.513 euro
Avviso 5 of 2 January 2004	72	4.131.700 euro
Avviso 6 of 24 January 2005	77	4.272.000 euro
Avviso 7 of 20 January 2006	77	3.861.400 euro
Avviso 8 of 21 February 2007	42	4.000.000 euro

<i>Public Calls</i>	<i>Co-funded projects</i>	<i>Allocated funds</i>
Avviso 9 of 4 February 2008	43	4.400.000 euro
Avviso 10 of 10 February 2009	40	4.600.000 euro
Avviso 11 of 4 March 2010	40	4.400.000 euro
Avviso 12 of 7 July 2011	27	4.000.000 euro
Total	640	52.155.777 euro

Table 18
“Art. 18” projects (d.lgs. 286/98) from 2000 to 2010

	<i>Avv.1</i>	<i>Avv.2</i>	<i>Avv.3</i>	<i>Avv.4</i>	<i>Avv.5</i>	<i>Avv.6</i>	<i>Avv.7</i>	<i>Avv.8</i>	<i>Avv.9</i>	<i>Avv.10</i>	
	<i>March</i>	<i>March</i>	<i>March</i>	<i>May</i>	<i>June</i>	<i>June</i>	<i>June</i>	<i>2007-</i>	<i>2008-</i>	<i>2009-</i>	<i>Total</i>
	<i>00/01</i>	<i>01/02</i>	<i>02/03</i>	<i>03/04</i>	<i>04/05</i>	<i>05/06</i>	<i>06/07</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	
No. of persons (adults and children) who participated in the programmes	1.755	1.836	1.797	1.971	2.039	2.143	1.976	1.172	1.731	1.770	18.190
No. of children	75	80	70	118	139	266	198	48	nr	nr	994

Table 19
“Art. 13” (l. 228/2003) from 2006 to 2010

<i>No. of persons (adults and children) who participated in the programmes</i>	<i>Avviso 1</i>	<i>Avviso 2</i>	<i>Avviso 3</i>	<i>Avviso 4</i>	
	<i>2006/2007</i>	<i>2007/2008</i>	<i>2008/2009</i>	<i>2009/2010</i>	<i>Total</i>
	438	452	690	611	2.191
No. of children	51	40	nr	nr	91

442. In 2011, in the perspective of implementing an even more comprehensive national strategy against THB, the Department of Equal Opportunities – in cooperation with all the national authorities committed to this issue and all the other relevant public and private actors – started working at the elaboration of a National Action Plan against trafficking. The technical board for the elaboration of the national action plan against trafficking was established by the Department of equal opportunities in 2010 and started working in January 2011. Representatives of the main Ministers and institutions involved, as well as representatives of the national network of NGOs working in the field of anti-trafficking (CNCA) participate to the working sessions of the board on a permanent basis. The first draft of the plan is supposed to be finalized in 2012. The Plan will take in due consideration the specific needs of trafficked/exploited children, as well as a gender based approach, as cross-cutting issues to the national strategy to be developed. The National Action Plan will provide as well for the establishment of a formalized national referral mechanism for trafficked persons, including minimum standards for protection and standard operating procedure for the referral of victims to the proper service providers.

Article 11. Right to an adequate standard of living

(a) Right to the continuous improvement of living conditions

443. ISTAT, which ensures the monitoring of national poverty incidence, considers as a “poor family” a family made of two people who consume less than the average per capita consumption in the country. The ISTAT 2005 Report on poverty in Italy had identified 2,585,000 families in poverty, that is to say more than 7.5 million people living below the poverty line: 13.1% of the population (11.1% of families).

444. Based on the defined threshold in 2006, 2,623,000 families in relative poverty were detected, that is the 11.1% of resident families and 7,537,000 people, or 12.9% of the population.

445. This definition differs from that adopted at EC level, where the (risk) threshold of poverty is set at 60% of median equivalent disposable personal income. Eurostat data, based on a non-comparable methodology with the national one (in particular, the former are based on income rather than consumption), show a stable incidence of low-income population (“at risk of poverty” according to the official definition) around 20%.

446. The differential between the rates of relative poverty of the South and the ones of the rest of the country is the most obvious aspect of the “Italian model of poverty”. The incidence of poverty, as measured by the national indicator, in the South and Islands (22%) is twice the average and nearly five times higher than that recorded in the North (4.7% in Lombardy, 5.0% in Veneto, 3.9% in Emilia Romagna, compared with 23.0% of Basilicata, 27.8% of Calabria, 28.9% of Sicily). This distance has been confirmed by a measurement and comparison within a European framework. Applying the European indicator provided by Eurostat with a national threshold for the area of Milan and of Sicily, there would be a level of relative poverty incidence by 7.3% in the first (fairly below the European average, both EU-25 and EU-15) and 46.6% in the second, a difference of nearly seven times. The gap would widen further if it would be used a single European poverty line measured on the average income in EU-12.

447. The risk of poverty increases with family size: huge families are tied with high levels of incidence of poverty. The presence of children is also a risk factor. EU-SILC survey in Italy showed an incidence of 41% for “families with two adults and three or more dependent children”, almost twice the EU-15 average incidence (22%) and far also from the EU-25 average (24%).

448. Children in relative poverty, using the national methodology, are 1,728,000 in Italy, which is approximately 23% of the poor population, well above the reference population (18%), with a high prevalence of children (61.2% are under-11) and a disproportionate concentration in the South, where 72% of poor Italian children lives.

449. The condition of the elderly is slightly different. 1,601,000 over-64 Italians are in poverty (2006), with an incidence (based on national indicators) close to 14%, higher than central age classes, although rates are improving (-2/3%) since previous decade. Even in comparative terms, Italy's position looks better: the Italian rate of relative poverty falls 2% below the EU-15 average for the over-75. Despite the better performance than the one regarding the children, due largely to the offset exercised by the Italian welfare system, the risk of falling into poverty rises in presence of several factors: elderly couples with children deprived of economic independence (16.7%); elderly single parents (16.8%); other types of families with at least one senior (18%).

450. Children and elders are two groups of people which, yet far from achieving financial autonomy or having at least partially lost it with their retirement, have a dangerous exposure to the risk of poverty.

451. In line with the demands of the European Council to all Member Countries, the Italian governments, since 2006, have assumed the goal of relaunching inclusion policies aimed at achieving greater social equity. The commitment was formalized in the National Strategic Report 2006-2008, but had to connect with the need, recalled by the European Commission itself, to plan policies for consolidation of the Country's debt. Therefore, the measures taken were characterized mainly by economic and fiscal decisions aimed to achieve zero deficit in 2011 and a reduction of debt below 100% of GDP in the same year. Policies to combat poverty were therefore placed in a context of public expenditure control and auditing of the tax system with the ultimate aim of achieving greater social equity. These goals were reconfirmed in 2008 when the new government settled, provided that the impact of the economic crisis creates tension on the progress of the country's public debt due to the decline of GDP.

452. It seems important to note that these interventions, primarily regulatory, involve the responsibilities of various levels of government and, in some cases, of third sector organizations, voluntary organizations, and social partners. These initiatives are of particular importance because they are directed toward new methods of intervention, which provide for the next years an increasing exercise of governance forms which, thanks to an agreement between the different levels of government (State, regions, local authorities), have common objectives, homogeneous guidelines, and mechanisms for monitoring and controlling actions and measures related to policies for combating poverty and social exclusion.

453. With the National Strategic Report 2008-2010, the Italian Government has therefore launched a complex challenge, through which Italy plans to reform its welfare model in order to increase the centrality of the individual and its relational projections, starting from the family. A welfare of opportunities, able to reinforce their continued self-sufficiency, with customized and differentiated offerings, encouraging responsible and useful behaviours and lifestyles. During current term, according to the strategies outlined in the White Paper presented in the first half of 2009, the Government intends to pursue the objectives of:

- (a) To overcome failure and waste of the current welfare model;
- (b) To develop a new model that accompanies people throughout their entire life cycle; a universal, selective, and customized welfare system, which will measure its effectiveness of policies on youth, women and disabled people in terms of true equality of opportunity;
- (c) To redesign a model of governance that ensures a renewed and authoritative central government with responsibility for directing and address, by giving the other hand to local institutions and intermediate bodies provision of services, according to quality standards and minimum levels of performance and to the principles of subsidiarity, differentiation and responsibilities.

454. This re-orientation of the welfare system should not lead to a reduction in social spending, but to a better allocation of resources, in order to offer greater fairness and efficiency in encouraging a rise of the birth rate, in breaking down barriers and facilitate mobility in the fight against discrimination and combat poverty. A strong commitment is also reserved for the issue of extreme poverty: the objective is to ensure a tangible

improvement of living conditions in those who experience the severe marginalization or the condition of homelessness.

455. In this context should be placed the measures that were undertaken, starting in 2006, and in particular how to support family income:

(a) Support for the cost of children: with 2007 Budget Law, it has been provided an initial increase of family benefits based on family income and the number of children. The benefit was further promoted with 2008 Budget Law, which introduced a deduction of € 1,200 for households with at least four children;

(b) Bonus for people in need: in addition to the deduction of € 1,200 mentioned above, and because these individuals have benefited in terms of minimum income of a one-off measure on 2006 income, of a € 150 bonus for the householder and for each possible dependent family member;

(c) Help for retired people: following the Welfare Protocol (signed between the government and social partners in July 2007), it has been introduced a “fourteenth month” for pensioners with low income (€ 654 per month). 3.5 million over-64 pensioners took advantage of it. The same protocol increase, since 2008, also pensions for over-70 pensioners, and for over-60 invalid by deafness and blindness. The monthly income is thus established in € 508;

(d) Measures to support house costs: 2008 Budget Law increased deduction of ICI (municipal property tax) on the first house, essentially eliminating the tax on first homes for the lowest incomes. In 2008, with the first measure of the new legislature, aimed to protect the income, ICI has been completely abolished. As for the tenants, we have introduced a € 300 annual deduction for people with a yearly income up to € 15,494, and a € 150 annual deduction for those with a yearly income between € 15,494 and € 30,987. In this action, it has also been provided a refund for people in need. Furthermore, young tenants between 20- and 30-years-old, with less than € 15,000 yearly income, are entitled to a deduction of € 1000 per year, while for those with income between € 15,000 and € 30,000 the deduction decreases to €5,000;

(e) Tax relief on overwork: in order to increase labour productivity and wages in the private sector, along with the house costs measure, it has been set up a trial period (from July 1st to December 31st, 2008) for a 10% reduction on income taxes and regional and local additional taxes, within a € 3,000 limit of the gross company retribution for overwork, additional increments of productivity, innovation and organizational efficiency, and other items related to the economic viability and competitiveness of enterprises. The provisions are experimental and are applicable only to private sector and to holders of employment income not exceeding € 30,000 (for 2007). (This legislation takes account of the European Directive 93/104/EC of November 23rd, 1993, which set working hours to 48 per week, including overtime, and Directive 2003/88/EC of the European Parliament and the Council, issued on November 4th, 2003, now in force);

(f) Protection of the unemployed workers: the above mentioned welfare protocol also addressed non-agricultural unemployment indemnities, both in duration and in amounts. The duration of the allowance with full requirements rose to 8 months (12 for over-50), increasing it respectively by 2 and 3 months. The amount is also increased to 60% of last perceived salary for the first six months, 50% for two months and 40% for any remaining months. The allowance for employees with irregular working or unemployed (INPS members, but without the minimum level of contributions) rose from 30% to 35% for the first 4 months and 40% for next possible two months. The notional contribution is fully insured (based on the previously received salary) during all the indemnity period;

(g) The “purchase card” project, which can be requested by citizens who live in conditions of greater economic distress: over-65 people and families with up to 3-years-old children with a € 6,000 annual income. For the over-70, the income threshold is € 8,000. The card, on one hand, works like a real debit card for the purchase of food or pharmaceutical products and to pay the tariffs for domestic users; on the other hand, to qualify for discounts for food or para-pharmaceutical products, defined with an agreement between the government and major food producers and distributors. The card value is € 480 per year and is charged with € 80 every two months, on the basis of available appropriations. The purchase card programme is operational since December 1st, 2008, and since then 500,000 cards have been credited. Following the activation of the programme, territorial authorities (regions and cities) have proposed to join the initiative, by contributing financially to increase the economic benefit for the citizens residing in their territory;

(h) Family bonus: it is conceived for a vast number of retired people and families with dependent children. The bonus range from a minimum of € 200 to a maximum of € 1000, distributed according to income. Families of employees with children and retired people with an annual income of up to € 22,000 are eligible for the bonus. For families who have a disabled component, the threshold is € 35,000. The bonus is cumulative with the purchase card and is delivered through a tax deduction. The benefit are: € 200 if household is formed by one person whose income does not exceed € 15,000 per year; € 300 if household is formed by two people with a € 17,000 income per year; € 450 if household is formed by three people with a € 17,000 income per year; € 500 if household is formed by four people with a € 20,000 income per year; € 600 if household is formed by five people with a € 20,000 income per year; € 1,000 if household is formed by five or more people with a € 22,000 income per year. The request should be addressed to Tax Agency, and deadline is postponed from January 31st to February 28th. For this measure, € 2.4 billion have been allocated;

(i) Credit fund for new-borns: it is a bank guarantee offered to parents, with a new-born or newly adopted child in the reference year, applying for a loan to bank guarantees. For 2009, the fund has been increased by € 10 million, to be allocated to families with children, also adopted, who may carry rare diseases. In addition, families with children up to 3 months, who are entitled to purchase card, are also entitled to a contribution to buy formula and diapers. The spending limit is € 2 million;

(j) Guarantee for those who have a variable rate mortgage: the fixed part of the rate amount of non-fixed-rate mortgages (indexed and mixed rate) charged to the borrower is calculated using the highest rate between 4% and the one determined at the date of conclusion of the contract. The remainder will be paid by the State, which has allocated € 350 million for this issue. The measure applies to purchase and construction of the main residence, signed by individuals before October 31st, 2008;

(k) Social Solidarity Fund for loans to purchase their first home with a budget, for both 2008 and 2009, of € 10 million. Recipients of assistance are subjects which, at the time of the application, obtained a loan to buy a house to be used as main house, situated in national territory. Access to the fund for the suspension of payments can be guaranteed no more than twice in a maximum period of no more than 18 months during the execution of the contract. The duration of the loan agreement and of the provided guarantees is extended for an equivalent period to the period of suspension. At the end of the suspension, payment of the instalments is resumed according to amounts and frequency originally foreseen in the contract, unless otherwise agreed between the parties after a renegotiation of the terms of the contract itself;

(l) Activation of facilitated fares for domestic electricity and gas. The mechanism provides for compensation within the overall number of electric and gas

utilities users. The beneficiaries of compensation are those household whose ISEE amounts to up to € 7,500 (it is exactly the same threshold which is already provided for a discount on electricity tariff). The Authority estimates that 3.5 million households may be eligible. Everyone contributes to offsetting: both households whose ISEE amounts to more than € 7,500 and non-residential customers, i.e. enterprises.

456. With specific reference to people who live in extreme poverty and homelessness, the Government sought a commitment that the European Parliament adopted with Written Declaration 0111 in 2007, which attracts all levels of the EU institutions and Member States to take measures to stop the problem of homelessness by 2015. The Government White Paper itself says the government needs to understand and combat the severe poverty and exclusion. In particular, due to the 2010 recurrence, designated by the European Commission as “European Year against poverty”, the Italian Government intends to adopt a comprehensive plan to combat extreme poverty, which move from the enhancement of the ongoing findings actions and from a closer interaction and participation with all institutions and individuals.

(b) The right to adequate housing

457. With regard to social inclusion of immigrants and the Roma, the Ministry of Labour and Welfare has defined programmes, for which specific resources have already been spent in 2007 and 2008, regarding three main areas: the Italian language, the first step towards full integration; the regular work, as it guarantees rights and protections, and is a vehicle for integration of immigrants in the socio-economic context in which they live; and housing, in the belief that it is necessary to ensure decent housing conditions, including combating certain forms of discrimination:

(a) Italian language teaching, with priority given to students of recent immigration and interventions involving parents and migrant families in educational activities and orientation of foreign students, with the aim of promoting intercultural dialogue between Italian and foreign students and their families;

(b) Access to regular work, with particular attention to immigrant women (the weak segment of the immigrant population), through the creation of programmes for social and economic promotion of migrant women in difficult conditions, also through training, orientation and integration in workplaces and protection against all forms of gender and ethnic-racial discrimination;

(c) Access to housing, through actions for recovery of degraded areas and neighbourhoods, for renovation of abandoned housings, for construction of transitional housings, for strengthening the practice of public-private partnership aimed at increasing housing supply, for fight discrimination, for raising public awareness, and for reception, information and guidance initiatives.

458. Finally, it was reconstituted the Consult that deals with problems of foreign immigrants and their families, and represents a permanent forum for dialogue and exchange between the central government and all stakeholders, and also acts as an observatory on the integration processes in the country.

459. About findings actions, the Government is trying to achieve in the next three years the objectives of the research plan, aimed in particular to establish a framework for in-depth knowledge regarding homeless on the entire Italian territory. It was decided to launch a quantitative investigation with ISTAT, Caritas and the Federation of the sector's companies (FIO.psd, Italian reference of Feantsa) in order to fill the persisting data gaps about the phenomenon of people living in extreme poverty and homelessness and to deepen the

analysis of this phenomenon in our country. The study focuses on a thorough knowledge of statistics, analysis of needs, the causes and progress of the “careers of poverty”, as well as the measures offered to these categories. At the same time, an ethnographic research was launched among the five largest cities (Milan, Genoa, Bologna, Rome and Bari) on the conditions of daily life of homeless people, their survival dynamics, their relationship with reality, their space and especially with the services of first asylum. The intended purpose of this study is to bring out the phenomenon to identify policies, actions and projects aimed at improving the living conditions of these people (researches, being handled by research centres and major Italian universities, began in January 2008 and are still ongoing).

460. Homeless are a target on which the Italian Government wishes to pursue convergent action of measures and interventions, in order to improve the tools for dealing with this issue. In this regard, experiences of local observers, already established and funded with communitarian and local resources, are being promoted, promoting the strengthening of the network and the role of individuals as incentives for the formulation of appropriate land policies. In accordance with the representation of Italian Municipalities (ANCI), a general law will be applied throughout the country on the registered residence (an initiative already implemented in some major Italian municipalities), in order to allow a condition of access to rights and the entry in the system for support and inclusion interventions (e.g. the extension to these persons of measures to combat poverty, such as the aforementioned “purchase card”). This could become a platform for access to an even broader spectrum of benefits and services, to be configured as a path of reintegration.

461. Some can certainly say that in recent years, the attention towards the various levels and forms of poverty has become more observant and aware. The various governments have begun to take note that some measures, which achieved just to keep under control the problem, were inadequate to give a firm and stable reversal. Hence the need to guarantee everyone the right to a “universal” service, linked in a broader sense to basic social services, to development of networks of solidarity, to a perspective of vertical and horizontal subsidiarity which also involves associations and civil society, to the promotion of social cohesion of individuals able to activate the solidarity between generations, and promote the inclusion of individuals and groups at risk of exclusion.

462. With regard to the issue of children, during the years 2000-2007 some significant data collecting and studies has been carried out on children belonging to economically and socially disadvantaged families. The most significant of these activities can be summarized in two major categories of poverty and social exclusion, and of children without a family.

463. It has been noted that in Italy the strategies to combat child poverty and social exclusion are already contained in the National Action Plan for help of children and adolescents and the National Action Plan against poverty and social exclusion.

464. The outline of the III Biennial Action Plan of intervention to protect the rights and development of children has already been completed and is currently under review by the Bicameral Commission for Children, which shows that the fight against poverty is an objective to be declined in a number of goals and actions to remove economic and social obstacles to full development of the person, and to allow to practise the incompressible right to a free and dignified existence. These goals and actions range from transfers to families to active labour market policies, to widespread services of conciliation, to reduction healthcare and housekeeping costs, to family support, and to access to free and high quality education.

Article 12. Right to health**(a) Female genital mutilation (FGM)**

465. According to a 2009 survey, committed by the Department for Equal Opportunities (DEO), in Italy around 35 000 women immigrants – most of them coming from countries of the Sub-Saharan Africa – have undergone some form of FGM, before emigrating to Italy or during their returns in their countries or in Italy. Considering that around 4.600 are the young girls under 17 years of age, coming from countries in which FGM is practised, potential victims are around 22%: it means that the girls at risk of undergoing this harmful practice are around 1.000.

466. In line with the 1995 Beijing Declaration and Platform for Action, the Italian Government has provided the necessary legislative measures to prevent, contrast and punish this practice through the adoption on January 9th 2006 of the Law No. 7 entitled “Provisions concerning the prevention and prohibition of the practice of female genital mutilation”.

467. This act is finalized to the prevention, the care and the rehabilitation of women and girls undergoing FGM. It has been thus intended to sanction⁹ harmful traditional practices which affect children, adolescents and women.

468. The law not only prohibits FGM, but also mandates a range of prevention measures, support service to victims of FGM and information and training initiatives.

469. The law, indeed, provides for the following measures:

- A toll free number 800 300 558, set up within the Ministry of the Interior (see Art. 5 of the Law). It is conceived to receive reports from whoever becomes aware of cases of FGM on the national territory, and to provide information on charity organizations, NGOs and health-care facilities that operate within those communities of immigrants, coming from countries where such practice occurs;
- Information campaigns on fundamental human rights finalized to inform and disseminate about the prohibition of such practice in Italy (see Art. 3 of the Law). The Minister for Equal Opportunities has been assigned a strategic role in the prevention and repression of FGM. Among the initiatives carried out, a brochure and a poster were realized to discourage such practice by recalling the relevant international standards and criminal law provisions. The pamphlet, as circulated among the prefectures, the border police Offices, the reception Centres, and the Immigration Offices at the Police HQs., was realized by consulting and getting contributions from immigrants’ associations, relevant NGOs, doctors and anthropologists who provided valuable suggestions for a lean, effective and immediate impact brochure;

⁹ According to the law provisions, whoever practises female circumcision will be punished with imprisonment from 4 to 12 years, and the penalty will be increased by one third if the mutilation is performed on a minor, and in all cases in which it is done for profit. The introduction of a specific criminal behaviour fills a legislative vacuum. In the past, for such conduct it was envisaged the crime of bodily injury, punishable under Article 582 of the penal Code. Now the new crime is specific, distinguishes the particular conduct and above all provides a severe penalty. In fact Article 583-ter of the penal Code also provides for the punishment of the health-care provider in the event s/he perpetrates the offence under reference, by adding as the corollary of the above penalty, the interdiction of the profession from 3 to 10 years.

- Public awareness initiatives, in collaboration with health-care centres, voluntary organizations and non-profit organizations, in addition to information courses for pregnant infibulated women. The Ministry has been also assigned to launch relevant training courses for teachers (given the role that education and the school system can play in promoting and disseminating knowledge of women's and girls' rights).

470. Furthermore, the first "National Plan to combat violence against women and stalking", approved on November 11th 2010, expressly refers in its preamble to combat the phenomenon of FGM.

471. In order to better accomplish and coordinate the tasks assigned by the Law, in 2006 the Minister for Equal Opportunities established, by Ministerial Decree of 16 November 2006, the interministerial Commission for the Prevention and contrast of the practice of female genital mutilation.

472. In January 2007 the Commission approved the first Strategic plan aimed at programming initiatives and measures to contrast these traditional harmful practices. The Strategic Plan was finalized in a Public Call published in August 2007 aimed at financing projects to prevent and combat the practice of FGM.

473. On the basis of experience gained through the realization of projects, above mentioned, in January 2011 the Commission approved the second Strategic Plan to prevent and contrast the phenomenon, after the validation and an agreement of the Conferenza Stato-Regioni¹⁰. The total amount allocated for this future initiative¹¹ is 3 million Euros.

474. At the moment, the mandate of the Commission has expired, but the process of appointing the new members of the Commission is currently being carried out.

475. A public call was published in August 2007 aimed at financing projects to prevent and combat the practice of female genital mutilation in 3 different areas: actions/research projects; awareness-raising campaigns; training courses. The public call admitted Regions, local Authorities, and National Health Service's Administrations, in addition to bodies of the Third Sector, no profit organizations which have, as their main purpose, the protection of health or the human rights of migrants. The total amount allocated by the DEO for this initiative was 4 million Euros.

476. Among the relevant interventions carried out and financed by the DEO, at national level, it is worth to be mentioned the following:

- The national campaign "Nobody excluded" realized by the local Association Almaterra, and financed by the DEO through the 2007 public call, which was directly addressed to the immigrants parents;

¹⁰ National body composed by the State authority and the Regions.

¹¹ In particular, it has been confirmed the following priority actions: a) the elaboration of intervention models characterized by an innovative and experimental approach, such as specific guidelines. The main goal is to promote the social integration of women and children victims of FGM, as well as the elimination of this and other practices such as forced marriages; b) the development of specific training courses, addressed to the operators aimed at facilitating any relations between institutions and African immigrants, with particular regard to girls of second generation; c) the promotion of information and awareness raising actions according to a "bottom up" approach strengthening the dialogue and the close cooperation with immigrants at risk of FGM.

- The realization of training courses addressed to teachers and cultural mediators in cooperation with the relevant sector associations involved in this field, financed by the DEO through the 2007 public call;
- The national campaign “END FMG”, supported by the Minister for Equal Opportunities, which was designed by Amnesty International. The END FMG network has realized a strategy for the European Institutions and the national Government in order to accelerate the deflection of the female genital mutilation for migrants living in Europe.

477. Furthermore, a Study Commission on the right to health has been established at the Department for Equal Opportunities by Ministerial Decree of 23 October 2008. The Commission monitors the current situation and submits proposals aimed at ensuring that all citizens receive equal treatment and enjoy equal access to healthcare services without discrimination. It is also vested with the tasks of highlighting positive actions for the promotion of equal opportunities of immigrant women, submitting proposals for the implementation of a protection programme for women and children and measures to guarantee equal rights to health for vulnerable people, elderly people and patients affected by neoplastic diseases. Also the issue of organ transplantations will be a subject of study and intervention. In addition, the Commission promotes a culture of health and prevention, through information campaigns and raising-awareness actions.

478. At present, three study and analysis projects on health are being elaborated. They are funded by the Department for Equal Opportunities and have been commissioned to research institutions according to the requests of the Study Commission on the right to health.

479. The researches are being respectively carried out in the areas of:

- Access to healthcare for immigrant women;
- Protection of the childhood of mothers and reduction in the number of caesarean sections;
- Stigma on anxiety and other mental illnesses.

480. The pro-tempore Minister for Equal Opportunities has signed a Memorandum of Understanding with the National Social Welfare Institution (INPS), the National Institution for Insurance against Accidents at Work (INAIL), the Institute for Social Affairs (Ias) and the Italian Endometriosis Foundation, aimed at increasing public awareness on endometriosis – a disease affecting three million women in Italy – through information campaigns carried out in order to awaken female population and promote early detection, as well as through the institution of a technical panel at the Ministry, the support to scientific research and specific assistance programmes to help women patients, who are too often victims of discrimination, re-enter the labour market.

481. The information campaign, led in 2011 and disseminated by the main national media, raised great interest, as shown by the many appreciation letters and messages received by the Department.

482. Moreover, the Department for Equal Opportunities has allocated 2 million euros to fund projects and training for physicians working in paediatric departments, through the Public Notice published in the Official Journal No. 300 of 24 December 2008 for experimental actions aimed at supporting Third Sector bodies dealing with clown care. The Department for Equal Opportunities also intends to promote measures for children experiencing hospitalization.

Article 13. Right to education

483. It is to be issued the Interministerial Decree between the Ministry of Education and the Ministry of Health laying down provisions updated in the field of education at home for pupils with pathologies that prevent temporarily school attendance. This decree contains indications regarding the areas of application, the preconditions for the provision of the service, the teachers training, the integration with the information and communication, the evaluation of home intervention, the inter-institutional agreements and synergy, the organization of network and services.

(a) “Languages of schooling and multilingual and intercultural curriculum” project

484. In order to concretize the educational, intercultural, linguistic perspective proposed at the Intergovernmental Forum in Geneva in November 2010, in Italy has been initiated an action research project on the whole national context for the construction and testing of multilingual and intercultural curriculum in schools of the first cycle of education

485. Actions for the reception and integration of pupils with non-Italian citizenship foreigners integration Office, Miur. General principles and legislation: 1 2006: Guidelines for the reception and integration of foreign pupils, Ministerial Circular No. 24 of March 1 2006, provides a summary of recommendations for the organization of measures for the inclusion of foreign pupils. The document, which has mainly practical purposes, offers a common denominator, concrete, operating from good practices of schools, to be proposed to the whole school system. It begins to define the theme of a strong presence of foreign pupils, later taken over by the ministerial circular on inscriptions of the January 15, 2009 December 15, 2007, and especially from C.M No. 2, January 8, 2010.

(b) Italian intercultural school policy

486. The Italian way for intercultural school and the integration of foreigners, is drafted by the National Observatory for the integration of foreigners and intercultural education, established in December 2006 at the Ministry of education. The title of the document brings together two complementary dimensions: the first ' intercultural ' involving all pupils and all disciplines, through knowledge and learning styles, and the second of ' integration ', i.e. the set of measures and specific actions for the reception and language learning, aimed in particular to pupils of recent immigration. The document contains 4 principles and 10 actions. Two of these are initiated: Direction of schools in multicultural contexts, through national training workshops focused on methodology workshops for discussion and exchange of experiences among executives: Rimini, May 2007; Turin, November 2007; Milan, April 2008, Abano Terme, May 2009, Riccione, October 2010; and the National Plan for L2 students recent immigration

487. The national plan for the teaching of Italian as a second language (intended specifically to pupils of recent immigration of secondary schools of first and second grade; on the model of NAI ENAF French) was prepared by the National Observatory for the integration of foreigners and funded within the programme ' Schools Open ' for the year 2009.

488. Thousand projects have been financed, involved 3000 teachers, 400 projects in collaboration with local authorities, school camps and 100 in summer camps.

“Guidelines and recommendations for the integration of pupils with non-Italian citizenship”, (c. m. No. 2.8 January 2010) this document addresses the issue of distribution of non-Italian pupils in the classes and schools of strong multicultural

contexts. It introduces the theme of the management of the “roof” of 30% of foreign pupils in classes.

Survey of Education and Culture Commission of the Chamber on “issues related to the acceptance of non-Italian pupils” and “financial interventions for the expansion and qualification of inclusive education students immigrants or children of immigrants and for the promotion of the intercultural dimension of knowledge” (Chamber of Deputies, January 20, 2011, No. 4018)

Other Initiatives: between October and March 2011 were held three national training Seminars for school leaders, “Direct schools in multicultural contexts”, in Riccione, 4/6 ottobre; for teachers of schools with Roma pupils, the National Seminary “Roma children, Roma pupils. School, languages, cultures” Gardone Riviera (BS), 18/20 October; reserved to regional and provincial coordinators of networks of schools, The National Seminary “At school of the Mediterranean”, Aci Castello, Catania, 9/February 11, 2011; The National Project

“On the banks of interculture”, an intercultural approach to the disciplines (mathematics, geography, literature, music, etc.), school year 2010/2011, for primary and secondary schools of first grade, in collaboration with the education offices of Piemonte, Veneto and Lazio and with the support of the Ministry of Internal Affairs (European Fund for the integration of third country nationals)

Collaboration with the Centro studi Alberto Manzi and with the Italy 150 Committee. National Conference on the theme the history and stories of illiteracy, Torino, September 2011, and a series of initiatives linked to the exhibition figure of Alberto Manzi, inside of events for 150 years of the unification of Italy, March/November 2011. In collaboration with the province of Milan a national seminar on the issue of non-citizenship with Italian students in technical and vocational institutes in Milan, 22/24 October. “Interculturalism in Middle Earths” 22/23 September, Isernia, Molise. The theme of the school and interculturalism in Middle Italy: villages, towns, valleys. National project “Italy of fairy tales. Travelling with Italian Folktales by Italo Calvino” (as they are “Italian” Italian fairy tales collected by Calvin, what are the similarities and exchanges with other countries and cultures?), school year 2010/2011, for primary and secondary schools degree in cooperation with the Committee Italy 150 and the Italian Association of libraries.

489. In 2011, the Department for Equal Opportunities has consolidated the results achieved through the project “Women, Politics and Institutions – a training path for the promotion of gender culture and equal opportunities”, started in 2005, improving its effectiveness on the basis of the previous best practices and promoting other educational initiatives in order to spread gender culture within the relevant institutions and to develop a greater and more specific involvement of women in all aspects of life.

490. Besides high level standard courses that are being and will be performed until 2013 in the major Italian universities, internships and exchanges of experiences on gender culture and rights are being promoted in public and institutional offices, also abroad.

491. Another project, concluded in 2005, was “Europe pour les femmes” aimed at promoting the principle of democracy and equal representation of women and men both in the private and public sector at local, national and European decision making level in the fields of economy, politics and finance. Fighting against gender stereotypes that prevent women from having access in the decision making process allows to improve the Government performances at all levels.

C. Other elements relating to concluding observations

Roma and Sinti

492. It is believed that in a historical context, in which we discuss security policies and integration policies, a leading role should be played by the strengthening of inter-institutional dialogue to promote the inclusion of the Roma people, and the stimulation of a more effective comparison between civil society, institutions and Roma community, as well as an awareness of the community by developing measures to counter stereotypes and prejudices against these communities.

493. Under the National Strategic Framework of the Structural Funds for the period 2007-2013, Action Plans were programmed that include structural measures to improve the Roma community through the ESF and ERDF funds, agreed with the relevant management authorities.

494. Through the identification, analysis and transfer of good practices on non-discrimination with a benchmarking approach, the aim is to launch a system that will gather into a network – which will include all relevant actors at different institutional, European, national and regional levels – the developed practices and referred to the overcome of the various forms of discrimination. The purpose is to assist in the dissemination and transfer of experience, and to increasing expertise on specific subjects and the comparison between the regions of Europe.

495. In this regard, since January 2008, Italy joined the European Network EUROMA (<http://www.euromanet.eu/>) on Roma Inclusion, sponsored by ESF Unit of the Spanish Ministry of Labour and Social Affairs. Italy, along with twelve other countries, participates to the network Management Committee. The network aims to increase the use of structural funds by local institutions for action on social inclusion of the Roma community, and provide guidance for policy makers to plan more effective interventions, promoting the exchange of good practices and information on ongoing initiatives between those who work on the Roma issue.

496. To this end, the POF General Director has promoted the creation of a national board, to which currently belong several national and regional administrations. Its objective is to share information on initiatives carried out in Italy for Roma people and promote the comparison between those who are in various way involved in developing and implementing strategies to promote the inclusion of this community.

497. The board can therefore be the place to give greater coherence and unity to the experience in the area with various forms of financing, to be regained as part of the European Network on Social Inclusion and Roma under the Structural Funds (EURoma) network. Member States are primarily responsible, in fact, for specific policies in the strategic areas of integration: employment, social inclusion and education.

498. For further information on meetings and related documents of the European Network on Social Inclusion and Roma community – EURoma and the National Network for Social and Working Inclusion of Roma people visit <http://www.transnazionalita.it/>.

499. In this context, should be stressed the contribution of the Regions and Autonomous Provinces. The topic of social and working integration of Roma people was in recent years more and more considered by Regions: on one hand, due to the increasingly significant presence on their territory of these communities; on the other hand, due to continued calls

from the European Institutions in the direction of full use of Community resources to promote integration.

500. The Europe's "thrust" has led, therefore, the regional governments to strengthen policies of integration through the use of available EC instruments, knowing that long-term planning that characterizes Structural Funds helps in planning potentially useful initiatives to produce significant impacts in terms of inclusion of this target.

501. Among the various means of financing, the European Social Fund can play a particularly strategic role in promoting the enhancement of employment opportunities and skills development, as well as social and working inclusion of vulnerable groups.

502. Through this Fund, in principle, actions can be carried out on two fronts:

- Contrast to school drop-out;
- Raise of the literacy skills of the adult population, for an easier integration into the labour market and in the productive system.

503. For what may concern social inclusion of immigrants and Roma and Sinti people, it should be noted that among the proposals made by the National Observatory for Children and Adolescents, in the framework of the III Biennial Action Plan of intervention to protect the rights and development of children, already completed and currently under review by the Bicameral Commission for Children, particular emphasis has been given to the objective of promoting intercultural awareness through a series of actions: from health protection (through the guarantee of accessibility to maternal and child healthcare services, of facilitation in family reunification, of contrast the phenomenon of early marriage and, consequently, of early motherhood) to enhancement of "culturally homogeneous" foster care experiences, from targeted training of teachers to prevention of school drop-out for Roma children and immigrants in general, from building a network of integrated services that meet the specific needs of foreign and Roma children, through cultural and social mediation, designed to facilitate the recognition of cultures and social integration, promoting a creative conflict management.

504. Below, full measures provided for by this Plan are referred to:

The actions

<i>Title:</i>		
<i>Family reunion for foreigners</i>		
Type of action:	Acts of the central government, in coordination with regions and autonomous provinces	Code: D01
Objective:	Promoting cohesion of immigrant families in Italy, allowing an educational planning for foreign children, in order to provide such opportunities for true integration and better security for all citizens.	
Action/ Intervention:	To facilitate and expedite the procedures for family reunification and family cohesion, when involving a child.	

Title: *Family reunion for foreigners*

People involved: Developers

- Ministry of Interior

Contributors

- Police Stations
- Municipalities

Final recipients

- Foreign children in Italy and their families
-

Title: *Housing plan for Roma, Sinti, and Camminanti people*

Type of action: Acts of the central government, in coordination with regions and autonomous provinces Code: D02

Objective: Overcoming the camp/village model, as privileged housing proposal (and overcoming the idea that the Roma, Sinti, and Camminanti are all nomad people), in order to prefer stable housing solutions.

Action/ Intervention: A legislative intervention for a housing plan specifically intended:

- To include them in allocation of popular housing (already implemented in some cities);
- To involve Roma, Sinti, and Camminanti in recovery of abandoned structures (becoming usufructuaries with direct economic participation) and / or in home-brewing;
- To realize micro-areas (with co-planning and economic participation) for some families of Roma, Sinti, and Camminanti who prefer a “family” solution.

People involved: Developers

- Legislative Offices
- Dept. of family policies
- Ministry of Labour and Welfare
- Ministry of Infrastructures

Contributors

- Regions, Provinces and Municipalities
- Third Sector
- Roma families

Final recipients

- Roma, Sinti, and Camminanti families
-

Title: *Support, education and support for working inclusion towards criminally prosecuted Roma, Sinti and Camminanti children and adolescents*

<i>Support, education and support for working inclusion towards criminally prosecuted Roma, Sinti and Camminanti children and adolescents</i>		
Title:		
Type of action:	Acts of the central government, in coordination with regions and autonomous provinces	Code: D03
Objective:	Protecting the rights of those at greater risk of social exclusion, especially Roma, Sinti, and Camminanti children under criminal trials.	
Action/ Intervention:	<p>1 Activation of experimental education programmes, with a tutor who will perform educational guidance, favour a path to empowerment and filters the impact with the social community of reference. The tutors identified along social workers will receive a training and awareness course about the issues that has to manage.</p> <p>2 Development of experimental model of tutoring at the end of the experimentation carried out for a limited number of children;</p> <p>3 Publication of guidelines for the implementation of the courses;</p> <p>4 Publication of interministerial notices to ensure equal opportunities to enter the labour market specifically through the establishment of work grants;</p> <p>5 Include interventions in LIVEAS to ensure the creation of orientation and socio-educational accompanying projects in favour of Roma and Sinti children in criminal proceedings in order to facilitate the social reintegration;</p> <p>6 Promotion, through meetings with the regions, provinces, and municipalities, of seminar and training paths for social workers involved.</p>	
People involved:	<p>Developers</p> <ul style="list-style-type: none"> • Department for Juvenile offenders, Ministry of Justice • Centres for Juvenile Justice and relative Juvenile Services <p>Contributors</p> <ul style="list-style-type: none"> • Ministry of Labour and Welfare • Ministry of Education • Ministry of Interior • Regions, Provinces, Municipalities • Thirds Sector and voluntary associations <p>Final recipients</p> <ul style="list-style-type: none"> • Roma children and adults and their communities 	

<i>Prevention of early school drop-out of Roma, Sinti and Camminanti children and implementation of interventions of social inclusion</i>		
Title:		
Type of action:	National planning with decentralized partnership	Code: D04
Objective:	Combat early school drop-out of immigrant, Roma, Sinti, and Camminanti children; promote inclusion paths through the fulfilment of the right/duty to education and training	

<i>Title:</i>	<i>Prevention of early school drop-out of Roma, Sinti and Camminanti children and implementation of interventions of social inclusion</i>	
Action/ Intervention:	<p>Enable support paths and educational support through extra-curricular education interventions such as:</p> <ul style="list-style-type: none"> • Street education; • Support the use of educational / training / cultural activities in the community (libraries, educational, sport and cultural centres, etc.). • Personalized support aimed at students who have learning or language difficulties, or express the need for support for homework or for a targeted vocational training courses <p>For the success of interventions to support school attendance is desirable the linguistic / cultural / social ombudsman, which is a key resource for teachers-student and families-community relationships management.</p> <p>Building educational pathways that promote integration between education and targeted professional training to the needs of foreign children by providing:</p> <ul style="list-style-type: none"> • Educational, training and work activities, that may provide titles useful in labour market; • A figure which systematically tutors, supports and contributes to building a long-term project of social inclusion of the child. 	
People involved:	<p>Developers</p> <ul style="list-style-type: none"> • Ministry of Labour and Welfare • Ministry of Education • Department for Juvenile offenders, Ministry of Justice • Centres for Juvenile Justice and relative Juvenile Services <p>Contributors</p> <ul style="list-style-type: none"> • Regions, Provinces, Municipalities • Private companies • Third Sector • Chambers of Commerce • Employment Agencies <p>Final recipients</p> <ul style="list-style-type: none"> • Roma, Sinti, Camminanti and foreign children, also under criminal trials 	

<i>Title:</i>	<i>The protection of the right to health for Roma, Sinti and Camminanti children and adolescents</i>	
Type of action:	National planning with decentralized partnership	Code: D05
Objective:	Ensuring the protection of the right to health for Roma, Sinti, and Camminanti; monitor and improve the health of children and adolescents living in the camps	

<i>Title:</i>	<i>The protection of the right to health for Roma, Sinti and Camminanti children and adolescents</i>	
Action/ Intervention:	<p>Implement a national project on health for Roma and Sinti, integrated and supported at regional and local levels, including:</p> <ul style="list-style-type: none"> • Systemic observation on health of Roma, Sinti, and Camminanti children and young, starting from population samples; • Specific interventions focused on promoting the right to health and availability of healthcare through information and awareness campaigns carried out in the places of residence of Roma and Sinti; • Active offer of some medical services, in particular immunization; • Promotion of inclusion in the National healthcare service and to the choice of paediatrician and general practitioner; • Dissemination of information about local health services and healthy lifestyles, through the production, at the national level, of information material specifically intended for the Roma population; • Promotion of individual information on maternity and the use of drugs; • Production of training materials for operators of social and health services. 	
People involved:	<p>Developers</p> <ul style="list-style-type: none"> • Department for Juvenile offenders, Ministry of Justice • Centres for Juvenile Justice and relative Juvenile Services <p>Contributors</p> <ul style="list-style-type: none"> • Ministry of Labour and Welfare • Ministry of Education • Ministry of Interior • Regions, Provinces, Municipalities • Thirds Sector and voluntary associations <p>Final recipients</p> <ul style="list-style-type: none"> • Roma children and adults and their communities 	
<i>Title:</i>	<i>Promotion of training for teachers and executive interculturalism</i>	
Type of action:	Acts of the central government, in coordination with regions and autonomous provinces	Code: D06

<i>Title:</i>	<i>Promotion of training for teachers and executive interculturalism</i>
Objective:	<ul style="list-style-type: none"> • To train teachers and school administrators on issues concerning the education of foreign, Roma, Sinti, and Camminanti students and pupils. • To ensure equal and ample opportunities to access to the education service at local level at kindergarten, primary school and secondary school. • To promote the adaptation of institutions' organization to the integration of foreign children and construction of an intercultural society.
Action/ Intervention:	<p>Preparation and implementation at national, regional and local level of training proposals aimed at teachers and school leaders and professionals on:</p> <ul style="list-style-type: none"> • Modalities of inter-institutional collaboration (protocols between local authorities and schools, protocols between schools, handbooks on training offers on the territory); • Integration of resources (network organization of L2 Italian language courses for daily communication and study; network organization of centres for the certification of competences); • Development and dissemination of materials and tools (tools for defining various level of competences; host protocols; projects and operational planning models for both classroom activities and for those in Ital2 Laboratory); • Involvement of associations, communities of immigrants, foreign families, involvement of mediators. <p>As for the Roma, Sinti, and Camminanti students, preparation and implementation at national, regional and local level of specific training seminars for teachers and school administrators on the topic of education. More specifically implementation of:</p> <ol style="list-style-type: none"> 1. A national seminar, for providing the methodological guidelines for training, dedicated to the administrative heads of the Regional Education Offices and the National contact points for interculturality; 2. Three interregional workshops (Northern Italy, Central Italy, Southern Italy), involving the teaching staff and managers working in schools with a high number of pupils belonging to the so called "nomad" communities.

<i>Title:</i>	<i>Promotion of training for teachers and executive interculturalism</i>	
People involved:	Developers <ul style="list-style-type: none">• Ministry of Education, Central Administration and Peripheral/Local offices Contributors <ul style="list-style-type: none">• Schools and school networks• Universities• Intercultural centres• Regions, Provinces, Municipalities• Voluntary associations Final recipients <ul style="list-style-type: none">• Teachers, managers and all schools operators	
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<i>Title:</i>	<i>Strengthening the role of the second generation</i>	
Type of action:	Acts of the central government, in coordination with regions and autonomous provinces	Code: D07
Objective:	Exploiting the potential of young second-generation immigrants to the implementation of social and cultural mediator role, also within the family of origin, allowing for greater integration of the entire household.	
Action/ Intervention:	Preparation and implementation at national, regional and local level of educational offers for young second-generation immigrants: <ul style="list-style-type: none">• Modalities of inter-institutional collaboration (protocols between local authorities and schools, between schools and associations operating in the area for realisation of laboratories in extracurricular cultural mediation);• Processing of materials and tools for the establishment of projects and operational models;• Involvement of associations, immigrant communities and immigrant families in laboratory activities;• Interregional training seminars for the start of the laboratories.	

<i>Title:</i>	<i>Strengthening the role of the second generation</i>	
People involved:	<p>Developers</p> <ul style="list-style-type: none"> • Ministry for Youth policies • Ministry of Education, Central Administration and Peripheral/Local offices <p>Contributors</p> <ul style="list-style-type: none"> • Schools and school networks • Universities • Intercultural centres • Regions, Provinces, Municipalities • Voluntary associations <p>Final recipients</p> <ul style="list-style-type: none"> • Teachers, managers and all schools operators 	
<i>Title:</i>	<i>Information management, data collection and inter-institutional network for interculturality</i>	
Type of action:	National planning with decentralized partnership	Code: D08
Objective:	<ul style="list-style-type: none"> • To organize a comprehensive system of statistical records about presence of foreign minors in Italy, that provides a permanent connection between the various bodies responsible for their expertise and information flows. • To promote the building of a networks between institutions at national and local levels, to create integrated routes for foreign users, particularly those prosecuted, and a system to collect information on the services provided. 	
Action/ Intervention:	<ul style="list-style-type: none"> • To create a permanent connection between the national, regional and local authorities – each one on various issues relating to childhood and adolescence – and their information systems in charge of the collection or dissemination of data, in order to achieve an integrated system of documentation that allow to have disaggregated data by country and by topic area, collected in standards to allow comparisons between different areas and international comparisons. • To implement a network between different actors and institutions involved at the moment of reporting of the child, until its integration into the social community, with a care assumption of foreign children even after leaving the criminal circuit, in order not to waste the process started and to avoid that children become “subject” of exploitation. • To create a system for collecting information about the available services, also from various residential facilities, thus promoting a fruitful exchange of cultural ideas and technical-operational skills between those working in the reception of foreign children, through a computerized system of data collection 	

<i>Title:</i>	<i>Information management, data collection and inter-institutional network for interculturality</i>
People involved:	Developers
	<ul style="list-style-type: none"> • Ministry of Labour and Welfare • Department for Family • Ministry of Education • Department for Juvenile offenders, Ministry of Justice • Ministry of Interior • Regions, Provinces, Municipalities
	Contributors
	<ul style="list-style-type: none"> • ISTAT • Research Institute, such as CNR • National Centre for Documentation and Analysis for Children and Adolescents • Committee for unaccompanied foreign children
	Final recipients
	<ul style="list-style-type: none"> • Decision makers, associations working with foreign children, researchers for the studies necessary to develop policies for public intervention, social and health workers; foreign children

505. Particular attention is given to residents of Roma and Sinti communities in Italy. It is believed that, in a historical context in which we discuss security and integration policies, the strengthening of inter-institutional dialogue to promote Roma inclusion should play a leading role, as well as a more effective dialogue between civil society, institutions and Roma communities, and an awareness of the community in relation to issues under consideration, by developing actions to combat stereotypes and prejudices against these communities.

506. In this direction, under the National Strategic Framework of the Structural Funds for the period 2007-2013, were programmed action plans that include structural measures to improve the Roma community through the ESF and ERDF funds, agreed with the relevant management authorities. There are two directions of this activity:

(a) Promotion of governance policies and instruments of social inclusion and combating discrimination against the Roma, Sinti and Camminanti. The action aims to promote the strengthening of protection strategies in their favour, supporting the Regions under the legal, administrative and management profiles in identifying, planning and monitoring policies for guidance and regional support for an overcoming of local barriers to inclusion. The project, due to his innovative and experimental nature, requires: a prior analysis of cognitive processing related to the socio-demographic and socio-economic communities' characteristics in the "convergence-target-Regions"; a mapping of institutions and services for Roma people on field in the areas of education, of vocational training, of job insertion, of social and health services, as well as the identification of land intervention in relation to social inclusion made by local realities and the third sector;

(b) Identification, analysis and transfer of good practices on non-discrimination with a benchmarking approach, the aim is to launch a system that will gather into a network – which will include all relevant actors at different institutional, European, national and

regional levels – the developed practices and referred to the overcome of the various forms of discrimination. The purpose is to assist in the dissemination and transfer of experience, and to increasing expertise on specific subjects and the comparison between the regions of Europe.

507. In addition, since January 2008, Italy joined the European Network EUROMA (<http://www.euromanet.eu/>) on Roma Inclusion, sponsored by ESF Unit of the Spanish Ministry of Labour and Social Affairs. Italy, along with twelve other countries, participates to the network Management Committee. The network aims to increase the use of structural funds by local institutions for action on social inclusion of the Roma community, and provide guidance for policy makers to plan more effective interventions, promoting the exchange of good practices and information on ongoing initiatives between those who work on the Roma issue.

508. Starting from the European Network approach, it has been promoted to the National network for social inclusion and employment of Roma. The objective of the network is to share information on initiatives and promote the comparison between those who, for various reasons, are involved in the development and implementation of inclusive strategies in favour of this community. Member States are primarily responsible, in fact, for specific policies in the strategic areas of integration: employment, social inclusion and education – areas that require a strong commitment at national level.

509. The National Network serves to reaffirm the need to give greater coherence and unity to the experience in the area with various forms of financing, to be regained as part of the EUroma network. The network, to which various central and regional authorities adhere, meets regularly to share strategies and suggestions gained within the European network and to collect and convey the experiences that take place at national level. The meetings are an opportunity to reflect on information, suggestions and experiences that can guide future strategies. For further information on meetings and related documents of the European Network on Social Inclusion and Roma community – EUroma and the National Network for Social and Working Inclusion of Roma people visit <http://www.transnazionalita.it/>

510. In this context, should be stressed the contribution of the Regions and Autonomous Provinces. The topic of social and working integration of Roma people was in recent years more and more considered by Regions: on one hand, due to the increasingly significant presence on their territory of these communities; on the other hand, due to continued calls from the European Institutions in the direction of full use of Community resources to promote integration.

511. The Europe's “thrust” has led, therefore, the regional governments to strengthen policies of integration through the use of available EC instruments, knowing that long-term planning that characterizes Structural Funds helps in planning potentially useful initiatives to produce significant impacts in terms of inclusion of this target.

512. Among the various means of financing, the European Social Fund can play a particularly strategic role in promoting the enhancement of employment opportunities and skills development, as well as social and working inclusion of vulnerable groups.

513. Through this Fund, in principle, actions can be carried out on two fronts:

- Contrast to school drop-out;
- Raise of the literacy skills of the adult population, for an easier integration into the labour market and in the productive system.

514. For what it may concern the initiatives, it is noted that the rationale that inspired planning and implementation of interventions by the regional administrations has been that

of a multidimensional approach to the problem, through the creation of a network of essential services capable of developing interdisciplinary and cross-sectoral initiatives and involve the different local actors.

515. The integration of various financial means – regional and European primarily – in some cases has allowed to address in a coordinated manner the various aspects related to real inclusion of these ethnic groups: the problem of housing, integration and development of systems of health protection, access and retention in school and training, integration into the labour market.

516. The involvement of cultural mediators and organizations active in the field of protection of the rights of the Roma minority has contributed to the success of the initiatives, ensuring a real responsiveness to the needs of this target.
