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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT**

Concluding observations of the Committee on Economic, Social and Cultural Rights

ITALY

1. The Committee on Economic, Social and Cultural Rights considered the fourth periodic report of Italy on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/4/Add.13) at its 38th, 39th and 40th meetings, held on 15 and 16 November 2004 (E/C.12/2004/SR.38-40), and adopted, at its 56th meeting, held on 26 November 2004 (E/C.12/2004/SR.56), the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of the State party, which was prepared in conformity with the Committee's guidelines as well as the comprehensive written replies to its list of issues.

3. The Committee welcomes the constructive dialogue with the delegation of the State party, which included government officials with expertise in the subjects relevant in the context of the Covenant.

B. Positive aspects

4. The Committee notes with appreciation the adoption of the Law of 30 May 2003 modifying article 51 of the Italian Constitution, which introduces the principle of equal opportunity for men and women in respect of access to political office.

5. The Committee welcomes the measures taken by the State party to combat the phenomenon of trafficking in persons, including the adoption of Law 288/8 of August 2003 on trafficking in human beings.
6. The Committee notes with appreciation the establishment, under the Ministry of Equal Opportunity, of the *Ufficio Nazionale Antidiscriminazioni Razziali* (National Office for the Elimination of Racial Discrimination) to promote equality and fight discrimination based on race or ethnic origin in November 2004.
7. The Committee notes with satisfaction the State party's efforts to reduce unemployment.
8. The Committee welcomes the regularization of the status of 700,000 migrant workers in the State party.
9. The Committee welcomes the fact that the child mortality rate has steadily decreased during the last reporting periods.
10. The Committee also welcomes the fact that the National Sanitary Plan (PSN 2003-2005) has extended its coverage to illegal immigrants, so that they can receive preventive medical treatment as well as urgent and basic treatment.
11. The Committee welcomes the pro-active participation of civil society in monitoring the implementation of the Covenant, including the provision of a large amount of information to the Committee.

C. Factors and difficulties impeding the implementation of the Covenant

12. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in the State party.

D. Principal subjects of concern

13. The Committee is concerned that the State party still considers that some economic, social and cultural rights, including the right to adequate housing, are not justiciable since they entail financial burdens upon the State. In this regard, the Committee notes the scarcity of court decisions in which the Covenant has been invoked.
14. The Committee expresses concern at the lack of an independent national human rights institution which conforms with the Paris Principles (General Assembly resolution 48/134 of 20 December 1993, annex). It is also concerned at possible initiatives that would place institutions under the responsibility of the Office of the Prime Minister or President.
15. While the Committee takes note of the State party's commitment to raising the level of official development assistance (ODA) from the current 0.23 per cent of gross domestic product (GDP) to 0.33 per cent by 2006, it expresses concern that the level of development assistance still falls short of the United Nations target of 0.7 per cent of GDP.

16. Despite the measures adopted by the State party to combat racism and discrimination, the Committee remains concerned at the limited implementation of such measures, in particular at the fact no regional or local bodies have been established to monitor racism and discrimination, as envisaged in article 44 of Legislative Decree No. 286 of 25 July 1998.
17. The Committee is concerned that Law No. 189 of 2002 on Immigration, which introduced a strong link between the labour contract and the length of a residence permit, may hinder the enjoyment by migrant workers and their families of economic, social and cultural rights as enshrined in the Covenant. The Committee is further concerned about the excessive time taken by the authorities to renew residence permits in the State party, which may restrict, inter alia, freedom of movement and access to social services by migrant workers and their families.
18. The Committee notes with concern the explanation given by the State party in connection with case law (No. 6030 of 25 May 1993 and No. 4570 of 17 May 1996) according to which the principle of equal pay for work of equal value cannot be fully implemented in the Italian legal order.
19. The Committee is concerned at the continued existence of a large informal economy in the State party which, inter alia, infringes upon the enjoyment of the economic, social and cultural rights of those employed therein, including children.
20. The Committee reiterates its concern about the persistent regional inequalities and the considerable levels of poverty, especially in the southern parts of the country. The Committee takes note of the decision by the State party to increase the assessment period for the *Reddito Minimo d’Inserimento* (Minimum Integration Income), which is presently being implemented by 306 municipalities.
21. The Committee notes with concern the lack of comprehensive legislation on asylum-seekers in the State party.
22. Despite the relevant measures taken to combat domestic violence, including the adoption of Law No. 154 of April 2001 providing “measures against violence in family relations”, the Committee expresses its concern about the small number of complaints lodged, especially by women.
23. The Committee is concerned that women with children face increased difficulties in finding and keeping a job, partly due to the lack of services for small children.
24. Reiterating its concluding observations of May 2000 (E/C.12/1/Add.43), the Committee remains concerned about the plight of Roma immigrants living in camps with poor housing, unhygienic sanitary conditions, limited employment prospects and inadequate educational facilities for their children.
25. The Committee is concerned about the increasing difficulties faced by disadvantaged and marginalized groups, in particular immigrants and Roma, in renting or obtaining public housing, owing to discrimination.

26. The Committee is also concerned about the continuing increase in rents and the privatization of housing and about the scarcity of adequate social housing units for low-income families while the social fund established to provide housing assistance has been reduced.

27. While the Committee notes that the report and the replies by the State party mention that chronic illness, old age and disability are realities that must be addressed with new means and strategies, and mentions specific components of such strategies, it remains concerned that no facts and figures were provided to enable the Committee to assess the health situation in the State party.

28. The Committee notes that the State party has set priority actions in relation to the incidence of new HIV/AIDS infections that are in line with WHO targets, but remains concerned that no facts and figures for these priority aims were provided.

E. Suggestions and recommendations

29. Affirming the principle of the interdependence and indivisibility of all human rights, the Committee encourages the State party to reconsider its position regarding the justiciability of economic, social and cultural rights. Moreover, the Committee considers that the State party remains under an obligation to give full effect to the Covenant in its domestic legal order, providing for judicial and other remedies for violations of all economic, social and cultural rights. In this respect, the Committee draws the attention of the State party to its General Comment No. 9 on the domestic application of the Covenant.

30. The Committee recommends that the State party provide appropriate training to the judiciary, prosecutors and other officials responsible for the implementation of the economic, social and cultural rights enshrined in the Covenant to ensure that those rights are consistently enforced in courts of law.

31. The Committee welcomes the new programme Education to Citizenship mentioned by the delegation and encourages the State party to strengthen its efforts to provide human rights education in schools at all levels and to raise awareness about the Covenant and other international human rights instruments among the public in general.

32. The Committee recommends that the State party undertake, with a broad base of civil society representatives and with the support of the National Institutions Unit of the Office of the United Nations High Commissioner for Human Rights, the necessary consultations concerning the possible establishment of an independent national human rights institution.

33. The Committee urges the State party to prepare, as soon as possible, a national integrated human rights plan of action, in accordance with Part II, paragraph 71, of the 1993 Vienna Declaration and Programme of Action.

34. The Committee recommends that the State party continue its activities in the area of international cooperation and increase its ODA to 0.7 per cent of its GDP, as recommended by the United Nations. The Committee also urges the State party to take into account the provisions of the Covenant in its bilateral project agreements with other countries.

35. The Committee recommends that the State party effectively implement the legislation and programmes adopted to combat racism and discrimination, including through the establishment of monitoring bodies in the whole territory, as envisaged in article 44 of Legislative Decree No. 286 of 25 July 1998, providing them with adequate human and financial resources.

36. The Committee recommends that the State party undertake measures to expedite the process of renewing the residence permits of migrant workers so as to enable them to enjoy their economic, social and cultural rights. The Committee further recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

37. The Committee recommends that the State party expedite the ratification procedures for the Prevention of Major Industrial Accidents Convention, 1993 (No. 174) of the International Labour Organization.

38. The Committee reaffirms that the principle of equal pay for work of equal value, as enshrined in article 7, paragraph 2, of the Covenant must be implemented immediately and that the State party cannot derogate from this article without being in breach of its Covenant obligations.

39. The Committee recommends that the bill on the judicial regulations, which the State party contemplates modifying, if adopted, should ensure that the right of everyone, including judges, to form and join trade unions and to take part in trade unions activities is respected, in conformity with article 8, paragraph 1 (a), of the Covenant.

40. The Committee recommends that the State party increase its efforts to effectively regularize the informal labour sector.

41. The Committee urges the State party to integrate economic, social and cultural rights in its Plan of Action on Poverty and Social Exclusion. In this regard, the Committee refers the State party to its statement “Poverty and the International Covenant on Economic, Social and Cultural Rights”, adopted on 4 May 2001 (E/C.12/2001/10). The Committee also urges the State party to establish the *Reddito Minimo d’Inserimento* at the national level to combat poverty.

42. The Committee calls upon the State party to take appropriate measures to adopt comprehensive legislation on asylum-seekers and ensure that their economic, social and cultural rights are duly taken into account.

43. The Committee recommends that the State party intensify its efforts to combat domestic violence, especially against women, and undertake information campaigns to educate the population regarding the consequences of domestic violence. The Committee requests the State party to provide information on results achieved and difficulties encountered in the implementation of the relevant legislation in its next periodic report.

44. The Committee strongly recommends that the State party extend the network of affordable, accessible and available childcare services.

45. The Committee urges the State party to step up its efforts to build more permanent housing settlements for the Roma immigrants and take all the necessary measures to promote their integration into local communities, offer them job opportunities and make adequate educational facilities available to their children.
46. The Committee urges the State party to take all necessary corrective measures to combat discrimination in the housing sector against the disadvantaged and marginalized groups, particularly immigrants and the Roma.
47. The Committee urges the State party to take effective measures to ensure that forced evictions of Roma and tenants who cannot pay their rents comply with the guidelines established by the Committee in its General Comment No. 7 and to provide more housing units to cater for the needs of the disadvantaged and marginalized groups, including older persons, people with disabilities and immigrants.
48. The Committee also urges the State party to provide in its next periodic report information on the scope and the extent of the problem of homelessness that particularly affects immigrants.
49. The Committee recommends that the State party provide in its next periodic report specific benchmarks in relation to chronic diseases, old age and disability, along with disaggregated data, on a comparative basis for the entire reporting period, so as to enable the Committee to assess, in line with the Committee's General Comment No. 14, how the right to health has been realized.
50. The Committee also recommends that the State party provide in its next periodic report more detailed information on the measures taken in relation to HIV/AIDS and detailed statistics disaggregated by sex, urban/rural area, disadvantaged or marginalized group of society and other criteria mentioned in General Comment No. 14.
51. The Committee recommends that the State party develop home care and other personal and social services, taking into account the combined health and social care needs of older persons.
52. The Committee takes note of the fact that a bill on pension reform was approved by the Senate in May 2004. The Committee wishes to be informed in the next periodic report about its implementation, in particular whether minimum pensions guarantee an adequate standard of living for pensioners and their families.
53. The Committee requests the State party to disseminate widely the present concluding observations among all levels of society and, in particular, among State officials and the judiciary, and to inform the Committee in its next periodic report about all steps taken to implement them. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its fifth periodic report.
54. Finally, the Committee requests the State party to submit its fifth periodic report by 30 June 2009.
